



## NLRB Revokes Non-Union Employees' Right To A Witness

On June 16, 2004, the National Labor Relations Board ("NLRB") publicly announced its decision in IBM CORP 341 NLRB No. 148, reversing its 2000 decision in Epilepsy Foundation regarding a non-union employee's right to bring a co-worker to an investigatory interview that may lead to discipline. In IBM Corp., the NLRB ruled that this right (commonly referred to as Weingarten rights) no longer extends to a workplace where the employees are not represented by a union. In reaching this decision, the NLRB wrote:

"In recent years, there have been many changes in the workplace environment, including ever-increasing requirements to conduct workplace investigations, as well as new security concerns raised by incidents of national and workplace violence.

"Our consideration of these features of the contemporary workplace leads us to conclude that an employer must be allowed to conduct its required investigations in a thorough, sensitive, and confidential manner. This can best be accomplished by permitting an employer in a non-union setting to investigate an employee without the presence of a coworker."

The NLRB also recognized the significant differences between a union and non-union workforce, justifying the application of the right to a union representative in a union workforce, but not a co-worker in a non-union workforce. The NLRB acknowledged that a co-worker,

unlike a union representative, does not represent the interests of the entire workforce; does not have the full collective force of the bargaining unit behind him; does not have the knowledge of the workplace and its politics; may have been a participant in the incident requiring investigation; and is not bound by duties of confidentiality.

*This notice was prepared by Edwards, Ballard, Bishop, Sturm and Keim, P.A., located in Spartanburg, South Carolina. The firm emphasizes Labor, Employment, OSHA, Employee Benefits, Environment and Immigration Law representing management exclusively.*

## Dewey Houston, Twin-City Founder

Dewey Houston, who rose from the ranks of a soft drink route salesman to the head of a multi-million dollar hosiery company, died July 21. He had been in failing health and resided in the Abernethy Center nursing home for several months.

Houston was one of the founders of Twin-City Knitting Co. in Conover which specializes in sports socks and specialty items for sporting goods stores. He sold the company to Fran Davis several years ago.

A longtime supporter for Democratic party candidates, Houston also was a benefactor of Sipes Orchard Home for youths from broken homes.

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