

Weingarten Rights Quiz

True or False? Answers inside!

1. Weingarten Rights provide for an employee, upon request, to have union representation for any meeting with a supervisor.
2. The employee must initiate the request for representation.
3. The union steward can take notes but is not allowed to speak or participate.
4. Once an investigatory interview begins, it is too late to request union representation.
5. Weingarten Rights apply during investigatory interviews held over the telephone.
6. An employee has a right to insist on having their attorney present at an investigatory interview.
7. Union stewards are not entitled to union representation during investigatory interviews.
8. The union steward should advise the employee being questioned to be as evasive and as non-participatory as possible during the meeting.

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Weingarten Rights



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THE BASIC WEINGARTEN RULES

RULE 1

If an employee has a reasonable belief that a meeting with their supervisor is an investigatory interview or could lead to disciplinary action, the employee can request union representation before the interview or at any time during the interview.

RULE 2

When an employee requests union representation, the employer must choose from among the following options:

- A. Grant the request and delay questioning until the union representative arrives.
- B. End the interview.
- C. Give the employee a choice to either have the interview without representation, or end the interview.

TIPS FOR UNION REPRESENTATIVES

- The supervisor has to give the union steward a general idea of the subject matter of the interview.
- The steward is allowed to have a private meeting with the employee before questioning begins.
- The steward should advise the employee that they cannot refuse to answer questions (unless you are in the public sector and management is investigating possible criminal conduct; in this case, the employee might have "Garrity" Rights).
- The steward should advise the employee not to guess at answers or try to say what they think the interviewer wants to hear.
- The steward can speak, but cannot end the interview.
- The steward can request that questions be clarified so that the employee understands what is being asked.
- When questioning ends, the steward can choose to provide information explaining or justifying the employee's conduct.

Quiz Answers



1. FALSE. Weingarten Rights apply to investigatory interviews. They do not apply to every possible type of meeting an employee might have with their supervisor.
2. TRUE.
3. FALSE. The steward can ask that questions be clarified or reworded, can ask that management give the employee time to answer, and can make other statements about management's conduct of the interview.
4. FALSE. The employee can request union representation at any time, even after they've started answering questions.
5. TRUE.
6. FALSE. Weingarten Rights give an employee the right to representation by their union, not by their private attorney.
7. FALSE. Weingarten Rights apply regardless. If a steward is facing an investigatory interview, they should assert their rights and have another steward attend to represent them.
8. FALSE. The best advice a steward can give the employee is to answer questions directly and truthfully.