

## KNOW YOUR RIGHTS – WEINGARTEN RIGHTS

Under the Supreme Court's Weingarten decision, when management conducts an investigation that you believe could lead to discipline against you or a co-worker, the following rules apply:

- Rule 1. The employee must make a clear request for Union representation before or during the interview. The employee cannot be punished for making this request.
- Rule 2. After the employee makes the request, the employer must choose from among three options. The employer must either:
  - a. Grant the request and delay questioning until the Union representative arrives and has a chance to consult privately with the employee; or
  - b. Deny the request and end the interview immediately; or
  - c. Give the employee a choice of: (1) having the interview without representation or (2) ending the interview.
- Rule 3. If the employer denies the request for Union representation and continues to ask questions, it commits an unfair labor practice and the employee has a right to refuse to answer. The employer may not discipline the employee for such a refusal.

