

## **Weingarten Rights Answer Sheet**

1. Not under Weingarten. In this case the worker is being called in to be given discipline. Therefore it is not an investigatory interview. However, your contract may require that a steward be present when discipline is imposed.
2. No. Management does not have to delay the investigation if other union representatives are available.
3. Yes. Just because you are a steward does not mean that you cannot have representation under Weingarten.
4. It depends on whether the worker has a reasonable fear that the counseling could result in further discipline. If notes from the sessions are kept in the worker's permanent record, or if other workers have been disciplined after counseling sessions, then the worker could reasonably fear that discipline might occur and Weingarten would apply.
5. Yes. A steward has a protected right to demand admission to a Weingarten interview. Once the request is made, however, the worker must agree to have you in the meeting. Of course, the meeting must meet the tests of Weingarten for the rule to apply.
6. Yes. According to the NLRB, when a worker is entitled to have a steward present and the employer refuses to allow a steward to be present, the worker can refuse to participate in the interview, even to the point of walking out of the interview.
7. No. In this case, Weingarten doesn't apply, and Sheila is not entitled to any union representative. However, if she hates all foremen that much, perhaps the union should recruit Sheila to be a shop steward.

