

# Weingarten Rights

Under the Supreme Court's Weingarten decision, when an investigatory interview occurs, 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:

- Grant the request and delay questioning until the union representative arrives and has a chance to consult privately with the employee
- Deny the request and end the interview immediately
- Give the employee a choice of having the interview without representation or 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.