



**UTAH NATIONAL GUARD**  
JOINT FORCES HEADQUARTERS  
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## **Annual Weingarten Rule/Rights Notification for Technicians**

February 10, 2015

1. What is/are “Weingarten Rule/Rights?” **“Weingarten”** is a short-hand term used to refer to **the right of a bargaining unit employee to have a union representative present during “investigative interviews” that could lead to disciplinary action if such representation is requested by the employee.** The term Weingarten is drawn from a United States Supreme Court decision, *NLRB v. J. Weingarten, Inc.*, 420 U.S. 251, 88 LRRM 2689 (1975), and these rights have become known as the *Weingarten* Rights. If a supervisor is questioning you about an allegation of misconduct and you feel that you might be disciplined as a result, you have the right to union representation during that period of questioning. It is the Weingarten Rule that gives employees who are represented by an exclusive bargaining unit the right to request union representation. The Weingarten Rule applies when ALL three of the following conditions are met:
  - a. there is an investigation or examination,
  - b. the bargaining unit employee reasonably believes that this could result in him/her being disciplined, and,
  - c. the employee requests union representation.
2. The court also stated that when the employee makes the request for union representation to be present, management has three options:
  - a. it can stop questioning until the representative arrives;
  - b. it can call off the interview; or,
  - c. it can tell the employee that it will call off the interview unless the employee voluntarily gives up his/her rights to a union representative.
3. Should you have any questions concerning this aspect of labor relations, please contact LTC Reece Roberts, Deputy Director HRO, at 801-432-4235, by email at [reece.d.roberts.mil@mail.mil](mailto:reece.d.roberts.mil@mail.mil).