

# workshop 9

## *Stewards' Rights and Responsibilities*



# Quiz: Weingarten Rights

## 1. “Reasonable belief”

*Question:* Since an employee only has a right to union representation when he or she has a “reasonable belief” that discipline may result from the interview, what is a reasonable belief?

## 2. Company obligations to inform workers of rights

*Question:* Does the company have to notify the worker of his or her right to union representation?

## 3. Rights of union stewards during interview

*Question:* When the union steward arrives, what rights does he or she have to take part in the interview and advise the worker?

## 4. Demanding to attend meeting

*Question:* If I see a worker being interviewed in a supervisor’s office, can I demand to be present?

## 5. Witness interviews

*Question:* A worker and a supervisor got into a fistfight and management wants to interview witnesses. Do the witnesses have a right to union representation?

## 6. Threat to impose greater discipline

*Question:* An employee summoned to a interview with her foreman asked for her steward. In response, the foreman said, “You can request your steward, but if you do, I will have to bring in the plant manager, and you know how temperamental he is. If we can keep it at the level we are at, things will be a lot better for you.” Violation?

## 7. Employee refuses to attend meeting

*Question:* An employee was ordered to go to the security office but was denied the right to bring a union representative. Can the employee refuse to go the office?

## 8. Telephone call from management

*Question:* A worker stayed home sick. His foreman called to demand an explanation. Does the worker have any rights?

## 9. Steward not on premises

*Question:* If a worker’s steward is not on the premises, can the company insist that the employee accept the presence of another union representative?

**10. No union representative on premises**

*Question:* Suppose no union representatives are at the worksite? Does the company have to wait until one arrives?

**11. Request for attorney**

*Question:* Can a worker insist on the presence of the union lawyer or his own private attorney?

**12. Announcing discipline**

*Question:* A worker was called into her foreman's office. The foreman said, "Doreen, yesterday you were insubordinate to your supervisor. Therefore, we are giving you a one-day suspension." Can we contest this discipline because no steward was present?

**13. Requests to sign warning slips**

*Question:* If a worker is given a warning slip for misconduct and is asked for a signature acknowledging receipt, does the worker have the right to consult his or her union steward?

**14. Steward's right to representation**

*Question:* Suppose I am called in by my foreman to discuss my "attitude." Do I have the right to a union representative even though I am a steward myself?

**15. Walking out of the interview**

*Question:* Suppose a worker's request for a steward is denied. If management continues to ask questions, can the worker walk out of the interview?

**16. Urinalysis**

*Question:* If management asks a worker to submit to a urinalysis test for drugs, does Weingarten apply?

**17. Locker searches**

*Question:* If management searches lockers to look for stolen goods, does a steward have to be present?

**18. Medical examination**

*Question:* The company is recalling workers after a layoff and is insisting on medical examinations for those out of work three months or more. Can these workers demand a steward's presence during the examination?

**19. Workers' compensation interview**

*Question:* Our company is a self-insurer for workers' compensation purposes. Employees who are injured on the job are often questioned by the safety manager. Do they have a right to the presence of a steward?

## **20. Penalties for Weingarten violations**

*Question:* If management refuses a request for union representation and then coerces an employee into making a confession of misconduct which leads to discharge, will the NLRB order the worker reinstated?

# Quiz: Duty of Fair Representation

## 1. Grievance has no merit

*Question:* It sounds like the only way to avoid a lawsuit is to grieve and arbitrate every employee complaint, no matter how far-fetched. Is this true?

## 2. Considering the cost

*Question:* We are grieving a one-day suspension. The grievant wants us to go to arbitration, but this may cost the union more than \$2,000 in legal expenses in addition to the arbitrator's fee. It seems foolish to spend \$2,000 to save one day's pay. Do we have to arbitrate?

## 3. Compromising grievances

*Question:* A worker was suspended for two weeks for fighting. At the fourth step of the grievance procedure, the company offered to settle by paying the worker one week's pay. We think this is a reasonable settlement, but the employee wants us to arbitrate. If we decide to accept the one-week offer, can the employee sue us successfully?

## 4. Picking between two employees

*Question:* Two workers applied for a promotion. The company awarded the job to a management favorite in spite of lesser qualifications and seniority. We want to grieve for the other worker, but the individual who received the promotion says he will sue the union if it goes against him. Can he succeed?

## 5. "Horse-trading" grievances

*Question:* Three employees were discharged for falsifying applications. At the fourth step the company offered to reinstate two of the grievants if we agreed to accept the discharge of the third. Do we run a risk if we accept the deal?

## 6. Refusing to allow grievant to attend grievance session

*Question:* We have a third-step grievance meeting scheduled (the chief steward meets with the plant manager). The grievant insists on being present. We think his presence would be harmful, but don't want to get sued. Can we refuse?

## 7. Steward makes a mistake

*Question:* Last week a worker was fired for failing to attend a training program. I had mistakenly told her that she did not have to take the training. Can the union be sued for my mistake?

### **8. Backing off**

*Question:* I filed a grievance for an employee concerning a job assignment, but I now believe that the company's position on the matter is correct. Do I have to make a fool of myself at the grievance hearing?

### **9. Statute of limitations**

*Question:* If the union decides not to arbitrate a grievance, how long does the employee have to bring suit?

### **10. Can a steward be held personally liable?**

*Question:* If a worker prevails in a DFR lawsuit, can his or her steward be held personally liable for the back wages?

# Notes