

August 8th, 2018



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The NLRB's Recent Decision Lowers the Trigger for Employee Weingarten Rights

Contributed By: Beverly Alfon of SmithAmundsen

Employers have had reason to exhale a bit in the Trump era of the National Labor Relations Board (NLRB). However, as demonstrated in a recent case involving employee Weingarten rights, long-standing federal labor principles and facts can nonetheless tilt a decision against the employer.

A Quick Refresher: The term “Weingarten rights” refers to the rights of union-represented employees to demand union representation during an employer’s investigatory interview that may result in discipline (as opposed to a meeting where discipline is simply being issued to the employee). The U.S. Supreme Court upheld these employee rights in *NLRB v. J. Weingarten Inc.*, 420 U.S. 251 (1975), but made clear that the right to union representation is not automatic, but arises “only in a situation where the employee requests representation.” Consistently, for the past 40 years, the NLRB and federal courts have held that the right to representation at

an investigatory interview only attaches once the employee has requested representation.

In June, the Board issued a decision addressing what constitutes a “request” for representation. In *Circus Circus Casinos, Inc.*, 366 NLRB 110 (2018), a union-represented employee stated prior to an interview that he had “called the Union three times [and] nobody showed up, I’m here without representation.” The Board majority (2 of 3-member panel) found that this was enough to constitute a request for representation under Weingarten.

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Featured Event:

Workers' Compensation 101:

Tips and Tricks for Navigating the Illinois WC System

Aug. 28th, 2018
11:30am - 1:00pm



This presentation will assist in allowing you to gain a greater understanding of the IL Workers Compensation system and tips to understand what occurs during a workers compensation claim.

Join attorney Shawn Biery of Keefe, Campbell, Biery & Associates for a webinar regarding Work Comp 101. Shawn will discuss key terms & terminology, issues you may encounter during claims, what to look for to comply with the IL WC Act and a variety of topics which will increase your knowledge of workers compensation and assist in claim handling, investigations, setting up handling plans in advance, and overall steps you can take to manage your claims, even before they are filed with the Illinois Workers Compensation Commission.

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Upcoming Webinars:

Aug 21 - Walking Working Surfaces and Fall Protection

This webinar will teach you how to identify and correct those hazards associated with fall hazards, ladders, floors, stairs, ramps, and elevated platforms.

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Aug 23 - The Fortress and the General - Building a Solid Defense and Defeating Discrimination Claims

This webinar will provide you with the building blocks to establish the right policies and practices to set in place beforehand for a solid defense.

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Sept. 6 - Working with Different Personalities

This webinar will help you learn to identify and understand the different personalities in the workplace to improve overall teamwork within the workplace.

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Sept. 12 - Social Media in the Workplace: What's Fair Game?

Learn More

In this webinar, participants will hear several case law studies and real world situations while receiving clear direction and insights on how and to what extent management can and should do these days when it comes to social media.

Contact Information:



For any questions on events or assistance registering please contact:

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