

Bargaining Unit Membership

Bargaining Unit Employees may form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and each employee shall be protected in the exercise of such right. Except as otherwise provided under this chapter, such rights include;

- 1) To act for a labor organization as a representative.
- 2) To present the views of the labor organization to management.
- 3) To engage in collective bargaining with respect to conditions of employment.

Exclusions to bargaining unit membership:

Professional employees, management officials, supervisors, confidential employees, HR Specialists (in most cases), Intelligence or Security employees (not security police), auditor or investigators.

Weingarten Rights

5 USC § 7114

Weingarten rights guarantee an employee the right to Union representation during an investigatory interview. The supervisor has no obligation to inform an employee that s/he is entitled to Union representation.

Bargaining unit employees invoke Weingarten Rights when the following conditions apply:

- 1. The employee is examined in an investigation conducted by one or more representatives (supervisors/managers) AND,**
- 2. The employee reasonably believes disciplinary action may result against him AND,**
- 3. The employee requests union representation.**

Weingarten Rights

(continued)

There Is No Formal Discussion(or Investigatory Interview) When/If...

Discussion is about and with an individual employee related to his/her:

- Personal problems.**
- Job performance.**
- Performance evaluation.**
- During impromptu meetings on the shop floor.**
- Oral reply to proposed disciplinary action(s).**