



TOTAL FORCE MANAGEMENT
MILITARY SEALIFT COMMAND
471 EAST C STREET
BLDG SP-64
NORFOLK, VA 23511-2419

IN REPLY REFER TO:

12711
Ser N12/1754
17 Dec 12


From: Deputy Director, CIVMAR Manpower and Personnel

Subj: NOTIFICATION TO EMPLOYEE OF RIGHT TO UNION REPRESENTATION
IN CERTAIN INVESTIGATORY INTERVIEWS (WEINGARTEN RIGHT)

Ref: (a) Title 5 USC, Ch 71, Sec 7114(a)(2)(B)
(b) Title 5 USC, Ch 71, Sec 7114(a)(3)

Encl: (1) Annual Weingarten Notice

1. Enclosure (1) is attached and forwarded, pursuant to reference (a) and (b), as official annual notification to bargaining unit employees of their rights to have a union representative present during certain investigatory interviews. Please post the attached notice where it reasonably can be expected to be seen by all affected employees (e.g. official bulletin boards). For additional information, please contact Atlee Ladao at (757) 443-2836 or send an email inquiry to msfsc_1er@navy.mil.


CONSTANCE L. HALLEEN
By direction

Distribution:

Masters, USNS Ships
OIC, USS EMORY S. LAND (AS 39)
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Copy to:
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*****ATTENTION ALL CIVMARS*****

WEINGARTEN RIGHTS

ANNUAL NOTICE OF EMPLOYEE RIGHTS PURSUANT TO 5 U.S.C. 7114(a)(3)

1. Bargaining Unit employees have a right to have a union representative present during any examination conducted by an Agency representative (including all levels of supervision) in connection with an investigation if:

(a) the employee reasonably believes that the examination may result in disciplinary action against the employee; and

(b) the employee requests representation

*Note: This does not generally apply to everyday work-related communications between supervisors and employees, or to discussions concerning job performance.

2. Supervisors and other Agency representatives are not required to notify employees of this right on an individual basis before proceeding with the examination under 5 U.S.C. 7114 (a)(3). The law requires that the Agency notify the bargaining unit employees annually of their right to representation during investigatory examinations.

3. The purpose of the examination is basically to obtain information from the employee. When a union representative is present, the employee should be permitted to consult the representative; however, the union representative is not entitled to answer on behalf of the employee or to bargain with management regarding the results of the investigation.

4. The right to representation applies only to employees in bargaining units, and permits representation only by the union holding exclusive recognition. This right is separate from any provisions of current agreements which may give bargaining unit employees the right to have a union representative present under circumstances other than an investigative examination.



CONSTANCE L. HALLEEN

Director

Labor and Employee Relations

Enclosure (1)