



DEPARTMENT OF THE NAVY
DIRECTOR
MILITARY SEALIFT FLEET SUPPORT COMMAND
SP64 471 EAST C STREET
NORFOLK, VA 23511-2419

12711
Ser N121/4253
23 December 2011

From: Director, Military Sealift Fleet Support Command

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

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 Rights Notice

1. Enclosure (1) is attached and forwarded, pursuant to references (a) and (b), as official annual notification to bargaining unit employees of their right 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 Sabrina Clarke at (757) 443-2841 or by e-mail at sabrina.clarke@navy.mil.

A handwritten signature in black ink, appearing to read "Andrew M. Kallgren", is written over a horizontal line.

ANDREW M. KALLGREN
By direction

Distribution:

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

WEINGARTEN RIGHTS

ANNUAL NOTICE OF EMPLOYEE RIGHTS PURSUANT TO 5 USC 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 supervisors) in connection with an investigation if:

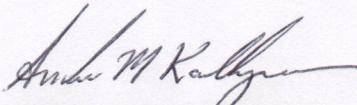
- (a) the employee reasonably believes that the examination may result in disciplinary action against the employee; and
- (b) the employee requests representation

*Note: This does not 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 per reference 5 USC 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 with 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 does not supersede 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.



ANDREW M. KALLGREN
Deputy for Fleet Operations
Afloat Mariner Management Department