DEPARTMENT OF THE NAVY
COMMANDER
MILITARY SEALIFT FLEET SUPPORT COMMAND
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NORFOLK, VA 23511-2419

12711
Ser MSFSC 171/3752
December 04, 2006

From: Commander, Military Sealift Fleet Support Command
To: Masters, USNS Ships
Site Manager, Customer Support Unit-East
Site Manager, Customer Support Unit-West
Director, Training Center-East
Director, Fleet Training Center, San Diego

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) and (3)

Encl: (I) Annual Notice

1. Attached, please find the annual notice to certain employees represented by bargaining units of their Weingarten Rights. In accordance with reference (a), please post the attached in an appropriate place, which can reasonably be expected to be seen by all affected employees (e.g., official bulletin boards). For additional information you may contact me at (757) 417-4724.

Kathleen A Giacolone
KATHLEEN A. GIACOLONE
By direction

Copy to:
COMSC (N12)

ATTENTION ALL CIVMARS

SUBJ: NOTIFICATION TO EMPLOYEES OF RIGHT TO UNION REPRESENTATION IN CERTAIN INVESTIGATORY INTERVIEWS (WEINGARTEN RIGHT), Title 5 USC, Ch 71, Sec 7114(a)(2) AND (3)

1. The Union has a right to be present during an examination of an employee conducted by an Agency representative (including all levels of supervisors) in connection with an investigation when (a) the employee reasonably believes that the examination may result in disciplinary action against the employee, and (b) the employee requests representation.

2. Supervisors and other Agency representatives are not required to notify employees of this right on an individual basis before proceeding with the examination. 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. This right applies only where an employee is being questioned or examined in connection with an investigation which the employee reasonable believes may result in disciplinary action against the employee; it does not apply to everyday work-related communications between supervisors and employees, nor to discussions concerning job performance.

5. 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 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.

Kathleen A. Giacolone

KATHLEEN A. GIACOLONE
Director, Labor/Employee Relations, DFWP
and Services Division