



DEPARTMENT OF THE NAVY  
HUMAN RESOURCES OFFICE  
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Canc: Jan 2003  
HROPNCLANOTE 12711  
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18 JAN 2002

HRO PENSACOLA NOTICE 12711

RIGHT TO UNION REPRESENTATION

(a) Title 5, United States Code

1. Purpose. To inform supervisors, management officials, and bargaining unit employees regarding the right of an exclusively recognized union to be present during an agency investigation of a bargaining unit employee.

2. Information

a. Section 7114(a)(2)(B) of reference (a) states that an exclusively recognized union shall be given the opportunity to be represented at any examination of a bargaining unit employee by a representative of the agency in connection with an investigation if, (1) the employee reasonably believes that the examination may result in disciplinary action against the employee; and, (2) the employee requests representation.

b. Although the activity is only required by law to annually notify bargaining unit employees concerning the union's entitlement to be present, supervisors and management officials should carefully review the applicable existing labor agreement prior to conducting the investigation since that document may provide the union and the employee additional rights.

c. The statutory right of the union to be present only applies to situations when an employee is being questioned or examined during an investigation. It does not apply to everyday work-related discussions between supervisors and employees, nor to discussions concerning job performance.

3. Additional Information. Supervisors and management officials are encouraged to contact their servicing Personnel Specialist if they have any questions concerning a union's right to be present at an agency investigation of a bargaining unit employee.

M. D. MILLAS  
Deputy Director

Distribution: (NASPNCLAINST 5216.1U)  
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