
NARA NOTICE| 2014-038

Date: December 04, 2013

To: All Employees

Subject: Annual Notice of Weingarten Rights (Employees' Right to Union Representation)

The Federal Service Labor-Management Relations Statute (FSLMRS), 5 U.S.C. Chapter 71, Section 7114(a)(2)(B), provides employees represented by a labor organization (also known as bargaining unit employees) the right to request representation from the labor organization in conjunction with investigations conducted by agency representatives under certain conditions.

This memorandum fulfills NARA's obligation under the FSLMRS to annually remind employees of their rights and the conditions when those rights may be exercised.

A bargaining unit employee represented by a labor organization has the right to request representation from the labor organization (also known as the Union) at any investigative examination or interview where the employee reasonably believes the examination may result in disciplinary action. This request may be made at any time prior to or during the examination or interview.

When the request is made, agency representatives may:

1. Suspend questioning and grant the request before resuming the interview,
2. Discontinue the interview, or
3. Offer the employee a choice either to proceed with the interview without a Union representative or to forego the interview.

These rights are known as "Weingarten rights." A failure to properly address an employee's Weingarten rights may result in an Unfair Labor Practice (ULP) or Union grievance.

Performance-related meetings (for example, counseling, feedback, rating reviews) are not considered "investigative examinations," so Weingarten rights do not apply.

Non-bargaining unit employees may also request and be granted representation during investigative examinations or interviews. However, Weingarten rights specifically apply to employees represented by a labor organization.

For Union representation, please refer to <http://www.afgecouncil260.org/content/contact.html>.

This notice supersedes [NARA Notice 2012-188](#).

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For questions on this notice contact:

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