



## **WEINGARTEN RIGHTS APPROPRIATED FUND CIVILIAN EMPLOYEES WHO ARE BARGAINING UNIT MEMBERS**

Since the New Year is in full swing, it is time once again for our annual Weingarten Notice. The Union is entitled to represent bargaining unit employees at meetings when employees are questioned in connection with an investigation. This provision is referred to as an employee's Weingarten rights, based on a Supreme Court decision. The Federal Service Labor-Relations Statute, section 7114(a)(2)(B), establishes three conditions that must be met for a meeting to be considered a "Weingarten" meeting:

1. One or more agency representatives are examining (questioning) a bargaining unit employee in connection with an investigation;
2. The employee reasonably believes that the examination may result in disciplinary action against the employee and;
3. The employee requests Union representation.

Once all three conditions have been met, supervisors may not continue the examination without allowing the employee his or her requested representation. Specifically, the supervisor's options under these circumstances are:

- Grant the request and notify the union that a meeting to examine a bargaining unit employee is going to take place and that the employee has requested union representation.
- Discontinue the interview and rely on evidence already available or information obtained from other sources –OR–
- Offer the employee a clear choice to either continue the interview without representation, or have no interview.

"Weingarten" rights are not applicable when management issues a disciplinary action since management is not asking any questions. Additionally, the "Weingarten" right does not come into play when engaging in performance counseling as this does not concern disciplinary matters but, rather, performance issues.

Some frequently asked questions regarding Weingarten rights:

a. ***Does Weingarten apply to all employees?*** No. It applies only to members of the bargaining unit.

b. ***Do I have to pay dues to use Weingarten?*** No. All employees in the above positions are members of the bargaining unit and are entitled to Weingarten rights, whether they are dues-paying members of the Union or not.

By my signature below, I acknowledge receipt of this notice.

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Supervisor's Printed Name

\_\_\_\_\_  
Employee's Signature/Date

\_\_\_\_\_  
Supervisor's Signature/Date