



CIVILIAN PERSONNEL BULLETIN

UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK 10996

03 March 2017

Number 17-10

ANNUAL NOTICE

RIGHT TO REQUEST UNION REPRESENTATION

1. Title 5 United States Code (USC) section 7114(a)(2)(B), gives employees in units represented by an exclusive labor organization the right to request union representation under certain circumstances.

“An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at...

(B) any examination of an employee in the unit by a representative of the agency in connection with an investigation if --

(i) the employee reasonably believes that the examination may result in disciplinary action against the employee; and

(ii) the employee requests representation.”

2. This right is commonly referred to as the “Weingarten” right. If your position is part of the bargaining unit represented by the American Federation of Government Employees (AFGE) Local 2367, or the International Association of Firefighters (IAFF) Local F-7, you are entitled to union representation if you are being investigated for misconduct if you request it. This right, however, does not mean that you have the right to remain silent in the investigation, nor can your union representative do all the talking for you. You will be expected to cooperate fully and you must answer all questions to the best of your ability. Your union representative, if any, may assist you.

3. If you are a bargaining unit employee represented by AFGE, the negotiated agreement between the U.S. Military Academy and AFGE Local 2367 requires that you be advised of your right to union representation when written or sworn statements are requested. This right applies only in administrative investigations, not criminal, and only if the written or sworn statement may result in disciplinary action against you.

4. Additionally, supervisors of employees in the bargaining unit represented by AFGE Local 2367 and IAFF F-7 are required to have employees sign receipt of this bulletin. Supervisors of employees in the AFGE bargaining unit must maintain a roster of signatures for one year.

5. Questions on this matter should be addressed to your supervisor or your servicing Labor/Management Employee Relations Specialist in the Civilian Personnel Advisory Center, at (845) 938-3943.

-signed-
CAROL L. MCQUINN
Human Resources Officer

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