

Annual Notice of Employee's Right to Union Representation "Weingarten Rights"

This is notice to NASA bargaining unit employees of their statutory right to representation during investigative examinations. Often referred to as the "Weingarten Rights," after a 1975 Supreme Court decision, this right was extended to Federal employees by the Federal labor relations statute - Statutory Requirement (5 U.S.C. Section 7114 (a) (2)) which states in part:

(2) 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.

An examination refers to an interview or questioning concerning alleged misconduct where the employee has reason to believe that he or she may be subject to disciplinary action. Routine work-related conversations, instructions or guidance given by a supervisor, and performance reviews are examples of discussions that are not, in general, covered. However, a non-routine discussion between a supervisor and an employee can meet the definition of an examination from the outset; and, the Weingarten Rights can arise during an otherwise routine work-related conversation, if the initial character of the discussion changes such that the employee has reason to believe discipline may result.



Any questions concerning this notice, contact:

NSSC Customer Contact Center

1-877-677-2123 (1-877-NSSC123) or nssc-contactcenter@nasa.gov