



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, NORTHWESTERN DIVISION**  
**PO BOX 2870**  
**PORTLAND OR 97208-2870**

REPLY TO  
ATTENTION OF

CEHR-NWD (690)

20 January 2006

MEMORANDUM FOR All IFPTE Bargaining Unit Employees

SUBJECT: NOTICE FO RIGHT TO REQUEST UNION REPRESENTATION

1. Section 7114(a) (2) (B) of Title 5, U.S. Code, establishes the right for bargaining unit employees who are examined by an agency representative in connection with an investigation to have union representation. In this situation, if the employee reasonably believes that they may be subjected to discipline, and if they request representation, the management representative may proceed with the examination only after the exclusive union has been afforded an opportunity to be present.
2. The law requires that agencies notify bargaining unit employees annually of the right to representation during investigative examinations. Supervisors and other agency representatives are not required to notify employees of this right on an individual basis before proceeding with an examination.
3. The purpose of the examination is basically to obtain information from the employee. When a union representative is present, the employee should be permitted to consult with the representative; however, the union representative is not entitled to answer on behalf of the employee or to bargain with management regarding the results of the investigation.
4. This applies only where an employee is being questioned or examined in connection with an investigation; it does not apply to everyday work-related communications between supervisors and employees, nor does it apply to discussions concerning job performance.
5. The right of representation established by Section 7114 applies only to employees in bargaining units, and permits representation only by the union holding exclusive recognition.

Debra K. Wagner  
Human Resource Director  
Northwestern Division