

## Meeting with a Bargaining Unit Employee (Formal Discussions)

What are a supervisor's obligations to the union when meeting with a bargaining unit employee?

Management is required to send notice *specifically addressed to the union* in advance of meeting with one or more bargaining unit employees, if the meeting constitutes a "formal discussion," so that the union has an opportunity to attend and participate in the meeting.

What is a formal discussion?

A formal discussion is a meeting, or discussion, between an agency representative and one or more bargaining unit employees that is formal in nature and concerns a grievance, personnel policy or practice, or condition of employment.

Indicia of formality include:

- the number and level of management representatives in attendance,
- if the meeting is scheduled or impromptu,
- if a formal agenda is to be used,
- how long the meeting will be,
- the location of the discussion (e.g., hallway, formal meeting room, supervisor's office),
- if attendance is mandatory, and
- how the meeting is conducted (e.g., if notes are to be taken or a record is to be made of the meeting or the attendees).

Are there any exceptions?

Yes. For example, individual performance counseling sessions do not qualify as formal discussions. To determine if your meeting constitutes a formal discussion, contact the WHS Labor and Management Employee Relations (LMER) office.

What role may the union play in a meeting with bargaining unit employees?

Union representatives have a right to state the union's position on or ask questions relative to the subject matter discussed at the meeting. Union representatives may not, however, take charge of or disrupt the meeting.

What if an informal meeting turns into a formal discussion?

The meeting should cease. Management should reschedule the meeting and provide the union advance notice of the scheduled meeting so that the union has the opportunity to be present.

What if a supervisor does not invite the union to a formal discussion in advance or does not allow the union to speak during the meeting?

The agency may be subject to an unfair labor practice (ULP) charge, which may be accompanied by a variety of sanctions issued by the Federal Labor Relations Authority (FLRA).

Alternatively, the agency may be subject to sanctions issued by an arbitrator, if a bargaining unit employee or the union files a grievance under the negotiated grievance procedure.

Where can I go for additional assistance?

If you have questions regarding labor relations matters, please contact the WHS Labor and Management Employee Relations Division at 703-699-1824.