

**FEDERAL LABOR RELATIONS AUTHORITY CHECKLIST FOR  
DETERMINING WHETHER AN EMPLOYEE IS ENTITLED TO UNION  
REPRESENTATION DURING EXAMINATIONS**

<b>INVESTIGATORY EXAMINATION ELEMENT</b>	<b>FACTOR INDICATING AN INVESTIGATORY EXAMINATION (UNION REPRESENTATION RIGHT APPLIES)</b>	<b>FACTOR NOT INDICATING AN INVESTIGATORY EXAMINATION (UNION REPRESENTATION RIGHT DOES NOT APPLY)</b>
<b>PARTICIPANTS</b>	Do you intend to have an agency or department employee, or a contractor as a substitute for the agency, conduct the exam?	Do you intend to have an outside law enforcement official not affiliated with the agency or department, without agency or department participation, conduct the exam?
<b>PARTICIPANTS</b>	Do you intend to examine a unit employee?	Do you intend to examine an employee who is not in the bargaining unit?
<b>EXAMINATION IN CONNECTION WITH AN INVESTIGATION</b>	Do you intend to ask questions of, or solicit information from, the employee about a matter under investigation?	Do you intend to ask questions about a routine workplace issue?
<b>EXAMINATION IN CONNECTION WITH AN INVESTIGATION</b>	Do you intend to secure an admission from the employee or ask the employee to explain his/her conduct?	Do you intend to ask the employee for his/her opinions on a topic?
<b>REASONABLE BELIEF OF DISCIPLINE</b>	If you were in the employee's place, and under the circumstances, would you be concerned that a response could "get you in trouble with " management?	If you were in the employee's place, and under the circumstances, would you have no "worries" about providing any information about the topic under investigation?
<b>REQUEST FOR REPRESENTATION</b>	Did the employee make a clear request for representation?	Did the employee make no request for representation?