AFGE Representation After EO 14251: What Affected Employees Should Know

Executive Order 14251 changed the labor-management rights of employees whose positions were excluded from the Federal Service Labor-Management Relations Statute. For those employees, AFGE is no longer their **exclusive representative under the MLA**. That affects collective bargaining, formal union-management discussions, and Weingarten representation at investigatory interviews. OPM's current guidance says agencies should honor Weingarten requests and invite unions to formal discussions for employees who remain covered, but not for employees excluded by the order.

That change does **not** mean employees have no representation options. It means representation depends on the process involved.

Administrative grievances

DoDI 1400.25, Volume 771, covers appropriated-fund DoD employees who are not in a bargaining unit. It allows an employee to represent themselves or choose someone to represent them. An employee may request an AFGE representative for a matter covered by the administrative grievance process. The employee must designate the representative in writing under the DAFI procedure. Management may disallow the requested representative for specified reasons, and the employee must receive written notice explaining the decision. The deciding official also determines whether to allow the requested representative and how much duty time is appropriate. This is an **individual representative role**, not the union acting as the employee's exclusive representative under the MLA.

Not every issue can be handled through an administrative grievance. For example, the procedure excludes certain matters that are subject to MSPB review and generally excludes separation or termination actions. Employees should check the applicable procedure and deadlines before choosing a route.

EEO complaints and proposed discipline

EEO representation comes from a separate rule. An employee in the federal-sector EEO process may choose a representative at any stage, subject to conflict-of-interest limits. That right is not the same as Weingarten representation at a management interview. **The Anti-Harassment Team's presence alone does not establish that a meeting is part of the EEO process**; employees should ask the agency to identify the meeting's purpose and whether it is part of EEO counseling or complaint processing.

For a proposed removal issued under 5 U.S.C. § 7513, the employee has a statutory right to be represented by an attorney or another representative while answering the proposal. That

right is separate from bargaining-unit status. MSPB appeal rights after a final decision depend on the employee's appointment type and service history.

What AFGE can and cannot do

AFGE can explain available procedures and, when the employee requests it and the union can provide assistance, serve as the employee's chosen representative in a process that allows one. Employees should make the request in writing, identify the procedure or meeting, and confirm any deadlines.

For positions excluded by EO 14251, AFGE cannot claim the employee's former MLA rights as the exclusive representative. The union cannot promise automatic attendance at management interviews, formal discussions, or duty time under the MLA. Whether an AFGE representative may participate depends on the process, the employee's written designation where required, agency rules, and the representative's availability.

The practical point: losing bargaining-unit status changed the employee's relationship with the union under the MLA; it did not erase every right to representation. Employees should contact AFGE early, identify what kind of meeting or action they are facing, and protect any filing or reply deadlines.