

representation when processing a grievance under the negotiated procedure.

B. LIMITS ON PARTICIPATION

(1) General Limitation

The Statute does not authorize supervisors, management officials, or confidential employees as defined In the Statute to participate in the management of a labor organization or to act as representatives of a labor organization.⁶ It does not authorize other employees to participate in such activities if participation would result in a conflict or apparent conflict of interest or would otherwise be incompatible with law or with official duties of the employee.

(2) Specific Limitations

To avoid conflicts of interest or for other reasons, bargaining units containing the following kinds of employees are not appropriate [5 U.S.C. 7112(b)].

- (a) Supervisors as defined in 5 U.S.C. 7103(a)(10) except as provided by 5 U.S.C. 7135;⁷
- (b) Management officials as defined in 5 U.S.C. 7103(a)(11);
- (c) Confidential employees as defined in 5 U.S.C. 7103(a)(11);
- (d) Employees engaged in personnel work in other than a purely clerical capacity [5 U.S.C. 7112(b)(3)].
- (e) An employee engaged in administering the provisions of 5 U.S.C. Chapter 71 - Labor Management Relations [5 U.S.C. 7112(b)(4)];
- (f) Both professional employees and other employees pursuant to 5 U.S.C. 7112(b)(5), unless a majority of the professional employees vote for inclusion in the unit;
- (g) Any employee, pursuant to 5 U.S.C. 7112(b)(6), engaged in intelligence, counterintelligence, investigative, or security work which directly affects national security;⁸

⁶ 5 U.S.C. 7135(a)(2) provides for the continuation of recognition of certain units of management officials or supervisors recognized at the time the statute took effect.

⁷ Ibid