

- (h) Any employee pursuant to 5 U.S.C. 7112(b)(7), primarily engaged in investigation or audit functions relating to the work of individuals employed by an agency whose duties directly affect the internal security of the agency, but only if the functions are undertaken to ensure that the duties are discharged honestly and with integrity.<sup>9</sup>

In addition, any employees engaged in administering any provision of a labor-management relations law may not be represented by a labor organization Air-h also represents other employees under the Statute or which is affiliated directly or indirectly with such an organization. (5 U.S.C. 7112(c))

## C. INTERFERENCE WITH EMPLOYEES' RIGHTS

### (1) Agency Neutrality

The agency must maintain a neutral position regarding employee membership in, activities on behalf of, or opposition to a labor organization. However, agency managers may express personal views, arguments, opinions or make any statements which (1) publicize the fact of a representational election and encourage employees to exercise their right to vote in such election, (2) correct the record with respect to any false or misleading statement made by a person, or (3) inform employees of the Government's policy relating to labor-management relations and representation, provided the expression contains no threat of reprisal or force or promise of benefits or is not made under coercive conditions [5 U.S.C. 7116(e)3].

### (2) Informing Employees of Their Rights

The head of the agency is required to take appropriate action to assure that employees are apprised of the rights accorded to them. This responsibility is set forth in Section I of Executive Order 11491 which continues In effect under the provisions of 5 U.S.C. 7135(b).

### (3) Prohibited Agency Interference

Agencies are prohibited from interfering with, restraining or coercing employees in the exercise of the rights discussed here in. For example, an agency may not encourage or discourage membership in a labor organization by its hiring, tenure, or

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<sup>8</sup> In addition, the President has authority under 5 U.S.C. 7103(b)(1) and (2) to exclude agencies and subdivisions of agencies for national security reasons.

<sup>9</sup> Ibid