

## Human Resources Manual

### Instruction 251-1: Communication and Consultation with Supervisors, Management Officials, and Employee Organizations

Issuance Date: 05/30/2008

#### Material Transmitted:

Department of Health and Human Services (HHS) Instruction 251-1, Communication and Consultation with Supervisors, Management Officials, and Employee Organizations, dated May 30, 2008.

#### Material Superseded:

This Instruction supersedes HHS Instruction 251-1, Intramanagement Communication and Consultation, issued April 3, 1984.

#### Background:

The original Instruction was published on April 3, 1984.

The following revisions were made:

1. The title was changed to "Communication and Consultation with Supervisors, Management Officials, Associations, and Employee Organizations". The new title is more descriptive and better reflects the Instruction's purpose.
2. All references to the now abolished FPM were deleted.
3. 5 U.S. Code Chapter 71 (law - labor-management relations) was deleted because this reference specifies to management's statutory relationship with employee groups with collective bargaining rights. Employee associations and organizations have no such statutory rights.
4. A "Definitions" section was added to define certain terms.
5. A "Responsibilities" section was added to better define roles and responsibilities.
6. A "Departmental Support for Employee Organizations" section was added to reflect changes in the implementing regulations.
7. The "Dues Withholding" section was simplified.
8. The "Evaluation" section included in the 1984 instruction was removed because it was unclear. The Department has neither a statutory nor a regulatory requirement to evaluate this system.

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and Employee Organizations

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9. Exhibit A was re-written and simplified.

This issuance is effective immediately. Implementation under this issuance must be carried out in accordance with applicable laws, regulations, bargaining agreements, and Departmental policy.

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INSTRUCTION 251-1

Instruction 251-1, Communication and Consultation with Supervisors, Management Officials, and Employee Organizations

Issuance Date: 05/30/2008

**Subject: COMMUNICATION AND CONSULTATION WITH SUPERVISORS, MANAGEMENT OFFICIALS, ASSOCIATIONS, AND EMPLOYEE ORGANIZATIONS**

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Exhibit A: A Memorandum of Understanding for the Payment of Dues through Payroll Allotment

**251-1-00 PURPOSE**

This Instruction establishes the Department's policies and procedures for communication and consultation with supervisors, and management officials. The instruction also establishes a system for communication and consultation with associations whose members are comprised of managerial and supervisory employees as well as with other organizations representing Federal employees.

**251-1-10 REFERENCES**

- A. 5 CFR, Part 251, Agency Relationships with Organizations Representing Federal Employees and Other Organizations.
- B. 5 CFR Part 550, Subpart C, Allotments and Assignments from Federal Employees.
- C. 5 USC §7103, Definitions; application.

## **251-1-20 COVERAGE AND EXCLUSIONS**

### **A. Coverage**

As defined in Section 251-1-30 below, this Instruction covers: 1) All individual supervisors and management officials; 2) Associations; and 3) Employee Organizations.

### **B. Exclusions**

This Instruction does not cover associations and organizations affiliated with labor organizations.

## **251-1-30 DEFINITIONS**

- A. Supervisor and Management Official Associations (i.e., Associations). Associations whose membership consists of supervisors and management officials who are not eligible to be members of a labor organization or federation of labor organizations and are unaffiliated with labor organizations or federations of labor organizations.
- B. Organizations Representing Federal Employees (Employee Organizations). Organizations other than labor organizations that can provide information, views, and services which will contribute to improved agency operations, personnel management, and employee effectiveness. Such organizations may be "Associations," as defined in this section, groups representing minorities, women or persons with disabilities in connection with the agencies' EEO programs and action plans, professional associations, civic or consumer groups, or organizations concerned with special social interests.
- C. OPDIV Authorizing Official. A management official (i.e. OPDIV Head, his/her designee, or the Deputy Assistant Secretary for Human Resources) who has the authority to establish official relationships with associations and employee organizations.
- D. Management Official. An individual whose duties and responsibilities require or authorize the individual to formulate, determine, or influence the policies of the Department.
- E. Supervisor. An individual who has the authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such actions.

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- F. Employer's Designated Official (EDO). Receives and makes copies of association and employee organization member payroll allotment forms and forwards them to the OPDIV servicing payroll office.

**251-1-40 RESPONSIBILITIES**

- A. Associations and employee organizations will take the following actions in order to initiate and maintain an official relationship with the Department:
  - 1. Submit all requests to establish an official relationship to the appropriate authorizing OPDIV official;
  - 2. Remain unaffiliated with labor organizations;
  - 3. Inform and educate association and employee organization members of the voluntary nature of the dues allotment system, including the conditions under which the allotment may be revoked; and
  - 4. Inform the Employer's Designated Official (EDO) of any employee who has previously completed an allotment form and has been subsequently expelled or has discontinued association membership.
- B. The OPDIV Authorizing Official shall notify an employee association in writing that an official relationship has been established.

**251-1-50 POLICY**

- A. The achievement of the Department's strategic goals is enhanced by devising a system for including HHS supervisors, management officials, and associations in the decision-making process. This inclusion is vital in assisting executive-level managers identify and resolve problems affecting departmental operations, its customers, and its employees. To accomplish these goals, the OPDIVs will maintain a system to:
  - 1. Increase the knowledge of supervisors, management officials, and associations, regarding policies, programs and resources within the OPDIVs;
  - 2. Establish relationships to devise policies, administer and evaluate programs, and identify and resolve problems.
- B. The basic channel of communication and consultation is through the chain of command. However, supervisors and management officials, and associations may communicate with executive-level management to supplement communication and consultation.

- C. HHS consultation with employee organizations is discretionary, and may provide information which may contribute to the improvement of OPDIV operations and employee effectiveness.

**251-1-60 REQUIREMENTS**

- A. Each OPDIV must maintain a system of communication and consultation with its supervisors and managers.
- B. Each OPDIV may maintain a system of communication and consultation with its employee organizations at its own discretion.
- C. The system must have the following elements:
  - 1. All supervisors, management officials, and associations can be reached by the system.
  - 2. The system includes supervisors, management officials, and associations in the decision-making process and ensures they are notified of executive management decisions on a timely basis.
  - 3. Supervisors, management officials, and associations may express their views and recommendations to executive-level management officials in a candid and forthright manner without fear of reprisal or discrimination.
  - 4. Individual supervisors and management officials are able to communicate and consult even if they are not affiliated with an association. Voluntarily joining an association shall not be precluded or discouraged by executive-level management officials.

**251-1-70 ESTABLISHMENT OF OFFICIAL RELATIONSHIPS WITH ASSOCIATIONS AND EMPLOYEE ORGANIZATIONS**

- A. Objective

The objective of establishing official consultative relationships with associations and employee organizations is to provide them with an opportunity to express their ideas, opinions, and perspectives.

- B. Authority

The following officials (or their designees) are authorized to establish an official relationship with associations and employee organizations:

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1. OPDIV Heads (or his/her designee) for associations and employee organizations within their purview; and
2. Deputy Assistant Secretary for Human Resources for associations and employee organizations where membership crosses OPDIVs.

C. Criteria

Association or employee organizations seeking to establish an official relationship:

1. May not discriminate in terms of membership or treatment because of race, color, religion, gender, disability, national origin and age;
2. Have sufficient membership to ensure a worthwhile dialogue with executive management;
3. Have a constitution and by-laws which indicate the organization subscribes to minimum standards of fiscal responsibility and employs democratic principles in the nomination and election of officers;
4. May not assist or participate in a strike, work stoppage, or slowdown against the Government of the United States or any agency thereof or impose a duty or obligation to conduct, assist, or participate in such strike, work stoppage, or slowdown;
5. May not advocate the overthrow of the constitutional form of Government of the United States; and
6. May not engage in discussions that take on the character of negotiations and discussions of conditions of employment which is reserved exclusively to labor organizations.

D. Procedures

1. Associations and employee organizations seeking to establish an official relationship must submit requests to the OPDIV Authorizing Official (see 251-1-70B above). Requests must include:
  - a. A copy of the constitution and by-laws;
  - b. The names of officers;
  - c. The names of individuals serving on advisory boards; and
  - d. A certification of the number of members.
2. When the OPDIV Authorizing Official determines the criteria in 251-1-70C above are met, s(he) will notify the association or employee organization in writing that an official relationship is established.

**251-1-80 DEPARTMENTAL SUPPORT FOR EMPLOYEE ORGANIZATIONS**

- A. The Department may provide support services to an employee organization when it determines that such action would benefit departmental programs and employee organization members. Examples of such support services are as follows:
1. Permit employees, in appropriate cases, to use departmental equipment or administrative support services for preparing papers to be presented at conferences or symposia or published in journals;
  2. Pay the expenses of employees to attend professional organization meetings when such attendance is for the purpose of employee development or directly concerned with departmental functions or activities and the Department can derive benefits from employee attendance;
  3. Authorize excused absences for employees who are willing to pay their own expenses to attend a meeting of a professional association or other organization from which the Department could derive some benefits; and
  4. Permit the use of space for meetings and the use of departmental bulletin boards, internal departmental mail, electronic bulletin boards, and email servers.
- B. The mere provision of such support to any association or organization is not to be construed as Federal sponsorship, sanction, or endorsement of the association or organization or their activities.

**251-1-90 DUES WITHHOLDING**

- A. The OPDIV Authorizing Official will identify an EDO to coordinate dues withholding.
- B. The employee will complete SF-1187 "Request For Payroll Deductions For Labor Organization Dues".
- C. An association or employee organization official will sign and date the form certifying the allotment amount. The official will promptly submit the completed form to the EDO.
- D. The Department will deduct and process voluntary dues withholding on a biweekly basis provided the conditions specified in Exhibit A: A Memorandum of Understanding for the Payment of Dues through Payroll Allotment are met.

Note: Standard Form 1187 is used for requesting the payroll deduction and Standard Form 1188 is used for canceling the deduction. These forms are designed for labor organizations and may be used, for administrative convenience, by associations of supervisors and management officials.



However, an association may wish to design and use its own equivalent form (s). If so, the association form(s) must be referenced in [and a copy attached to] the memorandum of understanding.

**251-1-100 DUES WITHHOLDING TERMINATION**

- A. The OPDIV will terminate dues withholding when an employee:
  - 1. Revokes his/her allotment in writing in a timely manner; or
  - 2. Is separated from the Department.
  
- B. The association or employee organization will inform the EDO of any employee who has previously completed an allotment form and has been subsequently expelled or has discontinued association membership.

Exhibit A:

**A Memorandum of Understanding for the Payment of Dues through Payroll Allotment**

This memorandum of understanding is entered into by the OPDIV and \_\_\_\_\_ (Association Employee/Organization).

This memorandum of understanding covers all members of the Association Employee/Organization who, (1) are employees of the OPDIV; (2) are members in good standing with the Association Employee/Organization; and (3) voluntarily authorize a dues allotment.

- A. The Association/Employee Organizations will:
  - 1. Inform its members of the voluntary nature of the dues allotment and the conditions under which the allotment may be revoked;
  - 2. Ensure allotment forms are properly completed and forwarded to the Employer's Designated Official (EDO);
  - 3. Promptly refund the amount of erroneous remittances of dues withheld by the OPDIV that results from terminated membership or authorized revocation;
  - 4. Inform the EDO in writing of any change in the amount of the Association/Employee Organizations membership dues; and
  - 5. Advise the EDO in writing of the name and address of the person or office (i.e., remittance official) who is authorized to receive the Association/Employee Organization's dues deduction checks and reports.
  
- B. The OPDIV will:
  - 1. Withhold the authorized dues on a biweekly basis; and
  - 2. Transmit to the remittance official of the Association/Employee Organization for each pay period:
  
- C. A member of the Association/Employee Organization may request revocation of the dues deduction by submitting a written request to the EDO;

Termination of dues allotment due to separation from the HHS service or transfer to another Department or agency will be effective with the separation or transfer.

This memorandum of understanding may be modified at any time on agreement of the parties.

This memorandum of understanding is effective when signed by the officials of the Association/Employee Organization and the OPDIV's Authorizing Official.

For the Department/OPDIV:

For the Association:

\_\_\_\_\_  
(Typed name) Date  
(Title)

\_\_\_\_\_  
(Typed name) Date  
(Title)