

Headquarters
United States Forces Korea
Unit #15237
APO AP 96205-5237

United States Forces Korea
Regulation 690-711

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Civilian Personnel

LABOR RELATIONS

***This regulations supersedes United States Forces Korea Regulation 690-711, 22 May 1998.**

FOR THE COMMANDING GENERAL:

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Summary. This regulation establishes policies and procedures for implementing the labor-management relations in the United States Forces in Korea (USFK) and Eighth United States Army (Eighth Army).

Summary of Changes. Titles and telephone numbers of commands and organizations were updated, and one referenced policy was eliminated because it no longer exists. One paragraph was changed to avoid the obsolete policy reference; however, this regulation was not changed substantively.

Applicability. This regulation applies to appropriated fund United States (US) citizen bargaining unit employees in USFK and Eighth Army, unless civilian personnel servicing agreements specify otherwise, and to nonappropriated fund US citizens to the extent consistent with AR 215-3.

Supplementation. Supplementation of this regulation and issuance of command and local forms by subordinate commands is prohibited without prior approval of USFK Civilian Personnel Directorate (CPD), (FKCP), Unit# 15237, APO AP 96205-5237.

Internal Control Process. This regulation does not contain management control procedures.

Suggested Improvements: The proponent of this regulation is the CPD, USFK (FKCP), Unit #15237, APO AP 96205-5237. Users may suggest improvements to this regulation by sending DA Form 2028 (Recommended Changes to publications and Blank Forms) to CPD, USFK (FKCP), Unit #15237, APO AP 96205-5237.

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Chapter 1

Introduction

1-1. Purpose

This regulation prescribes policies, responsibilities, and procedures for establishing and maintaining constructive and cooperative relationships between management and the United States (U.S.) labor organizations representing employees.

1-2. References

Required and related references are listed at Appendix A.

1-3. Explanation Of Abbreviations

Abbreviation and special terms used in this regulation are explained in the glossary.

Chapter

Policy and Responsibilities

2-1. Policy

It is the policy of this command that civilian employees have the right to form, join, and assist any lawful labor organization or to refrain from such activity. Further, labor organizations which have been accorded exclusive recognition are the exclusive representatives of employees in the unit they represent and are entitled to act for and negotiate the collective bargaining agreement covering all bargaining unit employees in the units. All provisions of negotiated agreement will be consistent with equal employment opportunity policies of the Federal Government, the Department of the Army (DA), the Department of the Navy, and the Department of the Air Force.

2-2. Responsibilities

a. The Civilian Personnel Directorate (CPD) has responsibility to conduct business with unions on matters involving command-wide policies, personnel practices, and working conditions. The CPD will represent this command in contacts with Headquarters (HQ) DA, on labor-management relations issues and in contacts with the Federal Mediation and Conciliation Service, Federal Labor Relations Authority (FLRA), and Federal Service Impasses Panel (FSIP). The CPD will ensure that the labor-management relations program is carried out in accordance with (IAW) this command's and higher HQ regulations. The CPD will also advise supervisors of the names of employees in their organization serving as union representatives.

b. Civilian Personnel Advisory Centers (CPACs) are responsible for conducting day-to-day business with unions on matters involving the establishment, implementation, and impact of personnel policies, practices, and working conditions that apply only to employees in their serviced areas. Issues regarding command-wide policies, practices, and working conditions will be referred to the CPD. Third-party actions will be coordinated with the CPD. Guidance on making a written statement of nonnegotiability will be obtained from the CPD prior to issuing any statements.

c. The Judge Advocate, United States Forces Korea (USFK), will designate a Labor Law Counselor to advise and assist the CPD on labor-management matters such as those listed in (1) through (6) below. The Staff Judge Advocate, 19th Expeditionary Sustainment Command, will designate a Labor Law Counselor to advise and assist the CPACs. At a minimum, the Labor Law Counselor will be consulted regarding matters specified in (1), (2), and (6) below.

- (1) Union contacts involving attorneys.
- (2) Third-party proceedings.
- (3) Legal advice to negotiation committees.
- (4) Management training (including instructor assistance).
- (5) Review of labor relations policies and procedures.
- (6) Preparing briefs and recommendations for judicial review of FLRA decisions.

d. Management officials and supervisors, both military and civilian, at all organizational levels, are responsible for carrying out the requirements of this regulation, implementing the articles of approved negotiated agreements; and meeting with union officials, including stewards, on day-to-day matters affecting their employees. They will become knowledgeable of command and higher HQ regulations and the provisions of the approved agreement and their applicability to bargaining units within their areas of responsibility. They will maintain a neutral attitude concerning an employee's right to join or not to join any lawful employee organization and manifest an impartial attitude toward the union. Supervisors of union representatives will submit a monthly report on the use of official time by union representatives IAW Appendix A.

2-3. General

a. All commanders, staff principals, managers, and supervisors, both military and civilian, will execute in good faith the provisions of this regulation. They will ensure that positive efforts are directed toward achieving harmonious relations between management and labor. They will also furnish such information and documents to the CPD or the servicing CPAC labor relations specialist as may be needed to negotiate an agreement or respond to an unfair labor practice complaint.

b. Where possible, management officials and supervisors will receive training in the administration of current negotiated labor agreements covering bargaining units within their areas of responsibility. Training in the administration of a negotiated labor agreement should be completed no later than 60 days after the effective date of the agreement and provided for newly assigned supervisors on a continuing basis. Managers and supervisors who have responsibility for contract negotiations will be afforded the opportunity to attend appropriate labor negotiations training.

c. Area commanders, as described in USFK Reg 10-2, will develop job action contingency plans for carrying out the organization's mission and essential functions in the event of threatened or actual strike, work stoppage, slowdown, prohibited picketing, or if the Korean work force is absent due to a labor action. Contingency plans should be coordinated with the Military Police and prepared IAW Appendix B. For assistance in developing job action contingency plans, contact should be made with the servicing CPAC.

Appendix A References

Section I. Required references

AR 215-3 (Nonappropriated Funds and Related Activities Personnel Policies and Procedures). Cited in paragraph 2.

AR 690-700, Chapter 751 (Discipline). Cited in Appendix C.

Civil Service Reform Act of 1978, Title VII. Cited in Appendix B.

CPR 752-1 (Adverse Actions by Agencies). Cited in Appendix C.

USFK Reg 10-2 (Installation Management and Base Operations). Cited in paragraph 2-3c.

5 USC 7116. Cited in Appendix C.

5 USC 7311. Cited in Appendix C.

18 USC 1918. Cited in Appendix C.

Section I. Related references

Collective Bargaining Agreement between USFK/EUSA and NFFE, Local 1363.

DOD 1400.25-M, Subchapter 711 (Labor-Management Relations).

Appendix B

Use of Official Time by Union Representatives

B-1. Sections 7131(a) and (d) of the Civil Service Reform Act of 1978 (PL 95-454) permitted union representatives official time to represent bargaining unit employees in labor-management activities.

a. Activities for which official time is permitted include –

(1) Reviewing management's proposals concerning negotiations and changes in policies, practices, and matters concerning working conditions.

(2) Performing general representational and contract administration functions.

(3) Receiving, reviewing, preparing, and presenting grievances.

(4) Preparing for negotiations.

(5) Conducting negotiations.

(6) Preparing labor relations related reports required by statute, regulation or management directive.

(7) Other activities, if any, specified in law or the collective bargaining agreement between management and the union.

b. Activities for which official time is not permitted include –

(1) Internal union business such as, but not limited to, the solicitation of membership, election of representatives, preparation of newsletters, and collection of dues.

(2) Manning a union office.

c. A collective bargaining agreement between the union and the command may expand the activities for which official time may be used.

B-2. Use of official time by a union representative is only appropriate during the regularly scheduled tour of duty and when an employee would otherwise be in a duty status. Examples: An employee in a leave without pay status and performing representational activities is not entitled to official time; similarly, a person who performs representational activities on scheduled days off or after duty hours is not entitled to official time.

B-3. Employees desiring to use official time for representational activities must receive permission from the supervisor to leave the work area. The request must be made in writing either on a form negotiated with the union or on OPM Form 71 (Request for Leave or Approved Absence). The request must identify the purpose of the request, e.g., negotiation of a contract, ad hoc negotiations, or to present a grievance at the third step of the procedure in the Collective Bargaining Agreement between USFK/EUSA and NFFE, Local 1363. The request also will indicate the amount of time and the organization the employee will be visiting.

B-4. Use of official time should normally be granted upon request or within one workday if immediate release is not possible. When an unusual work situation exists which requires the employee to remain at the work site, a time should be worked out as to when the employee may be

released. Prolonged delays in releasing an employee from assigned duties to perform a representational activity should be brought to the attention of the manager in collaboration with servicing CPAC labor relations specialist.

B-5. The use of official time must be reported on the time and attendance card as administrative leave (RCS exempt: AR 3365-15, para 5-2b(1)).

B-6. Use of official time must also be reported monthly, through the servicing CPAC to the CPD. Questions regarding this report should be addressed to the labor relations specialist, CPD.

B-7. Where this Appendix and a collective bargaining agreement conflict, the agreement is the controlling document.

Appendix C

Planning for Possible Job Actions

C-1. General

a. Strikes by employees of the Government of the U.S. are prohibited by 5 U.S.C. § 7311 and 18 U.S.C. § 1918. Further, 5 U.S.C. § 7116(b)(7) prohibits labor organizations, on behalf of employees they represent, from calling or engaging in a strike, work stoppage, or slowdown and furthermore from picketing an agency in a labor-management dispute, if it interferes with an agency's operations, or condoning any such activity by failing to take affirmative action to prevent or stop it. Such activities are commonly referred to as job actions. Informational picketing which does not interfere with an agency's operations is not a job action prohibited by 5 U.S.C. § 7116(b)(7), although it may be in violation of Republic of Korea law or USFK Regulation.

b. USFK installations and activities are required to develop and maintain current job action contingency plans consistent with this Appendix. These plans will be reviewed annually, updated if needed, or re-certified as current. Plans should be specific enough to facilitate proper response to threatened or actual job actions or other disruptive actions by employees. They must contain specific individual responsibilities, establish definite time frames, and be coordinated with overall emergency planning. Each plan must contain procedures for dealing with the actions noted in paragraph 7c of this regulation.

C-2. Job actions instigated by civilian employees represented by labor organizations: Installations and activities will develop plans to carry out their missions in case of job actions by employees. They will also provide for continuation of work operations. The following are provisions for dealing with employees and labor organizations in case of any threatened or actual job action:

a. The CPD should be alerted immediately and all developments reported. Installations and activities will notify the Chief, Labor and Performance Management Division, CPD, in person or by telephone (724-3293).

b. The CPD and the Labor Law Counselor should be prepared to file an unfair labor practice charge against the union with the FLRA, if the union has called for or takes part in a job action or condones the activity by failing to prevent or stop such action. Also, the CPD and the Labor Law Counselor should consider coordination with the Department of Justice to seek an injunction.

c. Employees in the work area should be reminded of their obligations. They should also be advised that their actions violate the law and may subject them to various penalties including discharge from employment.

d. Union officials, including local officers and stewards, should be reminded of their obligations under 5 U.S.C. § 7116(b)(7) to take affirmative action to prevent or stop such activities. Management should be advised of actions these officials have taken to fulfill this obligation. If union officials have not fulfilled this obligation, appropriate warnings or sanctions may be initiated.

e. Employees observed promoting, encouraging, or leading a possible job action should be placed on indefinite suspension, with the assistance of the servicing CPAC, pending a complete investigation of their activities.

f. When a work stoppage is threatened, the main objective of management should be to prevent it or, if that fails, to contain it. Management should therefore attempt to identify the cause of the problem and, when appropriate, take corrective action. However, no action should be taken

or statement made that would constitute a commitment that either employees or the union will be absolved of any responsibility for any violation of law or regulation. Also, unless prior clearance from HQDA is obtained by CPD, no concessions or commitments will be made to the union in return for an agreement to call off a job action or to order employees to return to work.

g. When a job action has occurred, the following steps should be taken after clearance with HQDA by CPD:

(1) Employees, both participants and nonparticipants, should be informed of the plans made and steps taken to continue operations. They should also be advised that the grievances of employees taking part in work stoppages will be discussed under established procedures after the work stoppage has ceased.

(2) Nonparticipating employees should be given information such as whether to report to work, to cross picket lines, entrances to use, and how to obtain assistance in getting to work.

(3) The activity's contingency plan for continuing or restoring work operations should be put into effect if the concerted action persists.

h. From the time an incident is threatened, management should ensure that detailed information is gathered (such as who, what, and when). This information should be gathered whether the incident relates to a local matter or appears to be part of a widespread matter over which the local activity has no control. A chronological record of events and actions should be maintained. Developments should be carefully documented and evidence collected. Supervisors should record data on their employees' job action participation.

C-3. Job actions instigated by nonunion groups: Management must be prepared to deal effectively with disruptive action by dissident union factions or nonunion groups. An appropriate contingency plan must be developed to maintain operations during such disruptions and to assure the rights of any officially recognized labor organization. Plans for dealing with job actions by nonunion groups should include the provisions below. In all cases management must –

a. Meet with the group or its representative and listen to their grievance, and gather as much information as possible about the basis of their complaint.

b. Alert CPD immediately and report all developments. Installations and activities will notify (by telephone) the Chief, Labor and Performance Management Division, CPD (724-3293).

c. Give involved employees notice of their obligations. Management will advise them of possible disciplinary or legal action, including discharge from employment, if they continue their disruptive activity. Any employee observed promoting, encouraging, or leading a possible job action should be placed on indefinite suspension, with the assistance of the operating CPAC pending a complete investigation of the suspect activities. The requirements for taking suspension actions are in CPR 752-1 and AR 690-700, Chapter 751.

d. Try to resolve the group's complaints. No-action should be taken or statement made that would constitute commitment that employees will be absolved of any responsibility for any violation of law or regulation.

e. Implement the activity's contingency plan for continuing or restoring work operations if it becomes necessary. If required, disciplinary and legal action will be implemented to stop the job action.

f. When there is an exclusively recognized labor organization, management will –

(1) To the extent that the nonunion group's demands are covered in the collective bargaining agreement, direct them to the appropriate union officials.

(2) Inform union officials of the nonunion group's demands that are covered by the existing agreement or that could be a subject for bargaining. Attempt to persuade the union to consider the nonunion group's needs that relate to it as the collective bargaining representative.

(3) When the issues are outside the scope of bargaining of management and union, direct the nonunion group to the appropriate individual or agency.

(4) Refuse to bargain on those issues that fall under the bargaining rights of the exclusive representatives.

C-4. Job Action Checklist: The activity's job action contingency plan should include information on the following:

a. When a job action appears imminent.

(1) Communication with the CPD, the union, FLRA, and employees.

(2) Plans for maintenance of production covering manpower, supplies, equipment, facilities, protection and safety.

(3) Administrative actions affecting legal actions and personnel matters.

b. When a strike or prohibited picketing occurs.

(1) Implementation of contingency plans.

(2) Communications with CPD, union, non-striking employees, striking employees, management, and the public.

(3) Maintenance of production covering supplies, equipment, facilities, security protection, observation, recordkeeping, and administrative actions.

Glossary
Abbreviations

CPAC	Civilian Personnel Advisory Center
CPD	Civilian Personnel Directorate
DA	Department of the Army
Eighth Army	Eighth United States Army
FLRA	Federal Labor Relations Authority
FSIP	Federal Service Impasses Panel
HQ	Headquarters
IAW	in accordance with
NFFE	National Federation of Federal Employees
U.S.	United States (of America)
USFK	United States Forces Korea