



Department of Defense INSTRUCTION

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SUBJECT: DoD Civilian Personnel Management System: Relationships With Organizations Representing Federal Employees and Other Organizations

References: See Enclosure 1

1. PURPOSE

a. Instruction. This Instruction is composed of several Volumes, each containing its own purpose. The purpose of the overall Instruction is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the Department of Defense.

b. Volume. In accordance with DoD Directive 1400.25 (Reference (a)) and part 251 of title 5, Code of Federal Regulations, (Reference (b)), this Volume of this Instruction:

(1) Implements DoD policy, prescribes procedures, delegates authority, and assigns responsibilities concerning relationships with non-labor organizations representing Federal employees (e.g., management and professional associations) and other organizations.

(2) Cancels DoD Instruction 5010.30 (Reference (c)).

2. DEFINITIONS

a. association of supervisors and management officials. An association comprised primarily of management officials and/or supervisors that is not eligible for recognition according to the provisions of chapter 71 of title 5, United States Code (U.S.C.), (Reference (d)) or comparable provisions of other laws and that is not affiliated with a labor organization or federation of labor organizations.

b. labor organization. An organization as defined in section 7103(a)(4) of Reference (d) whose membership consists exclusively or primarily of employees and that complies with the requirements of section 7120 of Reference (d).

c. organization representing Federal employees and other organizations. An organization, other than a labor organization, that can provide information, views, and services that will contribute to improved agency operations, personnel management, and employee effectiveness. Such an organization may be an association of Federal management officials and/or supervisors; a group representing minorities, women, or persons with disabilities in connection with Equal Employment Opportunity programs and action plans; a professional association; a civic or consumer group; an organization concerned with special social interests; and the like.

3. POLICY. It is DoD policy in accordance with Reference (a) that:

a. Employees may join lawful management and professional associations and other organizations consistent with DoD 5500.7-R (Reference (e)).

b. Installation commanders and equivalent management officials shall:

(1) Inform managers about developments affecting their work situations and provide them an opportunity to take part in making decisions concerning these developments.

(2) Create a climate in which managers at all levels identify with management and take part actively in setting and attaining management goals, have a full understanding of management policies and interactions among organizational subunits, and have the information and assistance they need to represent management in relationships with employees and labor organizations.

(3) Establish consultative relationships with management associations, as appropriate, in accordance with good management principles, applicable laws and regulations, and this Volume.

(4) Bring management association(s) with which an official consultative relationship exists into the intra-management consultative process in accordance with the procedures in this Volume. Such intra-management communication should be in addition to, not instead of, individual contacts and exchanges of information and views basic to managerial relationships.

c. Installation commanders or equivalent management officials may at their discretion and consistent with applicable statutes and regulations:

(1) Establish relationships with organizations, other than associations of supervisors and management officials, when this would contribute to effective personnel management or improved operations or provide benefits to mission and programs. In making such determinations, installation commanders (or their equivalent) may wish to consider whether such a relationship will provide a service to employees who are members of the association or organization, contribute to the morale and welfare of employees, or promote an effective relationship with the local community and the general public.

(2) Extend support to organizations or their members to the extent consistent with applicable laws and regulations where this is in the best interests of the Department of Defense. Subpart 251.202(a) of Reference (b) and DoD Instruction 1000.15 (Reference (f)) provide some examples of support services that might be appropriate consistent with Reference (e)).

d. Section 205 of title 18, U.S.C., (Reference (g)) bars Federal employees from acting as agents or attorneys for any person or organization before any Federal agency or other Federal entity regarding any matter in which the United States is a party or has a direct and substantial interest, except if such activity is in connection with the performance of official duties. The law also provides that, so long as there is no conflict of interest, generally an individual may represent any organization or group without compensation if a majority of the members are officers or employees or spouses or dependent children of officers or employees of the United States or the District of Columbia.

(1) The three exceptions to this provision are:

(a) A claim pursuant to subsection subpart 251.205(a)(1) or 251.205(b)(1) of Reference (b).

(b) A judicial or administrative proceeding where the organization or group is a party.

(c) A grant, contract, or other agreement (including a request for such a grant, contract, or agreement) providing for disbursement of Federal funds to the organization or group.

(2) Because of the significant potential for confusion concerning whether representation is permissible, managers and employees should consult their legal office if faced with any of the exceptions.

e. Relationships with associations and other organizations shall not conflict with Reference (d). In this regard, dealings with management and professional associations and other organizations shall not take on the character of negotiations over conditions of employment for employees eligible to be represented by a labor organization as defined by Reference (d).

f. In addition to this Volume, Reference (e) should be consulted on establishing relationships with employee and other organizations.

4. RESPONSIBILITIES

a. Deputy Assistant Secretary of Defense (Civilian Personnel Policy) (DASD(CPP)). The DASD(CPP) or designee shall issue uniform policies, procedures, and guidance concerning relationships with management and professional associations, and other organizations, and may establish relationships pursuant to this Volume.

b. Heads of the DoD Components. The Heads of the DoD Components shall comply with and may establish relationships pursuant to this Volume.

c. Installation Commanders or Equivalent. Installation commanders or equivalent management officials with delegated appointing authority shall carry out and may establish relationships pursuant to this Volume.

5. RELEASABILITY. UNLIMITED. This Volume is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

6. EFFECTIVE DATE. This Volume is effective immediately.

Enclosures

1. References
2. Procedures

TABLE OF CONTENTS

REFERENCES6

PROCEDURES.....7

 ESTABLISHMENT OF A CONSULTATIVE RELATIONSHIP.....7

 TERMINATION OF A CONSULTATIVE RELATIONSHIP.....8

 DUES WITHHOLDING8

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
- (b) Parts 251 and 550 of title 5, Code of Federal Regulations
- (c) DoD Instruction 5010.30, "Intramangement Communication and Consultation," May 2, 1989 (hereby canceled)
- (d) Chapter 71 of title 5, United States Code
- (e) DoD 5500.7-R, "Joint Ethics Regulation," current edition
- (f) DoD Instruction 1000.15, "Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations," October 24, 2008
- (g) Section 205 of title 18, United States Code
- (h) Volume 8, "Civilian Pay Policy and Procedures," of DoD 7000.14-R, "Department of Defense Financial Management Regulation," current edition

ENCLOSURE 2

PROCEDURES

1. ESTABLISHMENT OF A CONSULTATIVE RELATIONSHIP

a. For a management or other association to establish a consultative relationship, it must show a level of membership support at an organizational level that is substantial enough to ensure a worthwhile dialogue with executive management and, therefore, to warrant establishment of the relationship.

b. Generally, an association must have an official consultative relationship with at least two DoD Components to receive consideration for establishment of such a relationship at the DoD level.

c. An association shall address a written request for establishing a consultative relationship to the DASD(CPP), the Head of the DoD Component, or the head of the subordinate Component organization, as appropriate. The request shall include:

(1) A statement regarding why the association believes an official consultative relationship should be established;

(2) A copy of the association's current constitution and bylaws that must show the association is a lawful nonprofit organization that subscribes to minimum standards of fiscal responsibility and employs democratic principles in the nomination and election of its officers;

(3) A list of the current officers of the association and, where applicable, subordinate organizations (e.g., chapters); and

(4) A statement that the association does not discriminate in terms of membership or treatment on the basis of race, color, religion, sex, age, national origin, or handicapping condition.

d. An association may only be recognized provided it DOES NOT:

(1) Assist or participate in a strike, work stoppage, or work 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 work slowdown.

(2) Advocate the overthrow of the constitutional form of government of the United States.

e. Where official consultative relationships exist, dealings may include meetings between association representatives and executive managers and may provide an opportunity for association representatives to assist in the design of policy or to review and comment on

proposed policy relating to personnel management, planning, production, and other areas of management concern.

2. TERMINATION OF A CONSULTATIVE RELATIONSHIP. If it is determined that an association does not meet the requirements of section 1 of this enclosure, the DASD(CPP), the Head of the DoD Component, or the head of the subordinate Component organization, as appropriate, shall notify the association of the intent to end the consultative relationship.

3. DUES WITHHOLDING. Employees may authorize an allotment for association dues as provided for by section 550 of Reference (b) and DoD 7000.14-R (Reference (h)).