



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
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WASHINGTON DC 20350-1000

SECNAVINST 12711.2  
ASN(M&RA)  
24 January 2011

SECNAV INSTRUCTION 12711.2

From: Secretary of the Navy

Subj: LABOR MANAGEMENT RELATIONS PROGRAM

Ref: (a) SECNAVINST 12273.1A  
(b) DoD Instruction 1400.25, Chapter 711 of December 1996  
(c) 5 U.S.C. 71  
(d) SECNAVINST 5430.7Q

1. Purpose. To establish and implement policy, assign responsibilities, and prescribe procedures under references (a) through (d) for the Labor Management Relations (LMR) program within the Department of the Navy (DON).

2. Policy

a. The focus of the DON LMR program is on supporting and enhancing the national security mission; fostering a high performing workplace that delivers the highest quality products and services at the lowest possible cost; and promoting increased quality of work life. To this end, the DON LMR program is committed to:

(1) Proactive engagement with employees and their exclusive representative(s) in matters affecting conditions of employment and the delivery of products and services; and

(2) Effective conflict management using sound labor relations principles and solution oriented techniques, including the use of alternative dispute resolution, when appropriate.

b. Proposed and existing bargaining units that have evolved over time or changed significantly following reorganization or realignment must be assessed to ensure employees share a community of interest and that unit structure promotes or will promote effective dealings and efficient agency operations.

c. Individuals designated to represent the DON or any activity, command, or installation, thereof, in any labor management undertaking, must be trained and competent. Labor

management undertakings may include serving as a chief negotiator during term or mid-term bargaining, or serving as an agency representative in any third party disputes. Third party disputes may include unfair labor practice (ULP) allegations; arbitrations; exceptions to arbitrator's awards; representation petitions; negotiability disputes; mediations and conciliation; and bargaining impasses. These responsibilities are inherently governmental and must be performed by Federal civil service employees or active duty military members.

d. Headquarters elements, hosts, or servicing activities must allow affected activities sufficient time to notify unions and satisfy bargaining obligations before issuing or requiring the implementation of regulations or procedures requiring changes to the conditions of employment of bargaining unit employees, as appropriate. To ensure notice and bargaining obligations are met, issuing entities should consult and coordinate as necessary with the appropriate labor relations advisor.

3. Background. This instruction applies to all DON employees covered by the General Schedule (GS), Administratively Determined Pay Plan, Federal Wage System, Wage Mariner, demonstration projects conducted jointly by Office of Personnel Management (OPM) and the Department of Defense (DoD), and National Security Personnel System pay systems. This instruction does not apply to the Senior Executive Service, to positions above GS-15, or to non-appropriated fund positions.

4. Responsibilities. Commands, activities, and individuals with responsibility for LMR programs shall take necessary actions to implement the provisions outlined in this instruction.

a. The Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN(M&RA)). Responsible for the issuance of the labor relations policy and delegations of authority in the DON.

b. The Deputy Assistant Secretary of the Navy (Civilian Human Resources) (DASN(CHR)). Responsible for the management and direction of the labor relations program in the DON and for the issuance of directives on specific labor relations matters; provide authoritative advice to the Chief of Naval Operations

(CNO), the Commandant of the Marine Corps (CMC), the Department of the Navy Assistant for Administration (DON/AA), and heads of major commands; and, under the authority of reference (a), assess the overall effectiveness of the LMR program at all levels of the DON.

c. The Director, Office of Civilian Human Resources (OCHR). Responsible for interpreting changing statutory and regulatory guidance as it is received and for the preparation of implementing guidance, as applicable; to report on all aspects of the DON LMR program to the DASN(CHR) to support ongoing evaluation and policy development; to advise major commands (and all activities under their chains of command) on establishing job action contingency plans; to maintain a current inventory of bargaining units; and to ensure the DON is effectively represented in LMR matters. Should the DASN(CHR), or the Director, OCHR on behalf of the DASN(CHR), determine that the interests of the DON as a whole warrant representation above the activity or command level, oversight will be provided by the Director, OCHR or the Assistant General Counsel (M&RA), as appropriate.

d. Directors of Human Resources Service Centers (HRSCs). Responsible for ensuring that the policies and procedures in labor relations matters are in compliance with this instruction by:

(1) Providing for primary representation before the Federal Labor Relations Authority (FLRA) in representation and ULP cases and before the Federal Service Impasses Panel (FSIP) in bargaining impasse cases for their serviced activities, commands and installations.

(2) Providing for representation advice and assistance as necessary to serviced human resources offices (HRO) in arbitration cases; to coordinate representation with DoD (per reference (b)) and OCHR in any appeal of an arbitration case to the FLRA.

(3) Providing support and assistance as necessary and appropriate to serviced activities, commands, and installations involved in collective bargaining.

e. CNO, CMC, and DON/AA. Responsible for assuring that this policy is implemented within their respective organizations. The CMC may designate representatives for representation before the FLRA and FSIP in Marine Corps cases where the issues involved do not affect the DON as a whole. The CMC shall coordinate as necessary with the Director, OCHR when a designation is made under this authority.

f. The Heads of Major Commands. Responsible for:

(1) Ensuring subordinate commands and activities comply with statutes, regulations, policies, and guidance from higher level authorities, e.g., DASN(CHR), DoD, and OPM.

(2) Implementing delegation of labor relations authority per DON policy.

(3) Ensuring that subordinate activities are provided or aligned with sufficient resources to ensure effective labor relations program accomplishment.

(4) Providing advice and guidance on labor relations matters to subordinate commands and activities.

(5) Conducting periodic assessments of labor relations programs at subordinate activities to evaluate their effectiveness.

g. Activity Heads and Commanders, or Their Designees. Responsible for ensuring that references (b), (c), this instruction, and any related Civilian Human Resources Manual or guidance and advice memoranda are applied to covered civilian employees under their chain of command. This responsibility is generally carried out through coordination with the servicing HRO and includes, but is not limited to:

(1) According recognition to labor organizations certified as the exclusive representative of employees in an appropriate unit, establishing and maintaining the relationship with the certified representative, negotiating labor agreements, processing and resolving grievances, and representing the activity in arbitration. These functions are inherently governmental and must be performed by Federal civil service employees or active duty military members;

(2) Establishing and maintaining effective labor management relationships focused on supporting and enhancing the national security mission consistent with paragraph 2a of this instruction;

(3) Notifying, consulting with, and assisting the HRSC or the CMC, as appropriate, upon receipt of a ULP charge, representation petition, request for position on or receipt of a notice of negotiability, and receipt of an appeal of an arbitration decision; prior to filing a ULP against a labor organization, a representation petition or an arbitration appeal with the FLRA; and before referring a bargaining impasse to the FSIP;

(4) Maintaining a position of neutrality in any matter where a question of representation (the appropriateness of a bargaining unit) arises until such time as the DON position concerning the matter is established;

(5) Monitoring and tracking the use of official time by union representatives under the following categories: negotiations, dispute resolution, and general LMR;

(6) Developing a local plan for responding to a job action initiated by employees and or a labor organization. Telephonic notification shall be provided to the Workforce Relations and Compensation Director, OCHR and to the servicing HRSC or CMC upon learning of a planned or actual job action or informational picketing by employees or a labor organization;

(7) Ensuring that any persons named to represent the activity or command in any LMR undertaking are properly trained and competent consistent with paragraph 2c of this instruction;

(8) Not agreeing to a bargaining proposal conflicting with a DoD or DON regulation, absent a clear statement of waiver or exception from the issuing office; or a finding by the FLRA that there is no compelling need for the regulation.

h. Directors of Human Resources Offices (HROs). Responsible for ensuring that the policies and procedures in labor relations matters are in compliance with this instruction by:

(1) Advising activity managers and supervisors on the proper execution of their labor relations authorities and responsibilities.

(2) Ensuring that appropriate labor relations training is provided to all individuals exercising delegated labor relations authority.

(3) Assisting heads of commands and activities in the conduct of periodic self-assessments of their labor relations programs.

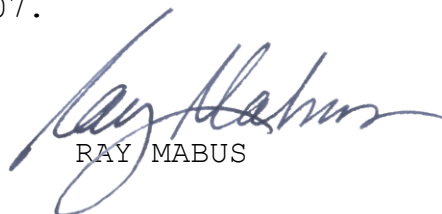
(4) Upon request and approval, processing ULP cases or representation cases for serviced activities, commands, or installations on a case-by-case basis, but the HRSC labor relations office shall be the representative of record and maintain responsibility for the overall management of the case.

i. Managers and Supervisors. Responsible for:

(1) Implementation and execution of labor relations at the local command level.

(2) Ensuring that actions are accomplished per applicable DON, DoD, and OPM guidance and criteria, when exercising delegated labor relations authority.

5. Records Management. Records created by this instruction, regardless of media and format, shall be managed per SECNAV Manual 5210.1 of November 2007.



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