

**Headquarters
Department of the Army
Washington, D.C.
12 September 2018**

**Civilian Personnel
Consultation With Labor Organizations**

Applicability: This policy notice applies to Headquarters, Department of the Army (HQDA) and its field operating agencies.

Proponent and exception authority: The proponent of this policy notice is the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)). The ASA (M&RA) has the authority to approve exceptions to this memorandum that are consistent with controlling law and regulation. The ASA (M&RA) may delegate the approval authority, in writing, to a division chief under his or her supervision who holds at least the grade of colonel or civilian equivalent.

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1. Purpose

This policy notice prescribes the responsibilities of principal officials of HQDA in carrying out their obligation under Section 7113, Title 5, United States Code (5 USC 7113) to consult with labor organizations on Army regulations, policies and procedures affecting civilian employees of the Department of the Army before issuing those regulations, policies and procedures. This pertains to labor organizations holding national consultation rights with HQDA (see para 5).

2. References

See appendix A.

3. Explanation of abbreviations and terms

See the glossary.

4. Responsibilities

a. Principal officials of HQDA will--

- (1) Review proposed regulations, policies and procedures to determine whether they result in any substantive change in conditions of employment of civilian employees.

(2) Coordinate proposed issuances with the ASA (M&RA) and Assistant G-1 (Civilian Personnel) (DAPE-CPL) in determining whether the proposed regulation, policy or procedure involves a substantive change in the conditions of employment for civilian employees of the Department of the Army.

(3) Furnish the labor organizations cited in paragraph 5:

(a) Reasonable notice (normally 30 days) of the proposed new or revised Armywide regulation, policy or procedure which results in a substantive change in the conditions of employment for appropriated and/or nonappropriated fund bargaining unit employees. (See fig 1 for a sample draft notification to labor organizations.)

(b) Opportunity to comment on such proposals.

(c) Opportunity to suggest changes to such proposals.

(d) Opportunity to give views in writing.

b. If any views or recommendations are presented under paragraph 4a, the proponent staff agency will--

(1) Consider the views or recommendations presented before taking final action on any matter relevant to those views or recommendations.

(2) Furnish the responding labor organization a written statement of the reasons for taking the final action.

c. The Office of the Assistant G-1 (Civilian Personnel) (DAPE-CPL) will offer assistance to principal officials of HQDA and their field operating agencies to ensure that labor organizations are appropriately consulted and accorded national consultation rights under the law.

d. Failure to give labor organizations the opportunity to comment, before issuance of proposed regulations, policies or procedures that affect civilian employees of the Department of the Army may be a violation of 5 USC 7113. Refusal to consult on such policies may be an unfair labor practice. Although the proponent of the proposed policy must give due consideration to any recommendation submitted by the labor organizations, there is no obligation to adopt those recommendations.

5. Recognized labor organizations

The Department of the Army has accorded national consultation right to the following labor organizations:

a. American Federation of Government Employees.

b. Association of Civilian Technicians.

c. International Association of Machinists and Aerospace Workers.

d. International Federation of Professional and Technical Engineers.

e. Laborers International Union of North America.

f. National Association of Government Employees.

g. National Federation of Federal Employees.



DEPARTMENT OF THE ARMY
ORGANIZATION
STREET ADDRESS
CITY STATE ZIP

OFFICE SYMBOL

[Name]
[Title]
[Organization Name]
[Postal Address]

Dear [insert name],

In accordance with the provisions of Title 5, Section 7113(b) of the United States Code, I have enclosed for your information and comment a proposed change to [a regulation, policy, or procedure] [or a proposed new policy, regulation, or procedure].

The proposed change would [explain the impact of, and reasons for, various changes].

Or

The proposed new change to [regulation, policy, or procedure] would establish Army policy concerning [the intent regulation and why it is needed].

Request your comments and recommendations be furnished to Headquarters, Department of the Army, [your office email address and postal address] by [date — normally due date is 30 days from date of letter].

Should you have any questions, please contact [point of contact with name, telephone, and email].

Sincerely,

[First, Last Name]
[Rank, Branch of Service]
[Title, Position]

Enclosure

Figure 1. Sample draft notification to labor organizations

Appendix A References

Section I Required Publications

This section contains no entries.

Section II Related Publications

A related publication is a source of additional information. The user does not have to read it to understand these implementation procedures. Army publications are available at <http://www.armypubs.army.mil>.

Title 5, Part 246, Code of Federal Regulations

National Consultation Rights and Consultation Rights on Government-wide Rules or Regulations (Available at [https://www.govinfo.gov/.](https://www.govinfo.gov/))

5 USC 7113

National consultation rights (Available at [https://www.govinfo.gov/.](https://www.govinfo.gov/))

Department of Defense Instruction 1400.25, Subchapter 711

Labor-Management Relations (Available at [http://www.dtic.mil/whs/directives/.](http://www.dtic.mil/whs/directives/))

Section III Prescribed Forms

This section contains no entries.

Section IV Referenced Forms

This section contains no entries.

Glossary

Section I Abbreviations

ASA (M&RA)

Assistant Secretary of the Army (Manpower & Reserve Affairs)

HQDA

Headquarters, Department of the Army

USC

United States Code

Section II Terms

Consultation

Under Title 5, Section 2426.3 of the Code of Federal Regulations, the process of--

- a.* Furnishing notice of any proposed substantive change in conditions of employment.
- b.* Allowing a reasonable time within which designated labor organizations may present their views or recommendations.
- c.* Giving due consideration to those views or recommendations before taking final action.
- d.* Providing the responding labor organization a written statement containing the reasons for taking the final action.

National consultation rights

Under 5 USC 7113, “the right of a union accorded such recognition to be consulted on agency-wide regulations before they are promulgated.”

Section III Special Abbreviations and Terms

This section contains no entries.

By Order of the Secretary of the Army:

MARK A. MILLEY
General, United States Army
Chief of Staff

Official:



MARK F. AVERILL
Acting Administrative Assistant
to the Secretary of the Army

Distribution:

This publication is available in electronic media only and is intended for Headquarters, Department of the Army and its field operating agencies.