

**DEPARTMENT OF THE NAVY**  
**CIVILIAN HUMAN RESOURCES MANUAL**

**SUBCHAPTER 711**

**LABOR MANAGEMENT RELATIONS PROGRAM**

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## SUBCHAPTER 711

### LABOR MANAGEMENT RELATIONS

**References:** (a) Chapter 71 of Title 5, United States Code (USC)  
(b) Subchapter 711, Department of Defense  
Civilian Personnel Manual 1400.25-M of  
Dec 96.  
(c) SECNAVINST 12273.1 of 16 Mar 1999.

**Cancelled:** OCPMINST 12711.1 (CPI 711) OF 30 Jan 1989,  
SECNAVINST 12711.1A of 16 Jul 91.

**1. Purpose.** This subchapter establishes policy and assigns responsibility for the labor-management relations (LMR) program within the Department of the Navy (DON).

#### **2. Policy**

a. LMR programs in the DON will be focused on supporting and enhancing the DON mission. Strong, positive labor-management relationships established under the provisions of reference (a) help to create and maintain a high performance workplace that delivers the highest quality products and services at the lowest possible cost. Such relationships help managers and employees to pursue solutions that promote increased quality and productivity, customer service, mission accomplishment, efficiency, quality of work life, and mission readiness.

b. DON activities shall follow the procedures and requirements found in paragraph F of reference (b).

c. No headquarters element, host, or servicing activity will issue regulations or procedures requiring changes to bargaining unit employees' conditions of employment without allowing affected activities sufficient time to satisfy bargaining obligations before requiring implementation of the changes. To ensure that national union consultation obligations are met, headquarters elements will notify the Office of Civilian Human Resources (OCHR) Director of Labor and Employee Relations (LER) Programs before making final decisions on such changes.

d. An individual designated as a chief negotiator for management must undergo appropriate training prior to the start

of negotiations, unless the individual is already experienced in labor negotiations. Supervisors shall be trained on the provisions of the collective bargaining agreement(s) covering their employees as soon as practical following approval of the agreement(s).

### **3. Responsibilities**

a. The Assistant Secretary of the Navy (Manpower and Reserve Affairs) is responsible for issuance of policy on the DON LMR program.

b. The Deputy Assistant Secretary of the Navy (Civilian Human Resources) (DASN(CHR)) will:

(1) Oversee the development of policy on the overall LMR program within the DON and will provide authoritative advice to the Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), the Assistant for Administration, Under Secretary of the Navy and heads of Navy Echelon I and II commands.

(2) Evaluate the performance of the DON LMR Program and develop policy to improve LMR Program performance.

(3) Under the authority of reference (c), assess the overall effectiveness of the LMR program at all levels of the organization.

c. The Director, Office of Civilian Human Resources (OCHR) will:

(1) Report on all aspects of the DON LMR Program to the DASN(CHR) to support ongoing evaluation and policy development.

(2) Issue guidance to DON labor practitioners and managers on administrative, legislative, or judicial developments impacting contract negotiation and administration of labor relations programs.

(3) Maintain a current inventory of all DON bargaining units.

(4) Develop a plan for dealing with job actions by employees and labor organizations in the DON.

(5) Ensure that the DON is effectively represented in cases involving unfair labor practice (ULP) charges and bargaining unit issues before the Federal Labor Relations Authority (FLRA) and impasse cases before the Federal Service Impasses Panel (FSIP).

d. Directors of Human Resources Service Centers (HRSCs) will monitor and direct the performance of HRSC Labor Relations staff. HRSC Labor Relations staff members are delegated full authority to represent the DON in ULP, bargaining unit representation, and impasse cases and will provide support on matters relating to negotiations. The HRSC representatives may delegate specific case processing functions to activity and Human Resources Office staffs on a case-by-case basis; but the HRSC staff member shall be the representative of record and maintain responsibility for the overall management of each case.

e. The Commandant of the Marine Corps (CMC) may designate the representative for Marine Corps commands in ULP, bargaining unit representation, and impasse cases where the issues involved do not affect the DON as a whole. The CMC shall coordinate as necessary with the OCHR, Director of LER Programs, when a designation is made under this authority.

f. HRSCs and the CMC designated representative shall provide the Director of LER Programs and the servicing HRO with copies of FLRA Regional Director decisions and provide immediate notification when a FLRA decision may warrant judicial review under 5 U.S.C. § 7123. Requests for judicial review will be forwarded to the Department of Defense (DoD) Deputy General Counsel, Personnel and Health Policy, via the DASN (CP/EEO). The DASN (CP/EEO) will coordinate such requests with the DON Office of General Counsel.

g. Activity Heads and Commanders, or their designees:

(1) Are responsible for according recognition to labor organizations certified as the representative of employees in an appropriate unit, establishing and maintaining the relationship with the certified representative, negotiating labor agreements, processing grievances, and representing the activity in arbitration. These are considered inherent management functions and may not be performed by a contractor.

(2) Shall notify the servicing HRSC or the CMC, as appropriate, upon receipt of an unfair labor practice (ULP) charge, representation petition, or a petition to determine

eligibility for dues allotment filed under the provisions of 5 U.S.C. § 7115(c) and promptly provide the HRSC or CMC representative necessary information and evidence related to the case.

(3) Are authorized to file ULP charges against a labor organization. Such charges will not be filed when the matter can more appropriately be pursued through a negotiated grievance procedure or other management-initiated administrative action. An HRSC or CMC LMR staff member will be consulted prior to the filing of a ULP charge against a union. Also, prior to filing the charge, the union will be advised and given an opportunity to resolve the matter with management.

(4) Shall remain neutral concerning the appropriateness of a bargaining unit sought by a union and on the positions to be included in or excluded from the unit until such time as the DON position concerning the petition is established.

(5) Shall not agree to a bargaining proposal that conflicts 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.

(6) Shall notify the servicing HRSC or CMC when either party to negotiations requests the assistance of the Federal Mediation and Conciliation Service, before referring a matter to the FSIP, or when a union submits a matter to the FSIP.

(7) Shall not agree to participate in interest arbitration involving a bargaining dispute without the express consent of OCHR, Director of LER Programs.

(8) Shall monitor the use of official time by union representatives and track the amount of time used in each of the following categories: negotiations, dispute resolution, and general labor-management relationship.

(9) Shall not grant official time to a union representative to negotiate over conditions of employment if the conditions apply only to a bargaining unit(s) of which the representative is not a member.

(10) Shall forward one copy of each approved negotiated agreement and each arbitration award to OCHR, Director of LER Programs. Three copies of each negotiated agreement and one

copy of each arbitration award shall be forwarded to the servicing HRSC.

(11) Activities with one or more bargaining units shall develop a local plan for responding to a job action initiated by employees and/or a labor organization. The OCHR Director of LER Programs will be notified immediately by telephone as soon as the activity becomes aware of a planned or actual job action or informational picketing by a labor organization.

**5. Action.** Commands, activities and individuals with LMR responsibilities shall take necessary actions to implement the provisions outlined in this subchapter.