

COMSC INSTRUCTION 4360.1D

Subj: CONTRACTOR INDUSTRIAL LABOR RELATIONS

Ref: (a) SECNAVINST 4200.36

1. Purpose. To promulgate Military Sealift Command (MSC) policy and guidance concerning contractor industrial labor relations.
2. Cancellation. COMSCINST 4360.1C.
3. Applicability. This instruction applies to all MSC personnel involved directly or indirectly in contractor industrial labor relations matters including, but not limited to, contract labor standards, contractor equal employment opportunity programs, and actual or potential contractor-industrial labor disputes involving or affecting the maritime industry.

4. Policy

a. General

(1) It is Commander, Military Sealift Command (COMSC) policy to remain neutral regarding contractor labor-management relations. Fair and peaceful labor-management relations between employers and workers shall be encouraged at all MSC installations and activities and in the administration of MSC contracts. Good contractor labor-management relations, as well as proper and consistent implementation of labor standards in MSC contracts, promote good business and effective contracting in terms of price, quality, speed of delivery, customer satisfaction, and mission success.

(2) MSC personnel shall strictly adhere to the policies promulgated in reference (a) regarding collective bargaining and union representation, and regarding contractor employment of off-duty military personnel.

b. MSC commands shall notify COMSC via COMSC (Code N3/N5), and appropriate MSC Area Commanders and Program Managers whenever it appears that there is or will be a labor dispute that directly or indirectly affects MSC operations. Notification shall state all known pertinent circumstances including the estimated affect on operations, the anticipated length of any possible strike or work stoppage, and any actions planned or taken because of the dispute.

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c. Mitigation of Labor Dispute Impact – Within the parameters of the Department of Navy (DON) policy stated in reference (a) and COMSC general policy and guidance stated herein, MSC personnel shall take such action as is practicable to avoid or minimize negative impact of labor disputes on MSC operations.

5. Guidance

a. MSC Area Commanders and Program Managers informed of a labor dispute directly or indirectly affecting MSC operations shall:

(1) At the earliest opportunity, notify COMSC via COMSC (N3/N5) of the facts known with regard to the dispute, e.g., the ships, shipping lines, and unions involved; and,

(2) In a timely fashion and as appropriate, advise the Navy Labor Advisor designated in reference (a) and the United States Transportation Command (USTRANSCOM), its Component Commands, and the Defense Logistics Agency (DLA), via the chain of command.

b. As appropriate, the following are possible actions to be taken in coordination with the entities identified in paragraph 5a above, in the event of a labor dispute that involves the maritime industry:

(1) Attempt to have management and labor voluntarily agree to exempt from the labor dispute ships required for MSC operations.

(2) Establish contact with the disputing parties and develop procedures, as necessary, to provide the service and capability required for MSC operations.

(3) Re-route or reschedule to ensure maximum utilization of MSC controlled ships.

(4) Establish priorities, identify alternate ports or vessels, and support USTRANSCOM and its Component Commands with respect to required consolidation or repackaging of cargo.

(5) In the event of labor disputes in other industries, such as rail, truck, and air, establish liaison with USTRANSCOM, its Component Commands, and other agencies, as appropriate, to ensure that necessary action is taken to meet requirements that may be placed against MSC assets.

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(6) In the event a MSC-controlled ship is in a shipyard or repair facility that is affected by a labor dispute, and if the repair work has not yet commenced or has sufficiently progressed so that the ship is seaworthy and could otherwise perform, attempt to arrange for the disputing parties to permit the ship to move. This action, however, requires prior approval of MSC Headquarters.

c. Since both labor and management negotiate and retain decision-making authority at their respective headquarters or home office level, the MSC Area Commander within whose area these offices are located is responsible for seeking the necessary informal arrangements with both labor and management and for submitting daily situation reports to COMSC, other affected MSC commands, and such other addressees as may be directed by MSC Headquarters. If informal arrangements cannot be made or if attempted informal arrangements result in additional disputes, MSC Area Commanders shall immediately notify the DON Labor Advisor via MSC Headquarters.

d. Contact with and any directions given to MSC contractors should be in accordance with the pertinent contracts and should be accomplished through the contracting officer with the advice of legal counsel.

6. Reports Control. Reports control symbol MSC 4360-1 (MIN: ETAUTH) is assigned the situation report requirements of paragraphs 4b and 5c, above and is effective for 3 years from the date of this instruction.

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D. A. LOEWER

By direction

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