

Headquarters  
Department of the Army  
Washington, DC  
4 September 2013

**Civilian Personnel**  
**Consultation with Labor Organizations**

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**Applicability.** This memorandum applies to Headquarters, Department of the Army (HQDA) and its field operating agencies.

**Proponent and exception authority.** The proponent of this memorandum 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 memorandum prescribes the responsibilities of principal officials of HQDA in carrying out their obligation under Title 5, United States Code, Section 7113 (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**

Required and related publications and prescribed and referenced forms are listed in appendix A.

**3. Explanation of abbreviations and terms**

Abbreviations and special terms used in this memorandum are explained in 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.

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\*This memorandum supersedes DA Memo 690-5, dated 1 February 1996.

(2) Coordinate proposed issuances with the ASA (M&RA) and Assistant G-1 (Civilian Personnel) (DAPE-CPZ-LR) 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-CPZ-LR) 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 recommendations 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 rights 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  
ORGANIZATIONAL NAME/TITLE  
STANDARDIZED STREET ADDRESS  
CITY, STATE, AND ZIP + 4 CODE

Office Symbol

Date

Mr. John Q. Smith  
Union President  
National Union of Employees  
123 Street, Northwest  
Washington, DC 12345-6789

Dear Mr. Smith:

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 [regulation, policy, or procedure] would establish Army policy concerning [the intent of the 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,

John J. Doe  
Captain, U.S. Army  
Chief, Personnel Branch

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.apd.army.mil>.

#### **AR 25-30**

The Army Publishing Program

#### **Title 5, Part 2426, Code of Federal Regulations**

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

#### **5 USC 7113**

National consultation rights (Available at [http://www.gpo.gov/fdsys/.](http://www.gpo.gov/fdsys/))

#### **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/))

#### **Office of Personnel Management**

Labor-Management Relations Glossary (Available at [http://archive.opm.gov/LaborManagementRelations/OfficialTime/index.aspx.](http://archive.opm.gov/LaborManagementRelations/OfficialTime/index.aspx))

### **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” (see Office of Personnel Management Labor-Management Relations Glossary).

### **Section III Special Abbreviations and Terms**

This section contains no entries.

By Order of the Secretary of the Army:

RAYMOND T. ODIERNO  
*General, United States Army*  
*Chief of Staff*

Official:

  
GERALD B. O'KEEFE  
*Administrative Assistant to the*  
*Secretary of the Army*

Distribution:

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