

Study Committee Report and Recommendations, August 1969, Which Led to the Issuance of Executive Order 11491

Presidential policies governing relationships between employee organizations and agency management in the executive branch were established by Executive Order 10988 in January 1962.

The order recognized that the efficient administration of Government and the well-being of employees require orderly and constructive relationships between employee organizations and management officials. It noted that employee-management relations in the Federal service should be improved by providing employees an opportunity for greater participation in developing policies and procedures affecting the conditions of their employment, while preserving the public interest as the paramount consideration. To that end, it set forth policies governing the respective rights and obligations of Federal employees, employee organizations, and agency management in pursuing the objective of effective employee-management cooperation in the public service.

Seven years later we have evaluated the experience under Executive Order 10988 and the broad spectrum of views about that experience which were obtained from organizations, agency officials, and nongovernmental experts in labor-management relations in the

covering 1,416,073 employees—52 percent of the total Federal workforce subject to the order.¹ Exclusive recognition now covers 87 percent of all postal employees, 67 percent of wage (blue collar) employees, and 28 percent of salaried (white collar) employees. Also, many thousands more have union representation in 1,087 units of Formal recognition and a similar number of Informal units.

Federal agencies now deal with 130 separate organizations holding exclusive or formal recognition. Labor-management agreements in force, excluding local agreements in the postal field service, total 1,181 and cover 1,175,524 employees or 43 percent of the workforce. Over 800,000 employees have voluntarily authorized payroll deductions for payment of their union dues, in an annual amount in excess of \$23 million.

With the great growth of union representation, it is the opinion of both labor organizations and agency managers that significant changes are needed in program policies if the program is to continue on a constructive course in the future. The size and scope of labor-management relations activity today have produced conditions far different from those to

extensive study conducted by the 1967-68 Presidential Review Committee on Employee-Management Relations in the Federal Service.

We find that the 1962 order produced some excellent results, beneficial to both agencies and employees. This has been acknowledged by virtually all concerned. At the same time, we find growing difficulties in program operations and dissatisfaction on the part of both agencies and unions due to the failure to adjust the policies of Executive Order 10988 to changing conditions in the Federal labor-management relations program.

Accomplishments in the program have been substantial. The new policies have contributed to more democratic management of the workforce and marked improvement in communication between agencies and their employees. Through labor-management consultation and negotiation, improved personnel policies and working conditions have been achieved in a number of areas: The scheduling of hours of work, overtime, rest periods, and leave; safety and industrial health practices; training and promotion policies; grievance handling; and many other matters of significance to employees and management. These gains have been achieved while maintaining a labor-management atmosphere of reasonable harmony.

During the past 7 years, the extent of union representation has grown dramatically. From the 29 exclusive units in TVA and the Department of Interior, covering about 19,000 employees, which existed prior to the order, exclusive union representation has grown to 2,305 exclusive units in 35 agencies

which the policies of the 1962 order were addressed. There are difficulties in maintaining appropriate distinctions in the rights accorded under exclusive, formal, and informal recognition, in dealing fairly with disputes that occur in union organizing activity and in the negotiation and administration of agreements, and in resolving issues that arise because of the variety of agency policies adopted under the decentralized arrangements provided by Executive Order 10988.

The need for program change appears to center in six major areas:

- A central body to administer the program and make final decisions on policy questions and disputed matters.
- Revision in the multiple forms of recognition authorized, and improved criteria for appropriate units and consultation and negotiation rights.
- Clarification and improvements in the status of supervisors.
- An enlarged scope of negotiation and better rules for insuring that it is not arbitrarily or erroneously limited by management representatives.
- Third party processes for resolving disputes on unit and election questions, for investigation

¹ Total employment in the executive branch, as of November 1968, excluding FBI, CIA, NSA, and foreign nationals serving outside the United States. Unit data includes, for the Post Office Department, only the 7 national exclusive units; not included are approximately 24,600 exclusive units in local post offices.

and resolution of complaints under the "Standards of Conduct for Employee Organizations" and "Code of Fair Labor Practices," and for assistance in resolving negotiation impasse problems and grievances.

- Union financial reporting and disclosure.

We believe that desirable changes in these areas can be accomplished without serious disruption to the ongoing program by a new order which builds upon the foundation of experience gained by the parties under Executive Order 10988. The changes should remove many of the current causes of agency and union dissatisfaction and provide a framework for responsible dealings by both sides in the future.

In fashioning the recommendations which follow, we have been mindful of the desirability of preserving the features of Executive Order 10988 which have worked well. We do not propose change for change's sake or in order to adopt some other model for Federal labor-management relations. Our recommendations deal only with deficiencies in the present order that need correction and weaknesses in operations that need strengthening, for overall the program is healthy and thriving. We have been mindful, too, in proposing these adjustments, of the need to provide an equitable balance of rights and responsibilities among the parties directly at interest—the employees, labor organizations, and agency management—and the need, above all, in public service to preserve the public interest as the paramount consideration.

niques and attitudes for the meaningful consideration of issues and problems during the developmental stages of Federal labor-management relations.

While these objectives have been met in part, their accomplishment has not been free of adverse effects. Agencies have found that the lack of authoritative central rulings on policy questions has tended to build up unreasonable pressures on the labor-management relationship. The mere appearance of bias inherent in the one-sided processes prescribed in various provisions of the order and the standards and code has placed an excessive burden on agency decisionmaking in disputed matters. It has brought continued labor organization complaints of basic inequality of status in the arrangements and has strengthened their demands for program supervision by a central authority and for impartial, third-party handling of disputed matters.

The need for a central authority in the program under present conditions has been amply demonstrated. Accordingly, we recommend the establishment of a Federal Labor Relations Council, consisting of the Chairman of the Civil Service Commission as chairman of the Council, the Secretary of Labor, an official of the Executive Office of the President, and such other officials of the executive branch as the President may, from time to time, designate in order to insure effective oversight of the program. The Council should be supported by an adequate professional and administrative staff furnished by the Civil Service Commission.

The Council should be authorized to administer the entire Federal service labor relations program;

RECOMMENDATIONS

A. Central Authority To Administer the Program—The Federal Labor Relations Council

A Federal Labor Relations Council, consisting of the Secretary of Labor, the Chairman of the Civil Service Commission, an official of the Executive Office of the President, and such other officials of the executive branch as the President may, from time to time, designate should be established to oversee the entire Federal service labor relations program, to make definitive interpretations and rulings on any provision of the order, to decide major policy issues, to entertain, at its discretion, appeals from decisions on certain disputed matters, to issue appropriate regulations, and to report to the President on the state of the program with recommendations.

Experience with the program and the recommendations of agencies and unions clearly reflect the need to establish a central authority to administer the program under present conditions.

The 1961 task force concluded that authority to administer the program should be vested in the heads of executive departments and agencies, with various technical guidance and assistance functions assigned to the Department of Labor and the Civil Service Commission. This decision was designed to facilitate accommodation to the wide diversity of labor relations situations among the agencies, to allow flexibility for mutually agreed innovations, to encourage the development of cooperative relations between unions and agencies, and to foster the development of tech-

to make definitive interpretations and rulings, as needed, on any provisions of the order or on major policy issues; to entertain, at its discretion and in accordance with such rules as it may prescribe, appeals from decisions on certain disputed matters; to issue appropriate regulations; and, from time to time, to report to the President on the state of the program and to make recommendations for its improvement.

A central Council of high executive officials composed in this manner would ensure the desired balance of judgment and expertise in the personnel management and labor relations fields. Although armed with full authority, the Council should use calculated restraint in exercising its responsibilities so as to leave the agencies and labor organizations free to work out their differences to the maximum extent possible without damaging the overall program.

B. Recognition and Unit Determination

(1) *The term "labor organization" should be substituted for the term "employee organization" and should be redefined.*

(2) *Informal recognition should be abolished.*

(3) *Formal recognition also should be abolished. Existing formal recognitions should remain in effect until the method and timing for terminating such recognitions is established by regulation of the Federal Labor Relations Council which should be issued within 1 year, after study of the equities involved. No new formal recognitions should be granted after the date of the new order.*

lawful organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with Federal agencies concerning grievances, personnel policies, and practices, or other matters affecting the working conditions of their employees.

2. *Informal Recognition.*

Informal recognition was originally intended to serve as a transitional feature in order not to disrupt existing relationships with small union groups in the early, developmental phases of the program. Reported experience with this form of recognition indicates that while a small number of unions still find it to be a useful tool, a substantial number of both union and agency officials believe it has outlived its usefulness.

In general, union experience has shown that it detracts from the dignity and prestige of exclusive recognition, and that it is inappropriate in units where another organization holds exclusive representation rights. Agency experience also has been largely on the negative side. Federal management officials have found that informal recognition is no longer meaningful; that it encourages fragmentation, creates overlapping relationships, and places an undue administrative burden on management; and that unions with such recognition lack the strength to contribute substantially to stable labor relations.

The body of experience reported demonstrates quite clearly that informal recognition now contributes little toward strengthening employee-management relations in the Federal Government. Its con-

(4) *National formal recognition should be abolished and in lieu thereof national consultation rights should be established. The Federal Labor Relations Council should develop eligibility criteria for granting national consultation rights. National consultation rights should not be granted to an organization for a unit when another organization already holds exclusive recognition at the national level for that unit. A labor organization should have a right of appeal in instances where it believes national consultations rights have been improperly withheld.*

(5) *Exclusive recognition should be made available without membership requirements and determined by use of secret ballot elections in all cases. The 60-percent representative vote rule should be abolished. Only one valid election should be held in any unit or any subdivision of that unit in a 12-month period.*

(6) *In addition to the "community of interest" criterion, an appropriate unit should be one that promotes effective dealings and efficiency of agency operations. A unit should not include guards together with other employees. Criteria for establishing units for national exclusive recognition should be the same as those used for establishing the appropriateness of other units for exclusive recognition.*

Executive Order 10988 took careful note of the long-established policy of the Federal Government to solicit and consider the views of its employees in formulating and revising personnel policy. It was designed to accommodate the wide variations in employee organizations among the agencies and departments. It was structured to provide three types of

recognition—informal, formal, and exclusive—generally determined according to the extent to which an employee organization or labor organization represented Federal employees in a particular government activity or unit within the activity.

During the 7 years that have elapsed since the order became effective, there has been a strong and steady surge in the organization of Federal employees. In keeping with the dynamics of changing conditions, it is appropriate at this time to reconsider the original policies for recognition and dealings with organizations and to evaluate the experience gained with each type of recognition in terms of its contribution to the development of stable and significant Federal labor relations.

1. *Definition of Qualified Organizations.*

The use of the term "employee organization" and the definition of this term in Executive Order 10988 seem needlessly artificial in the Federal program as it exists today. The terms more commonly in use are "union" or "labor organization." We recommend adoption of "labor organization" for standard usage in the new order since it directly reflects the relationship of most Federal employee groups with the general labor movement.

To minimize problems of interpretation and to assure employees of the widest possible choice in selecting organizations to represent them, we further recommend the adoption of a simplified definition of the term "labor organization", patterned upon that contained in the Labor Management Relations Act, as follows: The term "labor organization" means a

tinuance, therefore, is no longer appropriate in a program that has reached a high level of exclusive recognition.

We recommend that the granting of informal recognition be discontinued at this time and that existing informal recognitions be terminated 6 months from the effective date of the new order.

3. *Formal Recognition.*

The 1961 task force recommended that formal recognition be granted to an employee organization when it achieved and maintained a sizable membership, which was determined to be 10 percent of the employees in the unit of recognition. The establishment of this type of recognition was a reflection of what was common practice in labor relations in the Government at that time. Exclusive recognition existed only on a very limited scale and in only two agencies. The prevailing mode of relationship was permissive, unstructured, and consultative.

Formal recognition, thus, permitted continuation of existing relationships. It also gave employees and organizations an opportunity to gather strength to meet the requirements of the then newly-established exclusive recognition. Formal recognition served these purposes well during the early years of the program. However, in recent years it has produced problems which hinder the development of stable and orderly labor relations. It has contributed to excessive fragmentation of units, confusing and overlapping relationships, and difficulties in maintaining an appropriate difference in the rights and obligations under this form of recognition compared with

Currently, the order provides that formal recognition at the national level requires an agency to notify labor organizations granted such recognition of contemplated policy changes affecting all employees. It also provides that such labor organizations may propose changes in existing policies, confer in person with appropriate officials from time to time, and at all times present views in writing on personnel policies and practices and matters affecting working conditions that are of concern to members. And it is the intent of the order that management officials will give careful attention to union proposals.

Experience suggests the need to develop specific standards that would provide greater uniformity in the grant of consultation rights at the national level, and the need to restate the principles and requirements governing them in order to improve the utilization of such rights.

To clarify the concept, we recommend that the terminology "formal recognition at the national level" be discontinued and the term "national consultation rights" be substituted as more descriptive of the intended purpose. To promote greater uniformity, we recommend that the Federal Labor Relations Council, after consultation with agencies and labor organizations, develop eligibility criteria for granting national consultation rights. To insure the availability of such rights, we further recommend that the order provide for appeal in instances where such rights are withheld by an agency.

Consistent with the principle of exclusive recognition, national consultation rights should not be granted in any unit where an organization already

those prescribed for exclusive. For these reasons, the majority of agencies have indicated that formal recognition should be discontinued.

On the other hand, most unions have recommended its retention. They regard formal recognition as a significant form of assistance in further organizing the work force, particularly because it makes possible obtaining dues withholding privileges.

We have considered the possibility that formal recognition might be retained and its terms be modified so as to alleviate some of the present difficulties. For example, it has been proposed that membership requirements be raised to 30 percent and that consultation rights be limited to the formulation of personnel policy. However, we believe that this proposal would not adequately alleviate present difficulties and could produce additional problems.

The prevailing form of recognition today is exclusive. Over 50 percent of the Federal work force is now covered by exclusive—far greater than the coverage in private employment. Clearly, employees and labor organizations no longer need the special assistance in organizing provided by formal recognition, and its continuance is not warranted in view of the problems involved in administering multiple forms of recognition. Accordingly, we recommend that the granting of formal recognition be discontinued at this time.

Determination of the method and timing of terminating existing formal recognitions is a matter that warrants further review in consideration of the equities involved. We recommend that the Federal Labor Relations Council study this issue in connection with

the implementation of other changes recommended in this report and that the Council, within 1 year, issue regulations providing for the termination of all existing formal recognition. Until regulations for general termination are promulgated, existing formal recognitions should continue in effect unless a particular recognition is terminated in the normal course of applying the terms of the new order. No new formal recognitions should be granted after issuance of the new order.

4. *National Consultation.*

There has been some dissatisfaction with the operation of formal recognition at the national level on the grounds that there is confusion as to the rights involved and the process is somewhat ineffective. We find some merit in this criticism. The current provision for granting national formal recognition is couched in broad language and allows a wide latitude of discretion to an agency head in determining the conditions under which recognition will be granted. In the absence of firm guidelines, departments and agencies necessarily have adopted their own standards, and their application have resulted in some inconsistencies. Similarly, the nature and extent of communication with labor organizations and the consideration given to their expressed views has differed among the agencies.

Labor organizations have suggested ways in which the functioning of this type of recognition might be improved. These views indicate a need to express more fully what this concept was intended to accomplish.

holds exclusive recognition at the national level. We recommend that national consultation rights include all of the following, but not the right to negotiate:

- Notification to the labor organization by the agency of proposed substantive changes in personnel policies that are of concern to employees it represents;
- Opportunity for the labor organization to comment on such proposals;
- Opportunity for the labor organization to suggest changes in personnel policies that are of interest to employees it represents and to have its suggestions receive careful consideration;
- Opportunity for the labor organization to confer in person upon request at reasonable times;
- Opportunity for the labor organization to submit its views in writing at any time.

These changes should facilitate greater understanding of mutual problems and substantially contribute to the improvement of labor relations.

The Council, upon establishing eligibility criteria for national consultation rights, should set a date for abolishing formal recognition at the national level. Until such date, existing rights and benefits of national formal recognition should be continued.

5. *Exclusive Recognition.*

Federal labor-management relations have been productive and the objectives of the order best served in situations where exclusive recognition is held.

of the employees present and eligible to vote in a representation election must participate in order for the election to be considered valid. It is said that the rule violates the rights of the majority and is in conflict with standards for labor relations in the private sector. We believe that the development of sound labor relations will be served better by rescinding the rule and recommending that when an election is held the right of exclusive representation be determined on the basis of selection by a majority of those voting.

6. *Criteria for Unit Determination.*

The present order's language has been criticized as deficient in that it does not provide adequate criteria for purposes of appropriate unit determination. We are aware of the difficulties encountered in this area of public sector labor relations. We recognize that the element of uniqueness in each situation requires handling appropriate unit determinations on a case-by-case basis, and that such determinations must be tied basically to a clear and identifiable community of interest of the employees involved. However, we recommend that in addition to meeting the "community of interest" criterion, an appropriate unit must be one that promotes effective dealings and efficiency of agency operations. We believe that these additional criteria are essential to insure effective Federal labor-management relations.

In the private sector, a unit is not considered appropriate for the purposes of collective bargaining if it includes together with other employees any individual employed as a guard to enforce against employees and other persons rules to protect property

However, the 10-percent membership requirement specified by the order for exclusive recognition has not proven significantly beneficial and has created administrative problems in determining eligibility. Similarly, experience has been unsatisfactory with the use of authorization cards, dues withholding authorizations, petitions, and other such materials as the basis for determining whether a majority of the employees in a unit wish to have a labor organization as the exclusive representative. While such signed materials can adequately show the interest of employees in choosing a representative, or in changing or discontinuing a representative, they are not sufficiently conclusive to be the basis for a determination of the will of the majority without an election.

Therefore, we recommend that hereafter in the Federal program the 10-percent membership requirement should be eliminated and that all determinations whether a labor organization is the choice of a majority of the employees in an appropriate unit as exclusive representative should be based upon the results of a secret ballot election. All elections should be conducted under the supervision of the Assistant Secretary of Labor for Labor-Management Relations.

Also, in the administration of the program there has been some confusion as to the interpretation of section 3(b) of the present order, which provides that agencies shall not be required to redetermine majority status in any unit within 12 months after a prior determination of exclusive status has been made with respect to such unit. Questions have arisen as to whether upon losing an election in a unit the los-

ing organization or any other labor organization can seek exclusive recognition in a smaller unit; and whether, following a grant of exclusive recognition, employees or an agency can assert that the exclusive representative no longer represents a majority of employees in the unit.

With regard to these questions we believe that:

(1) The criteria established for private sector labor relations prohibiting more than one valid election in a unit or subdivision of that unit in a 12-month period should be followed in the Federal sector.

(2) Once a labor organization has been granted exclusive recognition, it would not contribute to the improvement of stable labor-management relations to permit a question concerning representation to be raised within 12 months after the grant of such recognition, unless there are unusual circumstances which warrant such action.

To deal with these matters, we recommend that the section be amended to provide as a general rule that only one valid election may be held in any unit or any subdivision of that unit in a 12-month period to determine whether any labor organization should become or continue to be recognized as the exclusive representative of employees.

Sixty Percent Representative Vote Rule

There is rather general dissatisfaction with the current rule which requires that at least 60 percent

of the employer or the safety of persons on the employer's premises; nor may a labor organization be certified as the representative of employees in a unit of guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards. Labor-management relations in the Federal service has developed to the point where these same considerations should be applied. We recommend that the new order provide for separate units for guards; and for guards to be represented only by organizations which do not admit to membership, and are not affiliated directly or indirectly with organizations which admit to membership, employees other than guards. These requirements would not affect existing units or representation but should be applied in all unit and representation determinations under the new order.

National Exclusive Recognition

Question has been raised concerning a policy statement issued by the President's Temporary Committee on the Implementation of the Federal employee-management relations program which discouraged the establishment of units for the purpose of national exclusive recognition.

Relatively few problems have arisen in this area in the past seven years. However, at this stage of the program, we feel that determinations as to the appropriateness of such units should be based upon the same criteria as are used in determining the appro-

in separate units by labor organizations which traditionally represent such supervisors in the private sector, and which hold exclusive recognition for units of such supervisors on the date of the new order.

Any supervisor who has a union dues withholding authorization in force at the time he is excluded from a formal or exclusive unit by action of the foregoing recommendation should be permitted to continue his dues authorization in effect, if he desires to do so, so long as his authorization otherwise meets the conditions of the organization's dues withholding agreement with the agency.

We believe that organizations of supervisors should have an opportunity to consult on their problems with higher management officials. Their relationship should be one which minimizes the potential for friction and conflict within the ranks of management, which fosters free communication and consultation between supervisors and their representatives and higher management officials, and which maintains a clear concept of mutual responsibility within management ranks. Agencies should take steps to assure that supervisors and associations of supervisors are afforded the opportunity to participate in a meaningful way in the management process and have their problems carefully considered.

Supervisory associations desiring to be afforded the opportunity to consult with Federal management officials on behalf of their membership should not be affiliated with any labor organization or federation of such organizations and should have no relationship to any organization which holds formal or exclusive recognition for nonsupervisory employees.

priateness of any other unit requested for the purpose of exclusive recognition.

When national exclusive recognition has been granted in an appropriate national unit, no recognition should be granted to any other labor organization for employees within the national exclusive unit. This does not preclude consultation or negotiation at any level with representatives of the nationally recognized exclusive union.

C. Status of Supervisors

The term "supervisor" should be expressly defined and supervisors should be considered part of management. Recognition should not be granted for mixed units or for units consisting solely of supervisors. Supervisors should not participate in the management or representation of labor organizations which represent other employees. Agencies should take steps to improve the status of supervisors and associations of supervisors by insuring that they are afforded the opportunity to participate in a meaningful way in the management process and to have their problems carefully considered.

Experience under the order has raised serious questions regarding the status of supervisors in the program. The questions involve issues of definition, the form of recognition, if any, to be granted for units of supervisors, and the area of conflict of interest and possible violation of the Code of Fair Labor Practices which occurs when supervisors participate in organizations of their subordinates.

The 1961 task force expected that the development

of employee-management relations in the Federal service under a formal program would have the effect of making the role of the Government manager clearer and better defined, and it welcomed this prospect.

We are equally concerned with this objective. We view supervisors as a part of management, responsible for participating in and contributing to the formulation of agency policies and procedures and contributing to the negotiation of agreements with employees. Supervisors should be responsible for representing management in the administration of agency policy and labor-management agreements, including negotiated grievance systems, and for expression of management viewpoints in daily communication with employees. In short, they should be and are part of agency management and should be integrated fully into that management. We are also concerned that recognition granted for units of supervisors not compromise in any way the free choice by subordinate employees of their own representatives.

For these reasons we recommend that recognition should not be granted for any unit which includes supervisors, or managerial executives, and that supervisors should not participate in the management or representation of labor organizations granted recognition under the order. Such persons should be excluded from current units of formal or exclusive recognition and from coverage by negotiated agreements not later than 1 year from the effective date of the new order.

Where justified by long established practice in a particular industry, supervisors may be represented

The Civil Service Commission should authorize agencies to enter into dues withholding agreements with managerial or supervisory associations with which they establish official relationships.

For the sake of clarity and uniformity, we recommend adoption of a definition of "supervisor" similar to that found in the private sector.

Finally, we recommend that the Federal Labor Relations Council, within 2 years, provide for a review of the arrangements established by agencies for dealing with supervisors and associations of supervisors on their problems and, upon the basis of such review, make such further recommendations to the President as it deems appropriate.

D. Resolution of Disputes on Unit, Representation, Unfair Labor Practice and Standards of Conduct Matters

The Assistant Secretary of Labor for Labor-Management Relations should issue decisions in unit, representation, unfair labor practice, and standards of conduct of labor organization cases. Either party should have a limited right of appeal on major policy issues to the Council.

Under the present order, the Assistant Secretary of Labor for Labor-Management Relations assists agencies and unions by providing third-party determinations on unit and representation disputes through the use of advisory arbitration. This feature of the program has worked well.

However, no comparable procedures have been available for third-party involvement in resolving

Case Handling Procedures

1. *Unit Cases.*

In any case where the Assistant Secretary determines that a hearing is necessary, he should designate a hearing officer to conduct the hearing and to forward to him the record. After considering the record and any briefs filed, the Assistant Secretary should issue and publish his decision.

2. *Representation Cases.*

Unresolved questions such as those concerning the timeliness and validity of an election request or the eligibility of parties to participate in an election should, upon request of a party at interest, be decided by the Assistant Secretary. Where he determines an election to be appropriate, he should appoint persons responsible to him for the supervision of the election. Such persons should have authority, acting on behalf of the Assistant Secretary, to decide details of election procedures, to supervise the election, and to report the results to him. Representation and election issues which the Assistant Secretary determines warrant hearings should be heard by persons appointed by him to make recommendations to him. Election certifications should be issued by the Assistant Secretary.

3. *Unfair Labor Practice Cases.*

Alleged unfair labor practices other than those subject to an applicable grievance or appeals procedure should be investigated by the agency and labor organization involved and informal attempts to re-

disputes relating to unfair labor practice charges and alleged violations of the standards of conduct for employee organizations. Nor is there any provision for the conduct of representation elections by a party not in interest in the results. Both agencies and unions have identified the lack of third-party process in these fundamental areas of labor relations as serious deficiencies in program arrangements.

We believe that the program would be improved materially by having all administrative disputes of this nature resolved by an official who is independent of the parties and is assigned this responsibility by the President. Impartial action on these matters is necessary for the fair and effective conduct of labor relations in the Federal service.

Accordingly, we recommend that the Assistant Secretary of Labor for Labor-Management Relations be assigned responsibility for the handling of complaints concerning unfair labor practices on the part of either labor organizations or agency representatives and alleged violations of the standards of conduct for labor organizations, and for the supervision of representation elections, in addition to his present responsibility for unit and representation disputes. The Assistant Secretary should be authorized to issue decisions to agencies and labor organizations in all cases, subject to a limited right of appeal on major policy issues by either party to the Federal Labor Relations Council, and to refer cases involving major policy questions to the Council for decision or general ruling.

The assignment of responsibility for the resolution

of administrative disputes in this manner will benefit both agencies and unions and bring impartiality, order, and consistency to the process. As decisions are issued, a body of precedent will be developed on which interested parties can draw for guidance in avoiding attitudes or practices that engender conflict in the labor-management relationship.

In the performance of his responsibility, the Assistant Secretary should be authorized to request the services and assistance of employees of such agencies as he may deem appropriate.

The Assistant Secretary should have the authority to require agencies and labor organizations to cease and desist from conduct violative of the order, and to require them to take such affirmative corrective action as he deems appropriate to effectuate the policies of the order. Enforcement of decisions of the Assistant Secretary should be achieved through (1) publishing and appropriate posting of decisions; (2) the required reporting by the respondent (agency or labor organization), within a specified period, to the Assistant Secretary of the corrective action taken; and (3) where the Assistant Secretary finds that necessary action has not been taken, referral of the matter to the Council for appropriate action. In the event questions arise involving the Department of Labor, the Assistant Secretary's responsibility should be performed by a member of the Civil Service Commission designated by the Chairman of the Commission.

solve the complaints should be made by the parties. If informal attempts are unsuccessful in disposing of the complaints within a reasonable period of time, both parties may agree to stipulate the facts to the Assistant Secretary and request a decision. In lieu of a joint request, either party may request the Assistant Secretary to issue a decision in the matter. If the Assistant Secretary finds that the matter at issue is subject to an applicable grievance or appeals procedure, or that a reasonable basis for the complaint has not been established, or that a satisfactory offer of settlement has been made, he may dismiss the complaint. If he finds, based on the allegations and the report of investigation of the parties, that there is a reasonable basis for the complaint, and that no satisfactory offer of settlement has been made, he may appoint a hearing officer to hold a hearing and report findings of fact and recommendations including, where appropriate, remedial action to be taken and notices to be posted. After considering the hearing officer's recommendation and any exceptions filed, the Assistant Secretary should issue and publish his decision.

4. *Standards Cases.*

Alleged noncompliance with the standards of conduct by a labor organization seeking recognition and alleged violation of the standards by a labor organization holding recognition should be investigated by the Assistant Secretary. Where investigation establishes a reasonable basis for believing that the standards have not been met or have been violated

authority outside the agency or by the terms of a controlling agreement at a higher agency level). When an agreement is renegotiated or before it is extended it should be brought into conformance with current agency policies and regulations.

(6) Agencies should not negotiate agreements with labor organizations which would abridge the right of employees to join or not join a labor organization, or which would require employees to pay money to the organization, other than through voluntary dues withholding, pursuant to a written authorization.

(7) Employees representing a labor organization should not be on official time when negotiating an agreement with agency management.

1. Areas Excluded from Negotiations.

Section 6(b) of the present order includes a proviso that the obligation to negotiate does not extend to "such areas of discretion and policy as the mission of an agency, its budget, its organization, and the assignment of its personnel, or the technology of performing its work."

Generally, labor organizations have stated that they are not concerned with the mission of an agency, its budget, and its organization because these matters do not relate to personnel policies or working conditions. They are, however, concerned with the assignment of personnel and the technology of performing work because personnel actions in these areas directly affect the jobs of employees, particularly those who are being displaced by automation or other technological changes. While recognizing the right

and no appropriate corrective action has been taken by the labor organization, the Assistant Secretary may appoint a hearing officer to hold a hearing and to report findings of fact and recommendations. After considering any exceptions filed, the Assistant Secretary should issue and publish his decision. Where the labor organization has reasonable internal procedures designed to adjust the complaints of its members, the Assistant Secretary should not act until the member has exhausted such procedures, provided the organization processes the complaint in a reasonably expeditious manner.

If the Assistant Secretary finds that the standards of conduct have been violated, he may stipulate the remedial action required to be taken and should have authority to enforce such remedial action by requiring the posting of appropriate notices to members, by the issuance of public reports, or, in appropriate cases, by directing the suspension or revocation of the dues withholding privilege or the withholding, suspension, or revocation of recognition.

The role of the Assistant Secretary of Labor for Labor-Management Relations outlined above will provide impartial procedures and assistance for the disputed matters named and will utilize experienced and trained staff who are familiar with the laws and policies of government.

E. Negotiation and Administration of Agreements

(1) *The scope of negotiation should be clarified by providing for the negotiation of appropriate arrange-*

of an agency to assign personnel or to introduce new machines and working processes, some labor organizations want to assure the right of exclusive representatives to negotiate protective arrangements for employees adversely affected by personnel policies, changing technology, and partial or entire closure of an installation.

The 1961 task force, in its discussion of this matter, noted that major reorganizations or changes in work methods, while not negotiable themselves, will involve implementation problems that may be negotiable—such as promotion, demotion, and training procedures. Experience has shown that many agencies and labor organizations have negotiated agreements dealing with the impact of such actions on employees.

We believe there is need to clarify the present language in section 6(b) of the order. The words "assignment of its personnel" apparently have been interpreted by some as excluding from the scope of negotiations the policies or procedures management will apply in taking such actions as the assignment of employees to particular shifts or the assignment of overtime. This clearly is not the intent of the language. This language should be considered as applying to an agency's right to establish staffing patterns for its organization and the accomplishment of its work—the number of employees in the agency and the number, type, and grades of positions or employees assigned in the various segments of its organization and to work projects and tours of duty.

To remove any possible future misinterpretation of the intent of the phrase "assignment of its personnel," we recommend that there be substituted in

ments for employees adversely affected by the impact of readjustment of work forces or technological change.

(2) Except where negotiations are conducted at the national level, agencies should increase, where practical, delegation of authority on personnel policy matters to local managers to permit a wider scope for negotiations. Procedures should be established to resolve disputes over negotiability questions.

(3) Agencies and labor organizations should be free to engage in joint negotiations on a multiunit basis. The Council should study the question of further guidance on this matter.

(4) The requirement for agency approval of negotiated agreements is necessary and should be continued. However, approval or disapproval should be based solely upon the agreement's conformity with laws, existing published agency policies and regulations (unless the agency has granted an exception to a policy or regulations), and with the regulations of other appropriate authorities. A local agreement subject to a national or other controlling agreement at a higher level should be approved in accordance with the procedures provided in the controlling agreement or, in the absence of such procedures, in accordance with agency regulations on the subject.

(5) Administration of an agreement should be governed by laws, regulations of appropriate authorities, and the published agency policies and regulations in existence at the time the agreement was approved (unless the agency has granted an exception to a policy or regulation or it subsequently is required to be changed by law or other appropriate

a new order the phrase "the number of employees, and the numbers, types and grades of positions, or employees assigned to an organizational unit, work project or tour of duty". As further clarification, a sentence should be added to this section providing that agencies and labor organizations shall not be precluded from negotiating agreements providing for appropriate arrangements for employees adversely affected by the impact of realignment of work forces or technological change.

2. Delegation of Authority within Agencies and Procedures for Resolving Negotiability Questions.

Much of the complaint by labor organizations about the operations of the program centers on claims that local managers do not have sufficient delegation of authority on personnel policy matters to permit effective negotiations at the installation level. It is claimed that agencies through their regulatory authority have narrowed unduly the range of negotiable matters, thereby limiting the area for bilateral negotiations. The organizations have recommended that all matters should be considered negotiable, as long as they are not inconsistent with present and future laws, thereby increasing the ability of local management officials to engage in meaningful collective bargaining.

We firmly believe that agency regulatory authority must be retained, but fruitful negotiations can take place only where management officials have sufficient authority to negotiate matters of concern to employees. Therefore, except where negotiations are

where the dispute as to negotiability involves interpretation of a national or other controlling agreement at a higher level to which the local negotiations are subject, the dispute should be resolved in accordance with procedures contained in such agreement, or in accordance with agency regulations in the absence of negotiated procedures.

Issues as to whether a proposal advanced during negotiations, either at the local or national level, is not negotiable, because the agency head has determined that it would violate any law, regulation or rule established by appropriate authority outside the agency may be referred to the Federal Labor Relations Council for decision. Similarly, issues as to whether an agency's regulations are contrary to the new order, to interpretations of the order issued by the Council, or to applicable law or regulations of appropriate authorities, should be referred to the Council for decision.

A labor organization should be permitted to file an unfair labor practice complaint when it believes that a management official has been arbitrary or in error in excluding a matter from negotiation which has already been determined to be negotiable through the processes described in the preceding paragraphs.

In summary, we believe that much can be done within agencies to improve the negotiation process. The procedures recommended would give exclusively recognized organizations a way of resolving, during negotiations, questions as to whether a matter proposed for negotiation is in conflict with law, applicable regulations or a controlling agreement.

3. *Multinuit Negotiations.*

In addition to the means recommended above for increasing the scope of negotiations within delegated authority, an agency and a labor organization or group of labor organizations should be free to engage in joint negotiations covering any combination of units at any level of the agency where the parties are in agreement that such an arrangement would provide for more productive negotiations. Any multi-unit agreement negotiated at the headquarters level of an agency, of course, would preclude any need for "national consultation rights" for the employees covered by such an agreement.

Where the parties are unable to reach agreement on a proposed combination of units for purposes of negotiations, the normal procedures for establishing a single appropriate unit for exclusive recognition are available.

We recognize that complex questions of multiunit and joint bargaining are emerging which influence the structure of collective bargaining in the private sector, and therefore recommend that the Council institute a study of this aspect of collective bargaining to determine whether further guidance on this matter is warranted in the Federal program.

4. *Approval of Agreements.*

Some objections have been raised by union representatives to the current requirement that a negotiated agreement must be approved by the agency head or his designated representative. It has been suggested that the requirement be eliminated completely,

conducted at the national level, agencies should increase, where practicable, delegations of authority on personnel policy matters to local managers to permit a wider scope for negotiation.

Agencies should not issue over-prescriptive regulations, and should consider exceptions from agency regulations on specific items where both parties request an exception and the agency considers the exception feasible.

Where proposals for changes in agency regulations are made through the national consultation process, and by means of granting exceptions, agencies, to the extent possible, should attempt to increase the authority of local managers to accomplish the purposes of the order consistent with the public interest and the maintenance of the efficiency of the Government operations entrusted to them.

When issues arise as to the particular scope and specificity of agency regulations which limit the extent of matters negotiable at the local level, such issues should be resolved through consultation with organizations granted national consultation rights. Where disputes develop in connection with negotiations at the local level as to whether a labor organization proposal is contrary to law or to agency regulations or regulations of other appropriate authorities and therefore not negotiable, the labor organization should have the right to refer such disputes immediately to agency headquarters for an expeditious determination. A headquarters determination in interpretation of the agency's regulations should be final.

provision in a negotiated agreement relating to payment of money to an organization must be based on voluntary, written authorization by the individual employee.

7. Use of Official Time by Employees Representing a Labor Organization in Negotiating an Agreement.

The present order provides that agencies may require that negotiations with an employee organization which has been accorded exclusive recognition be conducted during the nonduty hours of the employee organization representatives involved in such negotiations. This permissiveness has led to a wide divergence of practice among the agencies in granting official time for employees serving as union negotiators. Some agencies grant official time; others prohibit it or limit the amount of time that is to be used. This has resulted in inconsistent treatment of employees similarly situated. In addition, the grant of official time has led in some instances to the protraction of negotiations over a period of many months.

We believe that an employee who negotiates an agreement on behalf of a labor organization is working for that organization, and should not be in a duty status when so engaged.

We recommend that the new order provide that employees serving as labor organization representatives not be carried in a duty status when engaged in the negotiation of an agreement with agency management.

or that limitations be placed on the scope of review (to preclude "second-guessing" on substantive issues) and on the length of time allowed for completion of review and subsequent approval or disapproval.

Where the approval process has resulted in unwarranted delay, or in unnecessary or arbitrary revision of locally negotiated agreements on the basis of disagreement with the language or substance of what had been negotiated, union complaints seem justified. We are of the opinion, however, that with the development of greater sophistication in administering the program such situations may disappear entirely in the future.

We believe that the requirement for agency approval is necessary and should be continued. Such requirement on the part of both management and labor is not uncommon in labor relations in the private sector. Also, in the public sector there are already a number of national unions which require higher level approval of agreements negotiated by local bodies.

We are convinced, however, that some limitations should be incorporated into the approval process. In this connection, we recommend that approval or disapproval be based solely upon the agreement's conformity with laws, existing published agency policies and regulations (unless the agency has granted an exception to a policy or regulation), and with the regulations of other appropriate authorities. A local agreement subject to a national or other controlling agreement at a higher level should be approved in accordance with the procedures provided in the controlling agreement, or in the absence of such

F. Procedures for Resolution of Impasses in Negotiations

procedures, in accordance with agency regulations on the subject.

5. *Conditions Governing Administration of an Agreement and its Renegotiation or Extension.*

Some union representatives allege that agencies have changed their regulations to nullify clauses of agreements already negotiated and approved at the national level.

We believe that the administration of an agreement should be governed by published agency policies and regulations in existence at the time the agreement was approved (unless the agency has granted an exception to a policy or regulation) and by any changes in policies and regulations subsequently required by law or other appropriate authority outside the agency, or authorized by the terms of a controlling agreement at a higher agency level.

It should be understood, however, that an agreement must be brought into conformance with current agency policies and regulations at the time it is renegotiated or before it is extended, except where specific exceptions are granted or renewed.

6. *Negotiation of an Agreement Involving Payment of Money to a Labor Organization.*

The present order has provided that employees shall have the right, freely and without fear of penalty or reprisal, to join and assist any employee organization or to refrain from any such activity. We recommend that this right remain unimpaired.

To avoid any misunderstanding on this subject, we recommend that the new order provide that any

(1) *The Federal Mediation and Conciliation Service should extend its services to the Federal labor relations program.*

(2) *A Federal Service Impasses Panel should be established to assist the parties if they are unable to reach agreement through other available means. The panel should be authorized to provide factfinding on the issues and make recommendations to the parties as a basis for settlement. In the event all issues are not resolved by the parties within 30 days, the panel should have the authority to take whatever action it deems necessary to bring the dispute to settlement.*

The present order lacks any express procedures for use if an impasse is reached in negotiations, other than a prohibition against the use of arbitration. The President's 1961 task force expressed the concern that in the developing stages of employee-management relations, the availability of arbitration would have the effect of escalating too many impasses to third-party settlement. For this reason, the task force opposed the adoption of arbitration and suggested instead that agencies devise other methods of impasse resolution for adoption through negotiation.

We believe that the task force's concern is still valid. The ready availability of third-party procedures for resolution of negotiation impasses could cause the undesired escalation effect whereby the parties, instead of working out their differences by hard, earnest and serious negotiation, continually would take their problems to a third party for settle-

impasse and decide whether negotiations should be continued, whether other voluntary methods should be utilized, or whether the impasse is of such nature that it is appropriate for the panel to assert jurisdiction. Upon determination that it should exercise jurisdiction, the panel should have the authority to determine whether to submit the matter to a factfinder or panel of factfinders and to determine and define the specific issues to be subject to factfinding. The factfinder or factfinding body would conduct a hearing and make findings on (1) the efforts made by the parties to reach agreement on the unresolved issues; (2) the history of the current negotiations, including the initial positions of the parties and the nature of the tentative agreement reached on those issues which have been resolved; (3) the context within which the negotiations have taken place; and (4) other matters relevant to the impasse. The cost of the factfinding proceedings should be shared by the parties.

The factfinding body would report its findings to the panel, which would evaluate the impasse on the basis of the findings and issue its recommendations to the agency head and organization as a basis for settlement of the impasse by them. The parties should be required to report back to the panel as to the status of the impasse within 30 days of receipt of the panel's recommendations. In the event the parties have not resolved all issues in dispute, the panel, after consideration of the reports of the parties, should take whatever action it deems necessary to bring the dispute to settlement.

Therefore, we believe that arbitration or factfinding with public recommendations should not be used by the parties unless authorized by governmental authority separate from the agency and union which are negotiating. It is generally recognized that agreements voluntarily arrived at by the parties are the hallmark of the industrial democracy enjoyed in this country.

Various methods have been used by departments and agencies under the present order in helping to bring about settlements in negotiations. They include joint factfinding committees, referral to higher authority within the agency and the organization and, to a limited extent, mediation by private third parties. Each of these has proved its usefulness and should continue to be utilized.

In recent years, the Federal Mediation and Conciliation Service has provided mediation services to the Federal program on a limited, experimental basis. The success of its efforts has amply demonstrated that use of the Service's facilities in the Federal labor-management relations program should be expanded to the maximum extent practicable. To this end, we recommend that the Federal Mediation and Conciliation Service be authorized to extend full services to the Federal program, subject to such necessary rules as it may prescribe. It should provide the same type of mediation assistance that it offers in the private sector, without charge to either party, including preventive mediation services. The parties to an impasse should, of course, continue to be permitted to agree to mediation on a cost-sharing basis by persons of their choice other than Federal Media-

tion and Conciliation Service commissioners. We believe, further, that at this stage of the Federal program additional governmental assistance should be made available when earnest efforts by the parties to reach agreement through direct negotiations, referral to higher authority within the department or agency and the national office of the labor organizations, and the services of the Federal Mediation and Conciliation Service or other third-party mediation have been unavailing in bringing the parties to the point of full agreement.

In such cases, either or both parties should have the right to seek settlement through a governmental body established for that purpose. Accordingly, we recommend that a three-member Federal Service Impasses Panel be established and authorized, in its discretion, to assist in resolving any negotiation impasse, utilizing primarily the technique of factfinding with recommendations to form the basis for further negotiation and settlement by the parties.

In the nature of its function, the Federal Service Impasses Panel should be above all an impartial body, each of whose members will be concerned with the public interest rather than with the special interests of either party to an impasse. It should be composed of three members, appointed by the President, one of whom should be designated as chairman. The members should be chosen from persons who are familiar with the Federal Government, or knowledgeable in public personnel administration, or knowledgeable in labor-management relations.

Subject to such rules as it may prescribe, the panel should have the authority to review the nature of the

G. Grievances and Interpretation of Agreements

A negotiated grievance procedure may properly be made the exclusive procedure available to employees in the unit covered by an agreement. Arbitration should be made available for the resolution of disputes over the interpretation and application of an agreement. Exceptions to arbitrators' decisions should be sustained only on grounds similar to those applied by the courts in private sector labor-management relations. Procedures for considering exceptions to decisions should be established by the Council.

The Civil Service Commission is nearing completion of a study of grievance and appeals systems in the Federal service. It presently is consulting with agencies and labor organizations and with veteran, legal and other organizations, and employee representatives on proposals for changes which would increase promptness, effectiveness and equity to all concerned.

The Commission's study initially centered on the feasibility of consolidating all grievance and appeals procedures in a single system. This approach was responsive to earlier recommendations by labor organizations and others for the development of arrangements, to the extent feasible under existing law, providing a single employee grievance and appeals procedure in agencies comparable to grievance systems used in private employment. The Commission found that it was impractical to combine grievance and appeal procedures in this manner due to the extensive and varied appeal rights available to Federal employees by law. A single system which met all

There is a disparity in treatment among organizations representing Federal employees with respect to the reporting and disclosure of financial transactions and administrative practices. Some organizations representing such employees are required to file reports while others are free from this requirement.

The 1961 task force pointed out that if Federal employee organizations are to be given a more significant role, they must expect to assume greater responsibilities. At that time, it suggested the extension to public employee organizations of standards of conduct established for trade unions in the private sector, such as reporting and disclosure of financial transactions and administrative practices. Accordingly, the standards of conduct for employee organizations were developed and issued in 1963.

While the 1963 standards incorporated most of the substantive provisions of the private sphere, they do not include a requirement for financial and other reporting and disclosure, or for suitable bonding of organization officers and employees who handle money paid into the organization by its members, or any standards for trusteeships or elections.

Under the program established by Executive Order 10988, labor organizations of Federal employees have grown significantly in size and strength, and all should meet the same requirements with respect to reporting and disclosure, bonding and administrative practices as their counterparts in the private sector.

To bring uniformity of treatment to all labor organizations representing Federal employees, we recommend that the Assistant Secretary of Labor for

legal requirements for adverse action appeals, for example, would be burdensome and inappropriate for the majority of employee grievances on working conditions and lesser disciplinary matters, which now can be resolved more simply and directly through negotiated grievance procedures comparable to those in private employment. The proposals presently under consideration are aimed at improving separately the agency adverse action appeals system and the grievance system.

Major improvements would be possible under the proposed simplified standards for negotiated grievance procedures. They would permit the elimination, for all employees covered by an agreement, of the dual "union system" and "agency system" that presently exists in some agencies. We find merit in this simplification. We believe that negotiated grievance procedures, so long as they provide to an employee all rights prescribed by Commission standards, may properly be adopted by the agency and labor organization as the exclusive procedure available to all employees in the unit covered by the agreement.

In addition, the current proposals would permit the parties to an agreement to include arbitration procedures for the resolution of disputes over the interpretation and application of the agreement as well as for the resolution of employee grievances.

We find that arbitration of employee grievances has worked well and has benefited both employees and agencies. Many thousands of grievances have been settled without referral to arbitration. In those instances in which the grievance was referred to arbitration, the arbitrators' decisions have been accepted most of the

Labor-Management Relations add to the present standards of conduct by promulgating rules and regulations for reporting and disclosure of financial transactions and administrative practices, bonding requirements, and standards for trusteeships and elections for labor organizations having recognition under the new order.

I. Code of Fair Labor Practices

(1) *Labor organizations should have the same obligation as agency management to consult, confer, or negotiate as required by the order.*

(2) *The code provision on strikes and picketing should be amended to clarify the language relating to prohibited picketing and to reflect the responsibility of a labor organization to take affirmative action to prevent or stop any strike or prohibited picketing by its locals, affiliates, or members.*

In reviewing the Code of Fair Labor Practices, we find that while agency management is required to hear, consult, confer or negotiate with employee organizations, there is no similar requirement on the part of organizations. In view of our recommendations which delineate more fully the rights and obligations of agency and organization representatives and provide for impartial procedures in disputes, we recommend that the code be amended to place upon labor organizations the same obligations as required for management in the area of consulting, conferring, and negotiating.

time. There have been some few instances in which agencies have rejected or modified the decision.

Labor organizations understandably object to an agency's unilateral right in this regard. We feel that arbitrators' decisions should be accepted by the parties. Challenges to such awards should be sustained only on grounds similar to those applied by the courts in private sector labor-management relations, and procedures for the consideration of exceptions on such grounds should be developed by the Council. Such exceptions should be taken expeditiously by notifying the other party, the agency head, and the national president of the organization of the full nature of the objections to the decision. If the agency and the organization cannot resolve the matter within a reasonable period of time, either party should have the right to appeal to the Council in accordance with its rules. The Council, after a review of the record, briefs and other information, then should issue its decision and publish it in the Federal Register.

H. Standards of Conduct for Labor Organizations

The Assistant Secretary of Labor for Labor-Management Relations should add to the present standards of conduct by promulgating rules for financial and other reporting and disclosure, bonding requirements, and standards for trusteeships and elections for labor organizations having recognition under the new order.

In this connection, we believe that the concept of "good faith bargaining," which is inherent in the program, should be expressly stated in the new order as the obligation of an agency and a labor organization to meet at reasonable times and confer in good faith with respect to appropriate matters.

We find that there has been some difficulty in interpreting the "related picketing" language of the code section which prohibits a labor organization from: "Calling or engaging in any strike, work stoppage, slowdown, or related picketing engaged in as a substitute, for any such strike, work stoppage or slowdown, against the Government of the United States." The wording of this provision is unnecessarily obscure and confusing. We recommend that it be revised to state clearly and simply its intended meaning, which is to prohibit the use of picketing directed at an employing agency by a labor organization in a labor-management dispute.

Labor organizations generally have accepted their responsibility for adhering to the strike and picketing prohibitions of the code, and for taking appropriate action to ensure conformance with these prohibitions by any of their locals, lodges, affiliates, or members. However, in view of recent changes in the constitutions of some labor organizations involving the dropping of a no-strike pledge, an addition is needed to the strike and picketing prohibitions in order to ensure that there is no misunderstanding as to the responsibility which accompanies union recognition. The section should make clear that a recognized labor organization may not condone a strike

with the costs of the withholding paid by the organization. The regulations should include provision which allows the employee to revoke his allotment authorization at stated 6-month intervals. An employee's allotment should be discontinued when the agreement between the agency and labor organization is terminated or ceases to be applicable to the employee, or he is suspended or expelled from membership in the organization.

K. Increased Coverage of the Order

Federal employees paid from nonappropriated funds should be covered by the new order.

It has been suggested that the coverage of the order be expanded to include Federal employees paid from nonappropriated funds.

While several agencies through administrative action have afforded nonappropriated fund employees the benefits of Executive Order 10983, we recommend that such employees should be included specifically in the new order.

L. Labor Relations Employees

Employees of agencies which administer labor relations programs should not be represented by any labor organization which represents other groups of employees under that program.

Federal employees responsible for administering the provisions of labor relations programs could face problems of conflict of interest if they were repre-

or prohibited picketing by any member or group of members within its organization which it represents under the order. Officials of the organization have the duty, in view of the procedures provided for peaceful and orderly resolution of disputes and differences between employees and management, to exercise all organizational authority available to them to prevent or to stop any such action by the organization or any of its locals, affiliates, or members.

To implement these recommendations, the code section in question should be revised so as to provide that a labor organization shall not engage in a strike, work stoppage, or slowdown; picket an agency in a labor-management dispute; or condone any such activity by failing to take affirmative action to prevent or stop it.

J. Dues Withholding

The voluntary dues withholding program should be continued.

Payroll deduction of labor organization dues in accordance with voluntary employee allotments has worked well as a union security measure in the Federal program, and this form of union security should be continued in order to foster stability in labor-management relations.

Accordingly, we recommend that the Civil Service Commission continue to provide by regulation for dues withholding based upon individual employee authorizations. Agencies and labor organizations which hold formal or exclusive recognition should be permitted to negotiate agreements for the voluntary withholding of the regular dues of the organization,

sented by a labor organization which competes with other labor organizations for benefits under the program. Employees of the Department of Labor and the Civil Service Commission responsible for administering the Federal labor relations program, and for example, employees of the National Labor Relations Board responsible for administering the Labor Management Relations Act could fall in this category.

We recommend that such employees should not be represented by any labor organization which represents other groups of employees under the labor relations program(s) or law(s) which the agency administers.

M. Availability of Information

The Department of Labor and the Civil Service Commission should develop programs for the collection and dissemination of information appropriate to the needs of agencies, labor organizations, and the public.

Both unions and agencies have expressed the need for the collection, analysis, and publication of statistical data to assist in the negotiation process, and the need for dissemination of relevant information concerning the program and its operation.

We agree that availability of additional information of this type would be beneficial to the Federal labor relations program. We recommend that steps be taken by the Department of Labor and the Civil Service Commission to develop systematic and continuing programs for the collection and dissemination of information appropriate to the needs of agencies, labor organizations and the public.