



Department of Defense INSTRUCTION

NUMBER 1400.25, Volume 251
October 23, 2014

USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Relationships With Non-labor Organizations Representing Federal Employees and Other Organizations

References: See Enclosure 1

1. PURPOSE

a. Instruction. This instruction is composed of several volumes, each containing its own purpose. The purpose of the overall instruction, in accordance with the authority in DoD Directive 5124.02 (Reference (a)), is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the DoD.

b. Volume. In accordance with DoD Directive 1400.25 (Reference (b)) and part 251 of Title 5, Code of Federal Regulations (Reference (c)), this volume reissues Volume 251 of DoD Instruction 1400.25 (Reference (d)) to implement DoD policy, prescribe procedures, delegate authority, and assign responsibilities concerning relationships with non-labor organizations representing federal employees (e.g., management and professional associations) and other organizations.

2. APPLICABILITY. This volume applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this volume as the "DoD Components").

3. POLICY. It is DoD policy, in accordance with Reference (b), that:

a. Employees may join lawful management and professional associations and organizations representing federal employees and other organizations consistent with DoD 5500.7-R (Reference (e)) and part 251 of Reference (c).

b. Installation commanders and equivalent management officials will:

(1) Establish consultative relationships with management associations and organizations and professional associations and organizations representing federal employees and other organizations, as appropriate, in accordance with the law, established management principles, and the procedures in this volume.

(2) Create a climate in which managers at all levels support leadership in setting and attaining goals, have a full understanding of management policies and interactions among organizational subunits, and have the information and assistance they need to represent management in consultative relationships with other non-labor organizations representing employees.

(3) Bring management association(s) into the intra-management consultative process in accordance with the Federal Advisory Committee Act (Reference (f)), as applicable and with procedures in this volume. Such intra-management communication will be in addition to, not instead of, individual contacts and exchanges of information and views basic to managerial relationships.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release.** This volume is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This volume is effective October 23, 2014.


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Under Secretary of Defense for
Personnel and Readiness

Enclosures

1. References
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Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) DoD Directive 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
- (c) Title 5, Code of Federal Regulations
- (d) DoD Instruction 1400.25, Volume 251, "DoD Civilian Personnel Management System: Relationships With Organizations Representing Federal Employees and Other Organizations," April 6, 2009 (hereby cancelled)
- (e) DoD 5500.7-R, "Joint Ethics Regulation," current edition
- (f) Public Law 92-463, "The Federal Advisory Committee Act," October 6, 1972
- (g) DoD Instruction 1000.15, "Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations," October 24, 2008
- (h) Title 18, United States Code
- (i) DoD 7000.14-R, Volume 8, "Department of Defense Financial Management Regulation," current edition
- (j) Title 5, United States Code

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR READINESS AND FORCE MANAGEMENT (ASD(R&FM)). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the ASD(R&FM) oversees the policies and procedures governing the establishment and administration of relationships with management and professional associations and non-labor organizations representing federal employees and other organizations.

2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DASD(CPP)). Under the authority, direction, and control of the ASD(R&FM), the DASD(CPP) develops policies, procedures, and guidance concerning relationships with management and professional associations and non-labor organizations representing federal employees and other organizations, and may establish such relationships pursuant to this volume.

3. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCE ACTIVITY (DoDHRA). Under the authority, direction, and control of the USD(P&R), the Director DoDHRA, provides support to the DASD (CPP), as appropriate, in execution of duties and responsibilities under this volume.

4. DoD COMPONENT HEADS. The DoD Component heads comply with and establish relationships pursuant to Enclosure 3 of this volume.

5. INSTALLATION COMMANDERS OR EQUIVALENT MANAGEMENT OFFICIALS. Installation commanders or equivalent management officials with delegated appointing authority may establish relationships pursuant to Enclosure 3 of this volume.

ENCLOSURE 3

PROCEDURES

1. ESTABLISHMENT OF A CONSULTATIVE RELATIONSHIP.

a. To establish a consultative relationship with associations whose members are primarily federal supervisory or managerial personnel, membership support at an organizational level must be enough for a worthwhile dialogue with executive management. The establishment of consultative relationships with other non-labor organizations representing federal employees is discretionary.

b. An association must have an official consultative relationship with at least two DoD Components to establish a relationship at the DoD level.

c. A written request must be made to the DASD(CPP), the DoD Component head, or the head of the subordinate DoD Component organization, as appropriate to establish the respective relationship. The request includes:

(1) A statement regarding why an official consultative relationship should be established.

(2) A copy of the association's current constitution and bylaws showing that the association:

(a) Is a lawful nonprofit organization that subscribes to minimum standards of fiscal responsibility.

(b) Employs democratic principles in the nomination and election of its officers.

(3) A list of the current officers of the association and, where applicable, subordinate organizations (e.g., chapters).

(4) A statement that the association does not discriminate in terms of membership or treatment on the basis of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information.

d. An association may only be recognized provided it **does not**:

(1) Assist or participate in a strike, work stoppage, or work slowdown against the U.S. Government or any agency thereof, or impose a duty or obligation to conduct, assist, or participate in such strike, work stoppage, or work slowdown.

(2) Advocate the overthrow of the constitutional form of the U.S. Government.

e. Installation commanders or equivalent management officials may at their discretion and consistent with this volume:

(1) Establish relationships with organizations, other than associations of supervisors and management officials, when this would contribute to effective personnel management or improved operations or provide benefits to mission and programs. In making such determinations, installation commanders (or their equivalent) may wish to consider whether such a relationship:

(a) Provides a service to employees who are members of the association or organization;

(b) Contributes to the morale and welfare of employees, or

(c) Promotes an effective relationship with the local community and the general public.

(2) Extend support to organizations or their members to the extent consistent with applicable laws and regulations where this is in the best interests of the DoD. Subpart 251.202(a) of Reference (c) and DoD Instruction 1000.15 (Reference (g)) provide examples of support services that might be appropriate, in accordance with Reference (e).

f. Where official consultative relationships exist:

(1) Dealings may include meetings between association representatives and senior leaders and may provide an opportunity for association representatives to assist in the design of policy or to review and comment on proposed policy relating to personnel management, planning, production, and other areas of management concern.

(2) Relationships with associations and other organizations should not conflict with Reference (e). Dealings with management and professional associations and other organizations should not take on the character of negotiations over conditions of employment for employees eligible to be represented by a labor organization as defined by part 251 of Reference (c).

g. A federal employee, including a supervisor and management official, may communicate with any federal agency, official, officer, or other federal entity, on the employee's own behalf. However, a criminal statute, section 205 of Title 18, United States Code (Reference (h)), bars federal employees from acting as agents or attorneys for any person or organization before any federal agency or other federal entity regarding any matter in which the United States is a party or has a direct and substantial interest, unless such activity is in connection with the performance of official duties. The statute contains an exclusion from its prohibition which allows an individual to represent any organization or group that is not established or operated for profit, without compensation, if a majority of the members are current officers or employees of the United States or the District of Columbia, or their spouses or dependent children. Excepted from this authorized representation of organizations or groups are matters involving:

(1) A claim against the United States or the District of Columbia.

(2) A judicial or administrative proceeding where the organization or group is a party.

(3) A grant, contract, or other agreement (including a request for such a grant, contract, or agreement) providing for disbursement of federal funds to the organization or group.

h. Individuals representing an organization or group must ensure there is no inconsistency with the faithful performance of the employee's duties that would constitute a conflict of interest or call into question the impartiality of any official actions in violation of section 208 of Reference (h) or subpart 2635.502 of Reference (c).

i. Because of the significant potential for confusion concerning the scope of permissible representation, managers and employees should consult their designated DoD Component ethics officials regarding potential conflicts of interest and circumstances involving the exceptions.

j. Reference (e) provides additional guidance for establishing relationships with employees and other organizations.

2. TERMINATION OF A CONSULTATIVE RELATIONSHIP. If it is determined that an association does not meet the requirements of section 1 of this enclosure, the DASD(CPP), the DoD Component head, or the head of the subordinate DoD Component organization, as appropriate, notifies the association of the intent to end the consultative relationship.

3. DUES WITHHOLDING. Employees may authorize an allotment for association dues as provided for by Part 550 of Reference (c) and DoD 7000.14-R (Reference (i)).

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(R&FM)	Assistant Secretary of Defense for Readiness and Force Management
DASD(CPP)	Deputy Assistant Secretary of Defense for Civilian Personnel Policy
DoDHRA	Department of Defense Human Resources Agency
FSLMRS	Federal Service Labor-Management Relations Statute
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this volume.

association of supervisors and management officials. An association comprised primarily of federal employees that is not eligible for recognition according to the provisions of chapter 71 of Title 5, United States Code (Reference (j)) or comparable provisions of other laws and that is not affiliated with a labor organization or federation of labor organizations.

Federal Advisory Committee Act. Became law in 1972 and is the legal foundation defining how federal advisory committees operate. The law has special emphasis on open meetings, chartering, public involvement, and reporting.

installation commanders. Individuals responsible for all operations performed by a DoD installation or base.

labor organization. An organization, as defined in section 7103(a)(4) of Reference (j), whose membership consists exclusively or primarily of employees and that complies with the requirements of section 7120 of Reference (j).

management official. An individual employed by an agency in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the agency. Such individuals are to be excluded from appropriate units and are not “employees” within the meaning of the Federal Service Labor-Management Relations Statute (FSLMRS) (section 7103(a)(2)(iii) of Reference (j)), they do not, among other things, have the FSLMRS-protected right to represent unions.

non-labor organization representing federal employees and other organizations. An organization, other than a labor organization, that can provide information, views, and services that contribute

to improved agency operations, personnel management, and employee effectiveness. Examples include:

An association.

A group representing minorities, women, or persons with disabilities in connection with Equal Employment Opportunity programs and action plans.

A professional association.

A civic or consumer group.

An organization concerned with special social interests.