

# **3 FAM 5300 DEPARTMENT RELATIONSHIPS WITH EMPLOYEE ORGANIZATIONS**

## **3 FAM 5310 DEPARTMENT RELATIONSHIPS WITH ORGANIZATIONS REPRESENTING FEDERAL EMPLOYEES AND OTHER ORGANIZATIONS**

### **3 FAM 5311 AUTHORITY**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

These regulations fulfill the requirements of 5 CFR Part 251, Agency Relationships with Organizations Representing Federal Employees and Other Organizations.

### **3 FAM 5312 PURPOSE**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

These regulations state the policies and prescribe the procedures for conduct of Department relations with managerial, supervisory, professional, and other organizations that are not labor organizations.

### **3 FAM 5313 DEFINITIONS**

#### **3 FAM 5313.1 Organization Representing Federal Employees and Other Organizations**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

“Organization Representing Federal Employees and Other Organizations” means an organization other than a labor organization that can provide information, views, and services which will contribute to improved Department

operations, personnel management, and employee effectiveness. Such an organization may be:

- An association of Federal management officials and/or supervisors;
- A group representing minorities, women, or persons with disabilities in connection with the Department's EEO programs and action plans;
- A professional association;
- A civic or consumer group; and
- An organization concerned with special social interests.

### **3 FAM 5313.2 Association of Management Officials and/or Supervisors**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

"Association of Management Officials and/or Supervisors" means an association comprised primarily of Federal management officials and/or supervisors which is not eligible for recognition under Chapter 71 of Title 5, or under Chapter 10 of Title 22 and which is not affiliated with a labor organization or federation of labor organizations.

### **3 FAM 5313.3 Labor Organization**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

"Labor Organization" means an organization as defined in 22 U.S.C. 4102(11), or 5 U.S.C. 7103(a)(4), which is in compliance with 5 U.S.C. 7120.

### **3 FAM 5314 GENERAL POLICY**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

a. The Department fully supports the purposes of communication and consultation, which are:

- The improvement of agency operations;
- The exchange of information (e.g., ideas, opinions, and proposals); and
- The establishment of policies that best serve the public interest in accomplishing the mission of the Department.

b. The Department's consultation and communication with organizations representing Federal employees under this FAM chapter may not take on the character of negotiations or consultations regarding conditions of employment of bargaining unit employees, which is reserved exclusively to labor organizations as provided for in Chapter 71 of Title 5 or Chapter 10 of Title 22 of the U.S. Code. This chapter does not authorize any actions inconsistent with the above.

c. The Secretary has determined that it is in the best interest of the Department to consult, from time to time, with associations of management officials and/or supervisors, to the extent permitted by law. Under section 7(d)(2) and (3) of Executive Order 11491, as amended, recognition of a labor organization does not preclude the Department from consulting or dealing with:

- A veterans organization, or
- A religious, social, fraternal, professional, or other lawful association, not qualified as a labor organization,

with respect to matters or policies which involve individual members of the organization or association or are of particular applicability to it or its members.

d. Department employees, including management officials and supervisors, may communicate with any Federal agency, officer, or other Federal entity on the employee's own behalf. However, Department employees should be aware that 18 U.S.C. 205, in pertinent part, restricts Federal employees from acting other than in the discharge of their official duties, as agents or attorneys for any person or organization other than a labor organization, before any Federal agency or Federal entity in connection with any matter in which the United States is a party or has a direct and substantial interest. Department officials and supervisors are therefore advised to consult with their designated Department ethics officer for guidance regarding any conflicts of interest which may arise.

## **3 FAM 5315 STANDARDS OF CONDUCT FOR ORGANIZATIONS**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

a. The Department shall accord recognition only to an association or organization that is a lawful, nonprofit organization whose constitution and bylaws indicate that it subscribes to minimum standards of fiscal responsibility and employs democratic principles in the nomination and election of officers.

b. The association or organization must not discriminate in terms of membership or treatment because of race, color, religion, sex, national origin, age or handicapping condition.

c. The association or organization must not assist or participate in a strike, work stoppage, slowdown against the Government of the United States or any agency thereof or impose a duty or obligation to conduct, assist, or participate in such a strike, work stoppage, or slowdown.

d. The association or organization must not advocate the overthrow of the constitutional form of the Government of the United States.

## **3 FAM 5316 PROCEDURES**

### **3 FAM 5316.1 Establishment of Consultative Relationship**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

a. In order for a management or other association to establish a consultative relationship, it must demonstrate a level of membership support at an organizational level that is substantial enough to ensure a worthwhile dialogue with the Department and, therefore, to warrant establishment of the relationship.

b. An association shall address a written request for establishing or continuing a consultative relationship to the office of the Labor Management Negotiator, DGP/PC/LM, Room 6217 Main State, Washington, D.C. 20520. The request shall include:

- A statement regarding why the association believes an official consultative relationship should be established or continued;
- A copy of the association's current constitution and bylaws which must indicate that the association subscribes to minimum stan-

dards of fiscal responsibility and employs democratic principles in the nomination and election of its officers;

- A list of the names and addresses of current officers of the association and, where applicable, subordinate organizations (e.g., chapters); and
- A statement that the association does not discriminate with regard to the terms or conditions of membership on the basis of race, color, religion, sex, age, national origin, or handicapping condition.

c. DGP/PC/LM will prepare a written reply addressed to the association approving or disapproving its request. A copy of the reply shall be sent to A/OP/FMSS. The decision of DGP/PC/LM is final and not subject to review.

### **3 FAM 5316.2 Consultation on Department Matters**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

When an official consultative relationship exists with an association of management officials and/or supervisors, dealings may:

- Include meetings between association representatives and the Department;
- Provide an opportunity for association representatives to assist in the design of policy; and
- Provide an opportunity to review and comment on proposed policy relating to personnel management, planning, production, and other areas of management concern.

### **3 FAM 5317 DEPARTMENT SUPPORT TO ORGANIZATIONS REPRESENTING DEPARTMENT EMPLOYEES AND OTHER ORGANIZATIONS**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

a. The Department may provide support services to an association or other organization when the Department determines that such action would benefit the Department programs or would be warranted as a service to

employees who are members. Provision of such support services must comply with applicable statutes and regulations.

b. The Department may provide resources support to a recognized association or other organization. Use of the Diplomatic Reception Rooms is covered by 6 FAM 1730 :

(1) The mere provision of such support to any organization is not to be construed as Department sponsorship, sanction, or endorsement of the organization or its activities;

(2) Among recognized organizations, the Department shall give priority in recognition, when there are competing requests for the access which flows from recognition, to the following types of organizations in the order listed:

- Organizations sponsored by a senior official or officials when the organization is clearly affiliated with, or in support of, an official foreign policy or international program of the Government;
- Organization of Federal employees, including retired employees; and
- All other organizations.

## **3 FAM 5318 DUES WITHHOLDING**

### **3 FAM 5318.1 Associations of Management Officials and/or Supervisors**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

Dues withholding for associations of management officials and/or supervisors is covered by 5 CFR 550.331.

### **3 FAM 5318.2 All Other Organizations**

*(TL:PER-325; 10-16-96)*

*(State Only)*

*(Applies to Civil Service and Foreign Service Employees)*

Under 5 CFR 550.331(b), an agency may permit an employee to make an allotment for any legal purpose deemed appropriate by the Secretary. The Department may provide for the allotment of dues for organizations representing Department employees under that section.

**3 FAM 5319 UNASSIGNED**