

Department of Transportation

Office of the Secretary

Washington, D.C.

Department of Transportation

ORDER

DOT 3710.3

4-24-80

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SUBJECT: CONSULTATION WITH LABOR UNIONS

1. PURPOSE. This Order explains the Department's obligation to seek the views and recommendations of labor organizations holding National Consultation Rights (NCR) under 5 U.S.C. 7113, on proposed substantive changes in conditions of employment, that is, personnel policies, practices, and matters affecting working conditions of employees of the Department. Prompt notification to the Office of Personnel and Training, OPT, is required when Secretarial Officers or Heads of Operating Administrations propose policies or regulations concerning conditions of employment that would extend to employees of other operating administrations or the Office of the Secretary (OST) so that consultation procedures may be initiated.
- ✓ 2. CANCELLATION. OST 3710.1, CONSULTATION WITH LABOR UNIONS, of 1-17-72.
3. REFERENCE. Federal Service Labor-Management Relations Statute, 5 U.S.C. 7113.
4. CONSULTATIVE MATTERS. Proposed substantive changes in personnel policies and practices and matters affecting working conditions of employees having Departmental impact must be referred to those labor organizations holding NCR and their comments must be considered before a new or revised policy may be implemented and/or published. The American Federation of Government Employees and the National Association of Government employees hold Department-wide national consultation rights. Labor organizations responding to the consultation are entitled to have their views and recommendations considered and must be advised of the reasons for taking the final action. While most of the matters subject to national consultation involve policies developed by the Office of Personnel and Training, OST, various operational policies affecting working conditions are also covered by 5 U.S.C. 7113. Examples of matters which may have an impact throughout the Department and are subject to national consultation are: travel policies and procedures; policies on leave and hours of duty; implementation of position classification, job evaluation and pay decisions cutting across operating administration lines; implementation of new organizational alignment and reorganizations; safety rules; employee training opportunities; promotion plans; equal employment opportunity plans and programs; implementation of reduction-in-force decisions; and employee services.

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All Operating Administrations

OPI: Office of Personnel
and Training

5. ACTION. Prior to implementation and/or publication of a new or revised personnel policy, practice or matter affecting working conditions subject to national consultation, the originating office shall provide eight (8) copies of draft directives, memoranda or other implementing documents to the Labor Relations Staff, M-17, Office of Personnel and Training, OST, for referral to the union(s) holding NCR. Normally, approximately thirty (30) days are required to notify the union(s) and provide them an opportunity to submit their views and recommendations. Where extremely short time limits preclude normal processing, the originator should provide information as to the urgency of the situation. Comments received from labor organizations will be forwarded promptly to the originating office for consideration in developing the final policy or regulation. On occasion a labor organization may request a meeting to permit fuller discussion of the proposed policy with the originating office. The originating office must consider the views and recommendations presented by a labor organization and promptly provide M-17 with a brief written explanation concerning the adoption or non-adoption of any labor organization views and the reasons for taking the final action. This information will be used by M-17 to meet the legal requirement to notify the labor organization of the final action on the proposal.

2 THE SECRETARY OF TRANSPORTATION:



Robert L. Fairman
Deputy Assistant Secretary
for Administration