

U.S. NUCLEAR REGULATORY COMMISSION

Management Directives System Change Page Transmittal

TN: DT-96-32

To: NRC Management Directives Custodians

Subject: Transmittal of Management Directive 10.102, "Labor- Management Relations Program for Federal Employees"

Purpose: Directive 10.102 replaces Manual Chapter 4166, updates NRC organizational terminology, and deletes references to the Federal Personnel Manual.

Office of Origin: Office of Personnel

Contact: Michael J. Fox, 415-7526

Date Approved: November 12, 1996

Volume: 10 Personnel Management

Part: 4 Labor Relations, Discipline, Grievances, Appeals, RIFs

Directive: 10.102 Labor-Management Relations Program for Federal Employees

Availability: U.S. Government Printing Office, (202) 512-2409

Labor–Management Relations Program for Federal Employees

Directive
(Formerly
MC 4166) ***10.102***

Contents

Policy	1
Objectives	1
Organizational Responsibilities and Delegations of Authority	2
Chairman	2
Executive Director for Operations (EDO)	2
Office of the General Counsel (OGC)	2
Director, Office of Personnel (OP)	2
Chief, Policy and Labor Relations	3
Office Directors	3
Regional Administrators	3
Supervisors and Managers	3
Definitions	4
Applicability	5
Reference	5



U. S. Nuclear Regulatory Commission

Volume: 10 Personnel Management

Part: 4 Labor Relations, Discipline, Grievances,
Appeals, RIFs

OP

Labor-Management Relations Program for Federal Employees Directive 10.102

Policy

(10.102-01)

It is the policy of the U.S. Nuclear Regulatory Commission to adhere to applicable laws, regulations, and agreements regarding labor-management relations and to promote a constructive climate for labor and employee relations.

Objectives

(10.102-02)

- To ensure compliance with any applicable law, regulation, or collective bargaining agreement regarding labor-management relations. (a)
- To ensure that the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, may be exercised freely and without fear of penalty or reprisal. (b)
- To ensure that management representatives negotiate in good faith with the exclusive representative on appropriate matters of concern to bargaining-unit employees. (c)
- To ensure that management's interests are properly addressed in negotiations and in administering the labor relations program. (d)

Organizational Responsibilities and Delegations of Authority

(10.102–03)

Chairman (031)

Provides general guidance and direction to the Executive Director for Operations on the conduct of the NRC labor relations program.

Executive Director for Operations (EDO) (032)

- Acts for the Head of the Agency in determinations and decisions required in administering the NRC labor relations program and in negotiating with the exclusive representative. (a)
- Approves management positions on collective bargaining issues on behalf of the NRC. (b)
- Authorizes NRC representatives to negotiate with the exclusive representative. (c)

Office of the General Counsel (OGC) (033)

- Represents the agency before administrative bodies and third parties, and renders legal advice in all labor relations matters including collective bargaining negotiations, arbitrations and negotiation impasses, unfair labor practices, grievances, and on other Federal personnel law issues. (a)
- Provides legal advice and assistance to the Director, OP, as requested. (b)

Director, Office of Personnel (OP) (034)

- Develops and implements the NRC labor relations program, and oversees the negotiation and administration of all collective bargaining agreements. (a)
- Administers the labor relations program and provides directly, or through a labor relations staff, technical advice to management officials of the agency. (b)
- Serves as agency representative in official dealings with the exclusive representative on labor relations matters not in litigation. (c)

Chief, Policy and Labor Relations

(035)

- Is authorized to bind the NRC in any negotiated agreement with the exclusive representative of employees in the bargaining unit. (a)
- Directs the activities of the labor relations staff, advises management on applicable laws, regulations, and collective bargaining agreements and their effect on proposed management actions. (b)

Office Directors

(036)

Serve, or direct others to serve, as required, on management negotiating teams chaired or otherwise endorsed by the Director, OP, or his or her designee.

Regional Administrators

(037)

Conduct negotiations with union representatives, as required, on issues relating only to their respective regional office and only after prior concurrence of Director, OP.

Supervisors and Managers

(038)

- Administer a negotiated agreement ensuring that all required actions are taken. (a)
- Promote a constructive climate for labor and employee relations, taking care to remain impartial and objective toward all subordinates and to maintain the neutrality necessary to ensure that management does not violate any of the rights granted to employees and labor organizations. (b)
- Represent and uphold the management viewpoint in the administration of NRC policy and negotiation of collective bargaining agreements and express management viewpoints in communications with bargaining unit employees and their representatives. (c)
- Promptly confer with OP or regional personnel officers in the regions on personnel problems (and any other matter) affecting labor–management relations and the status of the program. (d)

Supervisors and Managers

(038) (continued)

- Grant official time, when appropriate, for union representation functions and maintain records of time granted on NRC Form 338, “Request for Official Time for Union Representational Functions,” or equivalent. (e)

Definitions

(10.102–04)

Bargaining Unit. A group of employees defined by the Federal Labor Relations Authority as appropriate for representation by a labor organization for purposes of collective bargaining. (041)

Bargaining–Unit Employee. An employee whose position is within a unit that has been defined by the Federal Labor Relations Authority as appropriate for representation by a labor organization. All employees who are in the bargaining unit must be represented by the union representing the unit, whether or not the employees become union members by paying dues. (042)

Exclusive Representative. Exclusive recognition shall be accorded a labor organization that has been selected as the representative by a majority of the employees in an appropriate unit voting in a secret ballot election. A labor organization accorded exclusive recognition is the exclusive representative of employees in the unit and acts and negotiates collective bargaining agreements for employees in the unit. (043)

Unfair Labor Practice (ULP). An action by management or a labor organization that is in violation of 5 U.S.C. Chapter 71, Labor–Management Relations. Three examples of ULPs are: (1) to interfere with, restrain, or coerce any employee in the exercise by the employee of any right under Chapter 71; (2) to encourage or discourage membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other conditions of employment; or, (3) to refuse to negotiate in good faith. See also 5 U.S.C. 7116. (044)

Union Member. Any individual who pays dues to a union. Any individual, whether or not in the bargaining unit, can be a union member by paying dues; however, employees who are union members but not in the bargaining unit cannot be represented by the union if management determines there is a conflict of interest. (045)

Applicability
(10.102–05)

This directive applies to all NRC employees.

Reference
(10.102–06)

“Labor–Management Relations,” 5 U.S.C. Chapter 71.