

ARTICLE 12711.1

JOB ACTION CONTINGENCY PLAN

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SUBARTICLE 1. GENERAL PROVISIONS

1-1. Purpose. To establish policy and guidance for dealing with job actions by employees and employee organizations.

1-2. Scope. This article applies to all civilian employees of activities receiving personnel services from the Pensacola Human Resources Office (HRO) with one or more bargaining units.

1-3. Discussion.

a. The United States Code (USC), specifically 5 USC 7311, prohibits a federal employee from participating in a strike against the Federal Government. Additionally, 5 USC 7116 provides that it is an unfair labor practice (ULP) for a labor organization to call or participate in a strike, work stoppage, slowdown, or picketing of an agency in a labor management dispute, if such picketing interferes with an agency's operations. It is also an ULP for a labor organization to condone such activity by failing to take action to prevent or stop it. In spite of these prohibitions, there have been job actions that have seriously disrupted Federal agencies. SECNAVINST 12711.1A requires Naval activities with one or more bargaining units to prepare a plan for such a contingency. This section complies with that requirement.

b. The intent of contingency planning is to minimize the disruption of productive effort and interference with the orderly conduct of local activities' assigned missions. This will be accomplished by immediately pursuing termination of job action and calling upon other resources to maintain operations while employees are withholding their services. Nothing in this section should be interpreted as inhibiting an employee or a labor organization in the pursuit of legitimate labor organization activities.

1-4. Definitions.

a. Central Action Group (CAG). This ad hoc group, chaired by the Director, Human Resources Operations Center, (HROC), will serve as the central point for policy guidance and coordination within the Department of the Navy (DON) in the event a job action occurs.

b. Job Action. As used in this section, the term refers to any concerted effort of employees to engage in a strike, work stoppage, slowdown; sickout, illegal picketing or other unauthorized concerted activity intended to interfere with an activity's mission accomplishment. Such activity may or may not involve the participation of a union or other organized group.

c. Joint Local Operations Group (J-LOG). This ad hoc group will serve as the local point for action, coordination and guidance should a job action occur at an activity covered by this article. Composition of the J-LOG is defined in 2-1 below.

d. Management Personnel. This term includes all military and civilian supervisory and management personnel.

SUBARTICLE 2. CONTINGENCY PLAN COMPONENTS AND PROCEDURES

2-1. Joint Local Operations Group (J-LOG) composition. When a job action occurs or appears imminent, the activity head shall immediately convene the J-LOG. This group will, as a minimum, consist of the following personnel:

Activity Head or designated senior official (e.g., Executive Officer)
Civilian Personnel Director and/or the Head of Labor Relations
Security Officer
Operations Officer and/or Production/facilities Manager
Public Works Officer
Public Affairs Officer
Labor Relations Advisor from the Human Resources Service Center, Southeast
(HRSC-SE)

The Activity head may appoint other members to the J-LOG as appropriate.

2-2. Procedures for Maintenance of Operations/Security. During a job action and dependent upon its nature, activities may be forced to curtail some normal functions. In these situations, activities will concentrate their personnel resources in the following three areas:

a. Continued Accomplishment of Assigned Mission. Mission accomplishment is, as always, of prime importance. During a job action, this objective may be achieved through selective use of the following actions:

continued services of non-participating employees,
use of managerial personnel to perform essential function,
use of temporary employees, temporary details of employees,
temporary closure of offices/departments considered to be non-mission essential,
use of military personnel to perform civilian functions,
use of overtime,
cancellation of annual leave or Leave Without Pay (LWOP),
cancellation of training assignments,
or any other permissible action deemed appropriated by the activity head.

b. Maintenance of the Physical Plant. Road, building and utility system maintenance will be accomplished through the use of non-participating employees and managerial personnel. Service and maintenance required in keeping the physical plant in good repair and working order will be given priority over elective maintenance or alteration projects.

c. Maintenance of Physical Security. A job action may necessitate heightened security measures to guard against possible acts of disruption or vandalism. Consideration will be given to limiting access to Naval property during a job action. Department heads will exercise increased security over all spaces, machinery, equipment and materials under their cognizance.

Military personnel may be assigned guard duties to augment the base security force or temporarily replace civilian law enforcement personnel who are withholding their services.

SUBARTICLE 3. COMMUNICATION DURING A JOB ACTION

3-1. Communications With Employees. During a job action, quick and accurate communication with employees and their representative labor organization is essential. The J-LOG will coordinate all such communications. When a job action occurs, each department/office will provide the J-LOG, through the CPO, a listing of employees who are suspected of participating in the job action. Each identified employee, and the appropriate labor organization, will be notified in writing that the action is an illegal activity or an unfair labor practice, as appropriate, and will specify the consequences of continued action. In an attempt to end a job action, the J-LOG may communicate directly with the participating labor organization while a job action is in progress.

3-2. Management Communications. During a job action, internal management communications will continue through existing communication systems. The activity head or the CPO, as appropriate, will maintain communications with the next level of command, the CAG, and the HRSC-SE Region.

3-3. Communications With the Public/press. Job actions on Federal installations traditionally attract considerable public attention and, therefore, coordination of public communication efforts is important. The Public Affairs Office (PAO) is the single point of contact for local, regional and national news media representatives and the public. The PAO will be informed of any job action activity, incident or event that has public affairs potential. Public and press inquiries will be referred to the PAO for resolution. No other management official is authorized to communicate with outside individuals or organizations during a job action without permission of the activity head. The PAO will review and approve all articles intended for release to the news media.

SUBARTICLE 4. RESPONSIBILITIES

4-1. Heads of Activities are responsible for the following:

a. Communication and coordination with their chain of command, the CAG and HRSC-SE Region in the event a job action occurs or appears imminent;

b. convening the J-LOG when such action occurs;

c. completing, within 10 days of the start of a job action, an investigation into the circumstances surrounding the job action, and documenting the results of the investigation;

d. coordinating with the CAG any decisions concerning the maintenance of operations during a job action; and

e. coordinating with the CAG before making any commitments to a union in order to end a job action.

4-2. The Civilian Personnel Director is responsible for the following:

- a. annually reviewing and updating this plan;
- b. maintaining records required by SECNAVINST 12711.1A and
- c. providing advice and assistance regarding job action contingency planning; and
- d. documenting employee involvement in all suspected job actions. Such documentation will include the names of involved employees, the nature of the job action, times and dates of the activity, and management attempts to end the job action. During a job action, the CPO will collect the above information and document the involvement of labor organization officials.