



DEPARTMENT OF THE NAVY
 NAVAL TRAINING CENTER
 GREAT LAKES, ILLINOIS 60088-5000

ONTC GREAT LAKES
 MASTER FILE COPY

NTCGLAKESINST 12711.1B
 (043)

13 MAR 1992

NTC GREAT LAKES INSTRUCTION 12711.1B

From: Commander, Naval Training Center, Great Lakes

Subj: JOB ACTION CONTINGENCY PLAN

Ref: (a) SECNAVINST 12711.1A
 (b) Chapter 73, Title 5, Code of Federal Regulations
 (c) Chapter 71, Title 5, Code of Federal Regulations

Encl: (1) Job Action Procedures
 (2) Supervisory Data Sheet for Recording Illegal Job Action Information
 (3) Supervisory Data Sheet for Recording Sick Leave Requests During a Sick-out

1. Purpose. To establish a plan for dealing with Job Actions by employees and employee organizations at Great Lakes activities which receive personnel services from the Naval Training Center Consolidated Civilian Personnel Office (NTC CCPO).

2. Cancellation. NTCGLAKESINST 12711.1A. This instruction is a complete revision and should be reviewed in its entirety.

3. Discussion

a. Reference (a) requires that activities with one or more bargaining units develop a local Job Action Contingency Plan to deal with Job Actions such as a work stoppage or slow-down, picketing, or a strike. The intent of contingency planning is to minimize the disruption of productive effort and interference with the orderly conduct of business. This is to be accomplished by immediately pursuing termination of the Job Action, and calling upon other resources to maintain operations while employees are withholding their service.

b. It is an unfair labor practice for a labor organization to call, condone, or participate in a strike, work stoppage, slowdown, or picketing in a labor management dispute, if such picketing interferes with government operations.

c. The NTC CCPO provides personnel services to more than 55 activities in 17 states; almost 80% of the employees are located at Great Lakes activities. Furthermore, Great Lakes is the site of 11 of the 12 currently established bargaining units. (The Naval Air Station, Glenview is the only activity outside of Great Lakes which has a bargaining unit.) Six of the 11 bargaining units at Great Lakes are covered by a single, multi-unit negotiated agreement. These factors make it likely that a Job Action at Great Lakes would or could cross activity, union and/or functional lines.

ONTC GREAT LAKES
 MASTER FILE COPY

13 MAR 1992

d. In order to minimize the effects of and to provide a coordinated local response to any Job Action, this instruction establishes a single plan of action for Great Lakes activities and provides guidance for those activities outside of Great Lakes. This approach is consistent with other emergency planning responsibilities assigned to the Commander, Naval Training Center (CNTC) as regional coordinator for the Chief of Naval Education and Training (CNET).

4. Definitions

a. Central Action Group (CAG). An Ad Hoc Group, chaired by the Director, Office of Civilian Personnel Management (OCPM), will serve as the central point for policy guidance and coordination within the Department of the Navy in the event a Job Action occurs. Members of the CAG will include designees of the Chief of Naval Operations (CNO); the Commandant of the Marine Corps (CMC); the Chief of Naval Research (CNR); the Assistant for Administration, Office of the Under Secretary of the Navy (AA/USN); affected Echelon 2 and 3 command headquarters; Program Manager, Labor and Employee Relations, OCPM; and others appointed by the Director, OCPM.

c. Job Action. As used in this instruction, the term refers to any concerted effort of employees to engage in a strike, work stoppage, sick-out, illegal picketing, or other unauthorized concerted activity intended to interfere with mission accomplishment. Such action may or may not involve the participation of a union or other organized groups.

d. Joint Local Operations Group (J-LOG). An Ad Hoc Group which serves as the local point for action, coordination, and guidance at the site of any Job Action which occurs. Standing membership of the Great Lakes J-LOG is as follows:

- (1) Chief of Staff (Chairperson)
- (2) Director, NTC CCPO
- (3) Commanding Officer, Navy Public Works Center
- (4) Assistant Chief of Staff
- (5) NTC Public Affairs Officer
- (6) NTC Security Manager
- (7) Director, Labor Relations Division, NTC CCPO
- (8) Labor Advisor, Office of Civilian Personnel Management, Northeast Region (OCPM NER)

Depending on the type and site of the Job Action, membership will be expanded to include the commanding and/or executive officer of the affected activity and such other NTC Staff and activity management officials as are deemed appropriate.

13 MAR 1992

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

5. Provisions of Law. Reference (b) prohibits a federal employee from participating in a strike against the Federal Government. Reference (c) provides that is an unfair labor practice 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 unfair labor practice for a labor organization to condone such activity by failing to take action to prevent or stop it. (Informational picketing which does not interfere with an agency's operations shall not be considered an unfair labor practice.)

6. Responsibilities

a. The Commander, NTC will:

(1) Convene the Great Lakes J-LOG when a Job Action occurs or appears imminent;

(2) Notify and maintain communication with the CNET, the CAG, and the OCPM NER;

(3) Consult with the CAG concerning the maintenance of local operations during a Job Action;

(4) Make decisions and coordinate operations during a Job Action at Great Lakes;

(5) Conduct an investigation into the facts surrounding a Job Action as required by paragraph 5f(3) of reference (b);

(6) Coordinate with the CAG before making any commitments to a union in order to end a Job Action;

(7) Provide a single point of contact to handle communications with the public and media;

(8) Provide labor relations advice and assistance when requested by activities outside of Great Lakes which normally receive civilian personnel services from the NTC CCPO;

(9) Annually review and update this instruction as necessary.

b. Heads of Great Lakes activities will:

(1) Advise the Commander, NTC, when a Job Action occurs or appears imminent;

(2) If the affected activity is not in the CNET chain of command, notify and maintain communication with the appropriate immediate superior in command;

13 MAR 1992

(3) Upon request, assign appropriate representation to the Great Lakes J-LOG when convened;

(4) Make plans to assure the internal security of their respective activities;

(5) Determine essential functions which must be continued during a Job Action and alternative methods of staffing those functions as outlined in enclosure (1);

(6) Maintain up-to-date lists of employees' addresses and telephone numbers in order to facilitate communications as indicated in enclosure (1);

(7) Assure that distribution of this instruction, or portions of it, is restricted to those management officials who have a legitimate need-to-know. Enclosures (2) and (3) should be reproduced locally if and when needed.

c. Heads of activities outside of Great Lakes which receive civilian personnel services from the NTC CCPO will be guided by reference (a) and whatever supplementary instructions may be issued by their immediate superior in command. Enclosures (1), (2) and (3) may be helpful in developing local procedures and documenting actions. In the event of a potential or actual Job Action, the activity head or his designee should notify the Director, Labor Relations Division, NTC CCPO (DSN 792-2025; Commercial, 708-688-2025). The Director, Labor Relations Division will provide advice and assistance and will maintain contact with appropriate labor relations personnel in the CAG and at OCPM NER. A copy of any situation or Post-Job Action Report should be provided to the NTC CCPO to document possible personnel actions.


J. L. BOYDSTON
Chief of Staff

Distribution:
NTC CCPO Special Distribution (100 copies)

Copy to:
CNO (OCPM, Code 30)
DIR OCPM NER, Philadelphia
CNET
CNTECHTRA

13 MAR 1992

JOB ACTION PROCEDURES

1. General. The ability to deal successfully with any emergency depends in large measure on pre-emergency planning, including consideration of the potential problems and various options for dealing with them. It is, of course, impossible to plan for every kind of Job Action because the circumstances will vary depending on the type of action and the activity affected. However, there are several things which could and should be done now by all activities.

a. Each supervisor should prepare and maintain a list of current employees in his or her unit together with the employees' home addresses and telephone numbers. Rapid communication with employees will be necessary whenever a Job Action occurs, and delays will be avoided if addresses and telephone numbers are readily available.

b. Heads of activities should review assigned functions to determine:

(1) Those which could be suspended for more than 30 days without serious adverse impact on mission accomplishment;

(2) Those which could be suspended for a short period (up to 30 days) without serious adverse impact; and

(3) Those essential functions which could not be suspended under any circumstances, e.g. utilities support, fire and police protection, food service, military and civilian personnel and pay support.

c. Once the functions have been categorized, a determination should be made how to man mission-essential functions immediately and prepare to man and resume suspended functions. Manning considerations could include such alternatives as (1) utilizing management and supervisory civilian employees and military personnel, (2) using overtime, (3) "borrowing" civilian and military personnel from other Navy or Department of Defense (DOD) activities, (4) requesting temporary assumption of work by other temporaries, (6) contracting out, (7) obtaining support through cooperative agreements with local activities (for fire and police support, for example), (8) using reservists. These alternatives are not prioritized in any order of desirability and their use is subject to applicable higher authority regulations.

2. When a Job Action Appears Imminent. Supervisors and management personnel are in the best position to hear statements and observe actions by employees and/or employee organizations

Enclosure (1)
FOR OFFICIAL USE ONLY

13 MAR 1992

that indicate a Job Action may be imminent. Information suggesting the possibility of a Job Action should be reported up through and assessed by the various levels in the supervisory chain. As soon as the management assessment indicates that there may be some validity to the information, the activity head should immediately:

a. Notify the Commander, NTC. (It is at this point that the Great Lakes J-LOG will convene and a labor relations assistance will be provided to the activity head.)

b. If the activity is not in the CNET chain of command, promptly notify the immediate superior in command.

c. Advise the employee organization and/or employees, as appropriate, of those actions which are prohibited by law and those which constitute an unfair labor practice. (See paragraph 4 of the basic instruction.) This step should be taken only after on-site consultation with and assistance from a labor relations advisor. Contact with union officials should be face-to-face in a meeting situation. Contact with employees should also be face-to-face if at all possible.

d. Contact supervisory personnel and remind them of their responsibilities if a Job Action occurs.

e. Instruct supervisory and management personnel to observe and document illegal or unauthorized activities by employees and/or employee organizations. (See paragraph 6 below.)

3. When a Job Action Occurs

a. Activity heads will:

(1) Immediately notify the Commander, NTC.

(2) If the activity is not in the CNET chain of command, promptly notify the immediate superior in command.

(3) With the advice and assistance and in the presence of a labor relations advisor, arrange a personal meeting with the highest ranking union official available to:

(a) Advise him or her that the action is prohibited by law;

(b) Advise him or her that the participating employees are in violation of the law and subject to penalties;

(c) Request the union official to take action to disavow the Job Action and urge the employees to return to work. The union official will be requested to report back within 24

Enclosure (1)

NTCGLAKESINST 12711.1B

13 MAR 1992

hours to the activity head personally concerning the actions the union has taken or is taking to disavow and end the action. If no report is received and no action is taken, the activity head will again meet with and advise the union official that support of the Job Action or failure to end it make the union subject to unfair labor practice complaints and court sanctions. All meetings with union officials will be documented by a memorandum for the record.

(4) Advise all employees that operations are continuing, that participating employees' actions are illegal, what the activity's position is, and what actions the activity is taking. The means of communicating with employees will be determined at the time depending on the activity affected, the action underway, the employees involved, and the position taken by the union.

b. Supervisors will:

(1) If employees are engaged in a work stoppage, tell the employees that: (a) a work stoppage is prohibited by law; (b) they have subjected themselves to penalties; (c) they have placed themselves in an unauthorized, non-pay status; and (d) they must return to work immediately and resume their duties. A record must be made of the date and time the employees are told to return to work and exactly what was said by the supervisor. If the employees do not return to work, their time cards should be annotated to show the time the work stoppage began, and the time that employees were advised that they had placed themselves in an unauthorized absence and non-pay status and were told to leave the premises should be documented. If only certain employees have stopped work and they are encouraging others to join them, the "striking" employees should be directed to leave. Action to remove employees from the premises will not be initiated by individual supervisors without the concurrence of the activity head. Such action will be taken by the activity head only after consultation with the Great Lakes J-LOG.

(2) If the Job Action starts by employees not showing up for work or if effective communication cannot be established before employees leave the job site, the following information will be communicated to employees as soon as possible:

(a) Their action is considered a strike against the Federal Government.

(b) By striking, the employees are in violation of the law, are subjecting themselves to penalties, and have placed themselves in an unauthorized absence and non-pay status.

(c) The activity is open and operations are continuing.

13 MAR 1992

(d) The employees are directed to return to work immediately.

Additionally, a written, signed letter setting forth the above information will be sent the next day to the employee's address of record. The letter will be drafted by the NTC CCPO.

(3) If the Job Action takes the form of a sick-out, with many employees calling in sick, action will be taken as follows:

(a) All calls will be handled by supervisory personnel only.

(b) Employees calling in sick will be told that their absence is unauthorized because a Job Action is in progress, and they will be directed to return for work.

(c) Employees will be further notified that refusal to report will be documented and disciplinary action may be taken.

(d) If the sick leave request is repeated the next day, the employee will be advised that he/she will be required to furnish a doctor's certificate upon returning to work and that he/she is required to report his/her status daily.

(e) No commitment will be made with respect to approving the sick leave until the situation has stabilized and can be fully assessed.

(f) Employees on previously approved annual leave may be directed to report for work if their presence is essential for maintenance of operations.

(g) Until the scope of the job action has been determined, employees requesting annual leave should be advised that a Job Action is in progress and their services are required. Employees should be advised that their failure to remain at work or report for work, as the case may be, will result in their being placed in an Absence-Without-Learn (AWOL) status.

(h) All of the above must be documented in writing. The record must include the date, time, and persons notified or spoken with, the nature of the request, and the supervisor's response. The record must be clear and complete in the event disciplinary action is subsequently taken. Use of enclosures (2) and (3) will assist in gathering and recording information with the specificity necessary for case documentation.

4. Communications with the Community and Media. It is essential that the activity's position with respect to an illegal Job

Enclosure (1)

13 MAR 1992

Action be placed before the public and questions from the media be properly and promptly answered. To accomplish this, press releases will be provided by the NTC Public Affairs Officer (PAO). Media requests for interviews with Navy officials will also be handled by the NTC PAO.

5. Communications with Unions not involved in the Job Action.

The activity head will also communicate with other labor organizations not involved in the Job Action and keep them apprised of the activity's intent to maintain operations. In the event employees are reassigned in an effort to continue operations, the unions which represent those employees will be made aware of those plans. Sometimes such unions will express a distaste for having their members do the work of striking employees. If this develops, the union officials will be advised that the Job Action is illegal and, therefore, their members would be performing legal and justified assignments.

6. Reports and Records. Supervisors and managers should document the following activities related to the Job Action in order to provide input to the activity head to assist the Great Lakes J-LOG assessment of the situation and the Commander, NTC, in conducting the required Job Action investigation:

a. Which group(s) and how many employees are involved? How many employees have reported or indicated they are ready to report for work?

b. What are believed to be the causes or underlying factors which brought about the action? What facts support these conclusions?

d. Which employees were particularly active in the Job Action? Did they encourage other employees to participate? How?

e. Had the employees made known their differences, dissatisfactions, or demands earlier? To whom? What action was taken by management?

f. Were stewards or other labor organization officials present? If so, what did they say and to whom?

g. What actions, if any, were taken by managers prior to the Job Action concerning matters alleged to be the basis for the Job Action?

All records should clearly indicate times, dates, and names.

NTCGLAKESINST 12711.1B

13 MAR 1992

SUPERVISORY DATA SHEET FOR RECORDING
ILLEGAL JOB ACTION INFORMATION

To the extent possible, the following information should be recorded for each employee you supervise in the event of a strike or other work stoppage affecting your work area.

1. Name of Employee/Position: _____

2. Is the employee a labor organization official or representative? _____ If so, what union position is held? _____

3. Briefly describe actions of employee during initial phases of work stoppage. (Did employee terminate work or encourage others to do so? At what time was this? Did employee obey order to return to work? If so, what time was it? What did you tell employee? When advised of illegal nature of action and ordered to return to work, what did employee say - do?)

4. Was employee prevented from reporting to or returning to work on one or more instances by conditions beyond his/her control? _____ If so, what were conditions or alleged conditions? (Specify date and time for each instance separately.)

5. What statements, if any, did employee make to you or fellow employees during work stoppage? (Specify date and time of each instance.)

Enclosure (2)

FOR OFFICIAL USE ONLY

NTCGLAKESINST 12711.1B

13 MAR 1992

SUPERVISORY DATA SHEET FOR RECORDING
SICK LEAVE REQUESTS DURING A SICK-OUT

PART A: NOTE TO SUPERVISOR:

1. Part B of this enclosure should be completed for each employee requesting sick leave during a period in which employees are suspected of engaging in a sick-out.

2. Following receipt of a request for sick leave, advise the employee:

(a) That due to suspected abuse of the sick leave privilege, requests for sick leave are being followed closely and that no commitment will be made at this time with respect to approving the sick leave request until the situation has stabilized and can be fully assessed.

(b) That if he/she is still unable to report for work on the next scheduled workday, he/she is to call you personally (not a fellow employee) or a higher-level supervisory official.

3. Upon receipt of telephone call on second day of absence, advise employee to bring a doctor's certificate upon returning to work.

PART B:

Employee's Name _____

Job Title _____

<u>Date</u>	<u>Time of Call</u>	<u>Name of Supervisor Receiving Call</u>	<u>Summary of Supervisor's Response to Request</u>
-------------	---------------------	--	--

REMEMBER:

1. DO NOT APPROVE LEAVE REQUEST
2. SPECIFICALLY INSTRUCT EMPLOYEE TO REPORT NEED FOR FURTHER LEAVE TO YOU ON A DAILY BASIS.

Enclosure (3)

FOR OFFICIAL USE ONLY