

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 10.102	LABOR-MANAGEMENT RELATIONS PROGRAM FOR FEDERAL EMPLOYEES	DT-21-08
<i>Volume 10:</i>	Personnel Management	
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<i>Date Approved:</i>	July 16, 2021	
<i>Cert. Date:</i>	N/A, for the latest version of any directive or handbook, see the online MD Catalogue	
<i>Issuing Office:</i>	Office of the Chief Human Capital Officer Policy, Labor and Employee Relations Branch	
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EXECUTIVE SUMMARY		
Directive 10.102, “Labor-Management Relations Program for Federal Employees,” is revised to reflect an administrative change, the removal of the reference to NRC Form 338, “Request for Official Time for Union Representational Functions,” and minor editorial changes.		

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For updates or revisions to policies contained in this MD that were issued after the MD was signed, please see the Yellow Announcement to Management Directive index ([YA-to-MD index](#)).

I. POLICY

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

II. OBJECTIVES

- Ensure compliance with any applicable law, regulation, or collective bargaining agreement regarding labor-management relations.
- 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.
- Ensure that management representatives negotiate in good faith with the exclusive representative on appropriate matters of concern to bargaining unit employees.
- Ensure that management's rights and interests are properly addressed and protected in negotiations and in administering the labor relations program.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Chairman

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

B. Executive Director for Operations (EDO)

1. For the purpose of the NRC labor relations program, serves as Head of Agency to approve or disapprove term collective bargaining agreements pursuant to 5 U.S.C. 7114(c), and in determinations and decisions required in administering the NRC labor relations program.
2. Approves management positions on collective bargaining issues on behalf of the NRC.
3. Authorizes NRC representatives to negotiate with the exclusive representative.

C. Office of the General Counsel (OGC)

1. 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.
2. Provides legal advice and assistance to the Chief Human Capital Officer, as requested.

D. Chief Human Capital Officer (CHCO)

1. Provides oversight and direction on issues involving NRC's labor-management relations program.
2. Serves as chief management spokesperson on the NRC's labor-management relations program.
3. Develops and implements the NRC labor relations program, and oversees the negotiation and administration of all collective bargaining agreements.
4. Administers the labor relations program and provides directly, or through a labor relations staff, technical advice to management officials of the agency.
5. Serves as agency representative in official dealings with the exclusive representative on labor relations matters not in litigation.
6. Acts for the Head of the Agency in approving or disapproving mid-term collective bargaining agreements pursuant to 5 U.S.C. 7114(c).

E. Chief, Policy, Labor and Employee Relations Branch (PLERB), Office of the Chief Human Capital Officer (OCHCO)

1. Is authorized to bind the NRC in any negotiated agreement with the exclusive representative of employees in the bargaining unit, subject to the authority of the Head of Agency under 5 U.S.C. 7114(c) to approve or disapprove such agreements.¹
2. 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.

F. Office Directors and Regional Administrators

Provide oversight of implementation of agency policy and law, regulations, and collective bargaining agreements within their office or region.

G. Supervisors and Managers

1. Administer a negotiated agreement ensuring that all required actions are taken.

¹ In 2010, the EDO made this delegation to PLERB's predecessor branch by signing the June 15, 2010 version of this MD.

2. 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.
3. 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.
4. Promptly confer with OCHCO on personnel problems (and any other matter) affecting labor-management relations and the status of the program.
5. Grant official time, when appropriate, for union representation functions.

IV. DEFINITIONS

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.

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. An employee who is in the bargaining unit must be represented by the union representing the unit, whether or not the employee becomes a union member by paying dues.

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.

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, "Unfair Labor Practices."

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, an employee who is a union member but not in the bargaining unit cannot be represented by the union if management determines there is a conflict of interest.

V. APPLICABILITY

The policy and guidance in this directive apply to all NRC employees.

VI. REFERENCES

United States Code

Federal Service Labor Management Relations Statute (5 U.S.C. Chapter 71).