



*Personnel*

**HEADQUARTERS AIR FORCE RESPONSIBILITIES FOR CONSULTING WITH LABOR  
ORGANIZATIONS HAVING NATIONAL CONSULTATION RIGHTS WITH THE AIR FORCE**

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This instruction implements AFD 36-7, *Employee and Labor - Management Relations*, 15 December 2008. It specifies responsibilities and procedures applicable to all Headquarters Air Force (HAF) organizations for consulting with labor organizations granted National Consultation Rights (NCR) by the Air Force. It informs HAF offices of their responsibilities, explains the nature of these responsibilities, and describes the procedures for discharging the consultation obligation when formulating and proposing substantive changes in conditions of employment for civilian employees paid from appropriated funds and Nonappropriated funds, except for employees of the Army and Air Force Exchange Service. It applies to civilian employees of the Air National Guard and Air Force Reserve, except that it does not apply to Air National Guard Technicians administered by the National Guard Bureau under Title 32, U.S.C. Section 309.

This instruction is applicable to all personnel at the HAF, including contractor personnel. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847 and forward to AF/A1PC Civilian Force Policy Division at [af.a1pc.workflow@pentagon.af.mil](mailto:af.a1pc.workflow@pentagon.af.mil). Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with Air Force Records Information Management Systems (AFRIMS) Records Disposition Schedule (RDS) located at <https://www.my.af.mil/afirms/afirms/afirms/rims.cfm>.

**SUMMARY OF CHANGES**

This revision revises paragraph 4 and updates obsolete office symbols and labor organizations addresses.

**1. OVERVIEW.** Title 5, United States Code, Section 7113 requires the Air Force to consult with labor organizations afforded National Consultation Rights (NCR). Title 5, Code of Federal Regulations (CFR), Part 2426 prescribes rules governing the exercise of NCR. Any issue relating to a labor organizations eligibility for, or continuation of national consultation, is subject to determination by the Federal Labor Relations Authority (FLRA). Attachment 2 shows addresses of labor organizations accorded NCR by the Air Force.

**2. RESPONSIBILITIES.** The Air Force will inform the labor organizations granted NCR of any substantive change in conditions of employment proposed by the HAF that are applicable to field activities. "Conditions of employment" means personnel policies, practices, and matters (whether established by rule, regulation, or otherwise) affecting working conditions of civilian employees. For example, if a HAF organization proposed the issuance of an Air Force Instruction (AFI), changing the safety requirements for flight line employees, it would constitute a change in working conditions. NCR does not substitute for, nor excuse, an activity from the obligation to give notice and, upon request, bargain with its recognized labor organization to the extent required by law over changes in conditions in employment.

### **3. PROCEDURES/GUIDANCE.**

**3.1. Considering views and recommendations.** The Air Force must give the labor organizations with NCR reasonable time to present their views and recommendations regarding the proposed change.

3.1.1. If any views or recommendations are presented by the labor organizations, the Air Force will consider such views or recommendations before taking final action.

3.1.2. The Air Force will provide labor organizations submitting views or recommendations, a written statement of the reasons for taking the final action.

**3.2. How the Air Force accomplishes national consultation.** The Air Force will provide labor organizations a reasonable notice of proposed substantive changes in conditions of employment (*e.g.*, AFIs). Except in unusual circumstances when the time factor is critical, the transmittal letter will provide 30 calendar days for response from the labor organizations.

3.2.1. Labor organizations should be provided a copy of the proposed changes in final draft form. This is normally after all mandatory and technical/functional review has been accomplished but before the proposed policy or procedure is in final form for publication. Providing an action in final form to the unions would not meet the spirit and intent of consultation because any helpful or important suggestions or comments provided back to the Air Force may not be incorporated into the policy.

3.2.2. The transmittal letter will provide at least 30 calendar days for response from the labor organizations, except in unusual circumstances when the time factor is critical.

3.2.3. Each directorate or equivalent organization level in HAF is responsible for national consultation on matters within its jurisdiction. The office of functional responsibility will draft and forward national consultation memoranda to labor organizations according to the guidelines specified below.

3.2.4. All memoranda, with attachments, will be coordinated through AF/A1PC prior to being sent to labor organizations. AF/A1PC will provide guidance on the necessity of consultation and the content of national consultation memoranda. Offices of functional responsibility will keep AF/A1PC

informed of consultation memo, labor organization responses, and any subsequent correspondence so that it may monitor the progress of such consultation and compliance with the labor statute. The office of functional responsibility will maintain copies of signed/dated documentation reflecting compliance with these requirements.

3.2.5. Timing the issuance of national consultation memoranda to labor organizations granted NCR is important. Labor organizations should be provided with a copy of the proposed changes in final draft form. Copies should be provided after receipt of major command and HAF coordination, but before the proposed action is prepared in final form. Providing an action in final form to the unions would not meet the spirit and intent of consultation because any helpful or important suggestions or comments provided back to the Air Force may not be incorporated into the policy.

3.2.6. National consultation memoranda notifying labor organizations of proposed changes in conditions of employment should include as a minimum:

3.2.7. An explanation of why the proposed change is necessary.

3.2.8. An explanation of the proposed plan for implementing the change.

3.2.9. A request for the labor organizations views and comments on the effect the proposal will have on represented employees.

3.2.10. A copy of the proposed change (i.e. draft AFI) and related documentation, except where the material is extremely lengthy or excessively duplicative in nature.

3.2.11. The name and telephone number of the Air Force action officer for questions.

3.2.12. A reasonable date, normally no less than 30 calendar days, by which a formal reply from the labor organization is requested. Include a statement that if a reply is not received by that date, it will be understood that the labor organization has no comments concerning the proposed change.

3.2.13. If a labor organization with NCR submits views or recommendations, the office of functional responsibility will consider such views and recommendations prior to taking final action. If a response is not received by the specified time in the national consultation memorandum, and an extension is not granted, NCR will be considered observed and the proposed change may be implemented subject to local bargaining.

3.2.14. Offices of functional responsibility will consider each formal comment received from labor organizations, and will add any appropriate changes made as a result of these comments before implementation. Copies of any responses from labor organizations should be retained with copies of the national consultation memorandum.

3.2.15. The office of functional responsibility will inform each labor organization of the final action taken on its views or comments. Unions will be informed within a reasonable period of time following receipt, but not later than implementation of the proposed change. Notification will include a brief explanation of why the office of primary responsibility did or did not incorporate the views or comments.

3.2.16. When a labor organization requests a meeting to discuss the proposed changes in the working conditions of civilian employees, the office to which the request is made will promptly arrange the

meeting. The office will carefully consider the labor organization's views and comments and make an appropriate response either at the time of the meeting, or at a later date in writing.

3.2.17. The Air Force has an obligation to bargain the impact and implementation of changes to conditions of employment for bargaining unit employees at the level of recognition (e.g. the Command or Wing level). NCR does not alleviate the responsibility for, or take the place of, bargaining. When a labor organization submits unsolicited views and comments in writing, the receiving office will carefully consider the labor organization's submission and provide a timely response. The response will include a brief explanation of the action taken.

**4. Failure to Consult.** Failure to accomplish national consultation can result in the labor organizations involved filing a complaint with the General Counsel of the Federal Labor Relations Authority (FLRA) charging the Air Force with an unfair labor practice. If investigation establishes an unfair labor practice occurred, the FLRA may issue a cease and desist order and require the Air Force to accomplish national consultation. If remedial action is ordered, the Air Force must report back to the FLRA that the required remedial action has been completed. Remedial action may include rescinding the policy change which could create considerable operational disruption, cost, and embarrassment to the Air Force.

TIM BEYLAND  
Administrative Assistant

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFMAN 33-363, *Management of Records*  
AFPD 36-7, *Employee and Labor - Management Relations*  
Title 5, Code of Federal Regulations, Part 2426  
Title 5, United States Code, Section 7103  
Title 5, United States Code, Section 7106  
Title 5, United States Code, Section 7113

***Adopted Forms***

AF Form 847, *Recommendation for Change of Publications*

***Abbreviations and Acronyms***

AFI – Air Force Instruction  
HAF – Headquarters Air Force  
HOI – Headquarters Operating Instruction  
NCR – National Consultation Rights

***Terms***

**Bargaining** - The mutual responsibility for management and labor officials, at the activity level, to meet at reasonable times and negotiate in a good faith effort to reach agreement with respect to conditions of employment, but this obligation does not compel either party to agree to a proposal or to make a concession.

**Conditions of Employment** - Those personnel policies, practices, and matters (whether established by rule, regulation, or otherwise) affecting working conditions of civilian employees.

**Federal Labor Relations Authority (FLRA)** - The FLRA, also known as the Authority, is responsible for establishing labor policy and guidance in accordance with the provisions of 5 U.S.C. Chapter 71. The Authority prescribes criteria for granting national consultation rights and resolves labor disputes, including those related to Unfair Labor Practice complaints.

**Labor Organization** - An organization composed (in whole or in part) of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an agency concerning grievances and conditions of employment.

**National Consultation Rights (NCR)** - The rights afforded certain labor organizations representing substantial numbers of agency employees. To fulfill these rights, the Air Force must inform the labor organization of substantive changes in conditions of employment, give the union time to present its views, consider those views, and give the labor organization written rationale for the final decision.

**Unfair Labor Practice (ULP)** - Action by either an employer or union which violates the provisions of labor relations laws, such as refusal to bargain in good faith.

**Attachment 2****NATIONAL CONSULTATION RIGHTS LABOR ORGANIZATIONS**

The Air Force has granted national consultation rights to four labor organizations. Addresses of those organizations are provided below.

**1. President**

American Federation of Government Employees  
80 F Street, N.W.  
Washington, D.C. 20001

**2. President**

National Federation of Federal Employees  
Federal District 1, Ste. 500  
801 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20036

**3. President**

National Association of Government Employees  
901 North Pitt Street, Suite 100  
Alexandria, Virginia 22314

**4. President**

Association of Civilian Technicians  
12620 Lake Ridge Drive  
Woodbridge, VA 22192