

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 64-106

4 OCTOBER 2019



CONTRACTING

**CONTRACTOR LABOR RELATIONS
ACTIVITIES**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

ACCESSIBILITY: Publications and forms are available on the e-Publishing website at e-Publishing.af.mil for downloading or ordering.

RELEASABILITY: There are no releasability restrictions on this publication.

OPR: SAF/AQCA

Certified by: SAF/AQC
(Mr. Scott A. Kiser)

Supersedes: AFI 64-106, 4 May 2017

Pages: 14

This AFI applies to all civilian employees and uniformed members of the Regular Air Force. This publication implements AFPD 64-1, *The Contracting System*. This publication provides guidance and procedures for authorized contractor labor relations activities on all Air Force installations to include overseas commands. This publication may be supplemented at any level, but all supplements must be routed to the Office of Primary Responsibility listed above for coordination prior to certification and approval. Refer recommended changes and questions about this publication to the Office of Primary Responsibility listed above using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate chain of command. The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately to the requestor’s commander for non-tiered compliance items. 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 the Air Force Records Disposition Schedule in the Air Force Records Information Management System.

SUMMARY OF CHANGES

This document is revised and should be reviewed. These updates include some administrative changes and the establishment of tiered waiver authority for numerous mandated requirements.

Chapter 1

PROGRAM OVERVIEW

1.1. Overview. This publication provides guidance and procedures for all contractor related labor relation activities throughout the United States Air Force. This publication applies to all major commands (MAJCOM), field operating agencies, direct reporting units, and other Air Force activities, as well as Regular Air Force and Air Force Reserve activities, officers, enlisted, and civilian employees. While the principles and intent of this publication pertain to the Air National Guard and Reserve, this publication does not officially apply to the Air National Guard and Active Guard/Reserve since they do not receive contracting authority through the Air Force. The collective bargaining rights and obligations of employers are established by 29 U.S.C. §§ 151-169 (National Labor Relations Act of 1935) and other law. Accordingly, all Air Force personnel shall remain impartial, maintain strict neutrality and avoid any action, overt or otherwise, that would create the appearance of partiality. **(T-1)**. When Air Force personnel become aware of a potential or actual contractor labor dispute, the matter should be promptly referred to the cognizant contract administration office, which will notify the LRC and RLA.

1.1.1. Roles and Responsibilities.

1.1.1.1. Deputy Assistant Secretary Contracting (DAS(C)). The DAS(C) develops, approves, publishes, and implements contractor labor relations policy.

1.1.2.1. Installations and Sourcing Division (SAF/AQCA). SAF/AQCA serves as the contractor labor relations focal point for the Air Force and manages the program through the Chief Labor Advisor.

1.1.3.1. Chief Labor Advisor. The Chief Labor Advisor serves as the senior advisor to the DAS(C) for all contractor labor relations activities. The Chief Labor Advisor ensures the consistent implementation of contractor labor relations policy throughout the Air Force by providing authoritative guidance to regional labor advisors.

1.1.4.1. Regional Labor Advisors (RLAs). RLAs manage contractor labor relations in their assigned geographic regions. RLAs ensure the consistent implementation of policy in their respective regions by providing training and advice directly to commanders at all levels, contracting officers, and other Air Force personnel on contractor labor relations to include collective bargaining agreements, labor standards, labor investigations, labor disputes between a contractor and union (e.g., collective bargaining agreements impasses, informational picketing, strikes, etc.), and other labor-related matters not specified in this publication. In addition, RLAs fulfill the roles and responsibilities of “agency labor advisors” as defined in Federal Acquisition Regulation Part 22, *Application of Labor Laws to Government Acquisitions*. As such, RLAs serve as the Air Force’s liaisons to the Department of Labor and union officials. See <https://wdolhome.sam.gov/> for a listing of RLAs.

1.1.5.1. Labor Relations Coordinator (LRC). LRCs are appointed in writing by the installation commander to serve as the liaison between the Air Force installation and the RLA. LRCs monitor collective bargaining agreements expiration dates, notify the RLA of potential labor disputes, and otherwise keep the RLA informed of the state of contractor labor relations at the installation. The appointment of an LRC does not prevent direct

communications between the RLA and installation commander or other installation personnel.

1.1.6.1. Installation Commander. Installation commanders appoint an LRC and, in coordination with RLAs, work with local union officials to address contractor labor relations issues. If an installation relies on significant contractor support, the installation commander should develop an Installation Labor Strike Plan to address contingencies and operational changes associated with a contractor strike.

1.1.7.1. Contracting Officer. Contracting officers shall consider the advice of RLAs prior to making a responsibility determination where a contractor has a questionable record of labor standards compliance and prior to incorporating any wage determinations where the applicable contract labor standards are not conclusive. RLAs shall be consulted for complex wage adjustments, labor compliance investigations regardless of investigating authority (i.e., Air Force or Department of Labor), contractor labor disputes, and other significant labor related matters. **(T-1)**.

1.1.8.1. Air Force Personnel. The collective bargaining rights and obligations of and employees are established by 29 U.S.C. §§ 151-169 (National Labor Relations Act of 1935) and other law. Accordingly, all Air Force personnel shall remain impartial, maintain strict neutrality and avoid any action, overt or otherwise, that would create the appearance of partiality. **(T-1)**. When Air Force personnel become aware of a potential or actual contractor labor dispute, the matter should be promptly referred to the cognizant contract administration office which will notify the LRC and RLA.

Chapter 2

LABOR DISPUTES

2.1. Reporting. The cognizant contract administration office shall comply with the procedures established in Federal Acquisition Regulation, Part 22.101-3, *Reporting Labor Disputes*, current edition, Department of Defense Federal Acquisition Regulation Supplement (DFARS), Part 222.101-3, current edition, and Procedures, Guidance, and Information (PGI), Part 222.101-3, current edition, for reporting potential and actual labor disputes between one of its contractors and a union that may interfere with contract performance. **(T-0)**. This reporting assists installation commanders, with advice from RLAs, in deciding whether to implement installation labor strike procedures (e.g., designation of a reserved gate, notification of interested parties, informing the base populace of their duty to remain neutral, etc.).

2.2. Performance of Air Force Contracts During a Dispute. Contractors are expected to continue performance of contract requirements to the extent possible during a labor dispute. If the contractor is unable to continue full performance during a labor dispute and the work is for life, health, safety, or other essential services, the installation commander or equivalent may authorize government personnel to perform those contracted functions. In such instances, government personnel need not perform every contract function; however, any contract functions the installation commander directs government personnel to perform must be separable from other contract functions that the contractor's non-striking workforce continues to perform so as to preclude any perceived or actual augmentation of the contractor's non-striking workforce. The contract function must be performed exclusively by contractor employees or exclusively by government personnel. Military and civilian personnel shall not supplement the contractor's non-striking workforce under any circumstances. **(T-0)**. Installation commanders and contracting officers shall consult with the RLA and legal counsel prior to authorizing performance of any contracted functions by government personnel, or other alternate methods of performance, because of a contractor labor dispute. **(T-0)**. The contracting officer should negotiate a contract modification and obtain a release of claims for any work being assumed by the government. If the contract modification cannot be accomplished prior to the government's assumption of work, then the contracting officer should issue a stop work order for the portion of work being assumed by the government.

2.3. Picketing and Other Demonstrations.

2.3.1. **Reserved Gates.** The installation commander should minimize the impact on the mission by prohibiting picketing or other demonstrations on Air Force installations and by limiting these activities to one or more installation gates (i.e., "reserved gates"). By restricting employees, vendors, and suppliers of the picketed contractor to the use of designated reserved gates and enforcing that restriction, the union is obligated to limit picketing to those same gates. The installation commander retains the authority to designate reserved gates for their installation regardless of the cognizant contract administration office's organization (e.g., Service, Agency, non-government entity, etc.) or location. See Attachment 2 [Figure A2.1](#) for a sample Designated Reserved Gate Procedures Letter.

2.3.2. **Non-exclusive Reserved Gates.** Non-exclusive reserved gates shall be used by employees, vendors, and suppliers of the picketed contractor but may also be used by neutral

parties with base access privileges. One or more non-exclusive reserved gates are used in most instances.

2.3.3. Exclusive Reserved Gates. Exclusive reserved gates shall only be used by employees, vendors, and suppliers of the picketed contractor and are normally only used in special circumstances (e.g., use of a gate that is not normally open but that is opened during the picket due to safety or other reasons). **(T-3)**.

2.3.4. Neutral Gates. Neutral gates shall not be used by employees, vendors, and suppliers of a contractor under a reserved gate restriction. **(T-3)**. Neutral gates shall only be used by government employees, employees of contractors not involved in the dispute, and other neutral parties. **(T-3)**. A neutral gate permits personnel access to the installation without having to cross a picket line.

2.3.5. Subcontractors. Subcontractors of picketed contractors are normally considered neutral parties unless they perform work previously performed by the contractor being picketed (see paragraphs [2.5.2](#). and [2.5.3](#).) Notification shall be sent to the subcontractor and union of the requirement for the subcontractor's employees, vendors, and suppliers to use the reserved gates. **(T-3)**.

2.3.6. Active and Retired Government Employees Employed in Off-Duty Time by a Contractor or Subcontractor in a Labor Dispute. Active and retired government personnel (military and civilian) that are also an employee, vendor, or supplier of a company subject to reserved gate restrictions at the installation must use the reserved gates to access the installation. This includes installation access required for the performance of their official government duties; performance of their duties as an employee, vendor, or supplier of a company subject to reserved gate restrictions at the installation; attending to personal matters in off-duty time (e.g., visiting the base hospital, base exchange, base legal office, etc.); or any other reason. Their status as a contractor employee, vendor, or supplier is determinative with respect to the requirement to use reserved gates regardless of the reason for accessing the installation. See paragraph 3 for military and civilian personnel employment limitations associated with employment by a contractor in a labor dispute.

2.4. Installation Commander Responsibilities During a Potential or Actual Labor Dispute.

2.4.1. Consult with the contracting officer and RLA on a course of action that minimizes the impact of picketing on the mission. Request and fund on-site RLA assistance, if necessary.

2.4.2. Decide whether to establish reserved gates and designate any reserved gates as exclusive or non-exclusive. See paragraph 2.3.1.

2.4.3. Notify all military and civilian personnel of the labor dispute, inform them of the Air Force policy to maintain strict neutrality, and instruct them to avoid any action, overt or otherwise, that would create the appearance of partiality to include expressing any opinion with respect to the labor dispute. See Attachment 2 [Figure A2.2](#) for a sample electronic mail message.

2.4.4. Ensure notification of local civil law enforcement officials that picketing may cause traffic congestion along public access routes adjacent to the installation's reserved gates and request any assistance necessary to ensure access and public safety.

2.4.5. Review installation boundaries and jurisdictions. Ensure appropriate coordination with local law enforcement.

2.4.6. Ensure Security Forces personnel monitor reserved gates for compliance by all personnel. Use of neutral gates by contractor personnel involved in the labor dispute may result in the union legally picketing all of the installation's gates. Ensure the prompt notification of the RLA of any violations of reserved gate restrictions. Restrict or revoke, as necessary, installation access privileges of personnel violating reserved gate restrictions or take other reasonable actions to ensure compliance. Permit the union to post no more than two observers outside neutral gates to monitor compliance, but do not allow the observers to engage in activity that would reasonably give the appearance to a neutral party that the gate is being picketed. Union observers may immediately notify Security Forces personnel of any observed non-compliance with reserved gate procedures to the extent any observed non-compliance does not endanger public safety and is otherwise authorized by Security Forces personnel on-site. A union representative may subsequently notify, in writing, the contractor and contracting officer of any non-compliance with reserved gate procedures.

2.5. Labor Relations Coordinator Responsibilities During a Potential or Actual Labor Dispute.

2.5.1. Prepare reserved gate letters for the installation commander's signature. Distribute the reserved gate letters to interested parties including the contractor and union representatives. When possible, the letters should be distributed in sufficient time to reach the contractor and union representatives prior to the commencement of picketing.

2.5.2. Coordinate with the installation's civil engineer representative to have signs conspicuously placed at reserved gates. The signs must be easily readable from a distance of 75 feet by vehicle operators and pedestrians entering the installation. The Labor Relations Coordinator shall ensure signs contain the following wording. **(T-0):** "NOTICE: THIS ENTRANCE MUST BE USED BY EMPLOYEES, VENDORS, AND SUPPLIERS OF [INSERT NAME OF CONTRACTOR AND/OR SUBCONTRACTOR INVOLVED IN THE LABOR DISPUTE] WHO ENTER AND EXIT THIS INSTALLATION, BY ORDER OF THE INSTALLATION COMMANDER."

2.5.3. Coordinate with the installation's civil engineer representative to have signs conspicuously placed at all other gates that read: "NOTICE: EMPLOYEES, VENDORS, AND SUPPLIERS OF [INSERT NAME OF CONTRACTOR AND/OR SUBCONTRACTOR INVOLVED IN THE LABOR DISPUTE] MUST ENTER AND EXIT THE [INSERT NAME OF THE RESERVED GATE] GATE TO [INSERT NAME OF INSTALLATION] AIR FORCE BASE, BY ORDER OF THE INSTALLATION COMMANDER."

2.5.4. Maintain a log of the picketing events and activities.

2.5.5. Routinely update the RLA telephonically or by encrypted electronic mail until resolution of the labor dispute.

2.5.6. Air Force military and civilian personnel must continue to perform their normal duties during a labor dispute. This may require military and civilian personnel to cross a picket line, if necessary, to report to work unless doing so could reasonably result in physical harm to their person or vehicle. In those instances, military and civilian personnel should promptly notify

their supervisor or other appropriate authority to obtain information on accessing the installation through a neutral gate or to receive instructions on other courses of action.

2.5.7. If the installation commander concludes that the picketing is resulting in unsafe conditions for military, civilian, or other personnel, the installation commander shall take any immediate actions necessary to address the safety concerns and then promptly notify the RLA of the actions taken. **(T-3)**. The RLA may negotiate with the interested parties to limit the number of picketers, establish picketing standards to the extent necessary to address safety concerns, or take any other reasonable actions under the circumstances to address the installation commander's concerns.

2.6. Removal of Material from Manufacturing Plants or Facilities.

2.6.1. Requests to remove items from a contractor's facilities affected by work stoppage shall be limited, to the maximum extent practicable, to instances that meet the following criteria:

2.6.1.1. The items are urgent and critical to the needs of the program.

2.6.1.2. Waiting for resolution of the labor dispute would cause harm to the Air Force.

2.6.1.3. Removal of the items will not adversely affect labor negotiations.

2.6.2. All requests to remove items from a contractor's facilities affected by work stoppage shall be processed in accordance with DFARS 222.101-4. **(T-0)**.

2.7. Disputes at Overseas Commands.

2.7.1. Contractor labor relations activities, including labor disputes, at overseas commands are normally governed by the laws and regulations of the host country. However, overseas commands should comply with this instruction to the extent possible. Contracting activities supporting overseas commands should refer labor relations questions to their respective RLA.

2.7.2. Due to time differences, contracting activities and LRCs supporting overseas commands should report potential or actual labor disputes that may affect Air Force installations or programs to the RLA by use of encrypted electronic mail. LRCs will provide the RLA routine updates until resolution of the labor dispute.

Chapter 3

EMPLOYMENT OF OFF-DUTY GOVERNMENT PERSONNEL

3.1. Off-Duty Employment of Military Personnel .

3.1.1. The Air Force does not permit off-duty employment of military personnel in jobs temporarily vacated by a contractor's striking employees. However, off-duty military personnel employed before their employer became involved in a labor dispute need not terminate employment solely because of the dispute. Military personnel are advised to contact their local ethics counselor at their servicing legal office to ensure outside employment will not violate criminal conflict of interest rules, Air Force neutrality, or other limitations (which may include MAJCOM or unit-specific limitations).

3.2. Outside Employment of Air Force Civilian Employees .

3.2.1. Air Force civilian employees must comply with the requirements of AFI 36-703, *Civilian Conduct and Responsibility*, regarding outside employment. **(T-0)**. Civilian personnel are advised to contact their local ethics counselor at their servicing legal office to ensure outside employment will not violate criminal conflict of interest rules, Air Force neutrality, or other limitations (which may include MAJCOM or unit-specific limitations).

Chapter 4

UNION ACTIVITY ON AIR FORCE INSTALLATIONS

4.1. Limitations.

4.1.1. Installation commanders shall not permit contractor union activity on Air Force owned or controlled property except as otherwise authorized in this instruction. **(T-1)**. Note: For unions representing federal employees, refer to AFI 36-701, *Labor Management Relations*.

4.1.2. Union representatives may conduct legitimate union business with their members who are employed by on-base contractors or meet with Air Force or contractor officials regarding union business subject to the limitations of this instruction.

4.1.3. Unions may hold bargaining unit certification or decertification elections on Air Force installations under the supervision of the National Labor Relations Board. Installation commanders must provide a suitable place for such elections upon request by the National Labor Relations Board and after coordination with the installation's RLA.

4.1.4. Unions may not conduct internal elections or fundraisers on Air Force owned or controlled property.

4.2. Installation Access.

4.2.1. Installation access should be granted either for union representational duties or for union organizing purposes.

4.2.2. The contractor is responsible for requesting installation access for union representatives to conduct representational duties. The contractor must comply with all installation access procedures when arranging installation access for union representatives representing employees under the contractor's contract or at any subcontract tier.

4.2.2.1. Union representatives shall comply with all installation safety requirements. **(T-3)**.

4.2.2.2. Union representatives shall not be granted access to secure or controlled areas. **(T-3)**.

4.2.2.3. Union representatives shall not interfere with installation operations to include the contractor's activities. **(T-3)**.

4.2.2.4. Union representatives shall not use installation access for any reason other than for which installation access was expressly granted. This includes meeting with any other contractors' employees that were not stated in the installation access request. **(T-3)**.

4.2.2.5. Union representatives shall not conduct meetings, collect dues, or make speeches. **(T-3)**.

4.2.2.6. The LRC is responsible for requesting installation access for union representatives for organizing purposes. Requests should be in writing and include the name of the contractor's employees to be visited along with the proposed date, time, and location.

4.2.2.7. Union representatives may only visit with, and distribute union literature to, contractor employees not represented by the union. The visits must occur outside the contractor's work areas and during the employees' non-working hours (e.g., prior to work, scheduled breaks, after work, etc.).

4.2.3. A union's failure to comply with any of these requirements may result in revocation of installation access privileges.

William B. Roper, Jr.
Assistant Secretary of the Air Force
(Acquisition, Technology, & Logistics)

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

AFI 33-360, *Publications and Forms Management*, 1 December 2015

AFMAN 33-363, *Management of Records*, 1 March 2008

AFI 36-701, *Labor Management Relations*, 6 April 2017

AFI 36-703, *Civilian Conduct and Responsibility*, 30 August 2018

AFPD 64-1, *The Contracting System*, 6 November 2018

Federal Acquisition Regulation and Supplements (Part 22)

29 U.S.C. §§ 151-169 (*National Labor Relations Act of 1935*)

Prescribed Forms

None

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AF—Air Force

AFI—Air Force Instruction

AFMAN—Air Force Manual

AFPD—Air Force Policy Directive

DAS(C)—Deputy Assistant Secretary Contracting

LRC—Labor Relations Coordinator

MAJCOM—Major Command

RLA—Regional Labor Advisor

Terms

Contractor—A business entity performing an appropriated fund contract, non-appropriated fund contract, or other type of contract or agreement with the government (e.g., schools, banks, credit unions, etc.) at the prime or subcontract (all tiers) level. It does not include federal civilian personnel represented by an exclusively recognized union governed by AFI 36-701, *Labor Management Relations*.

Reserved Gate(s)—One or more installation gates designated by the installation commander that limits picketing, demonstrations, and other labor related activities to the designated gate(s). A reserved gate may be designated as exclusive or non-exclusive.

Exclusive Reserved Gate—A reserved gate that has been designated for the sole use by employees, vendors, and suppliers of the picketed contractor.

Neutral Gate—A gate that has not been designated for use by employees, vendors, and supplies of the picketed contractor and that may only be used by government employees, employees of contractors not involved in the dispute, and other neutral parties.

Non-exclusive Reserved Gate—A reserved gate that has been designated for use by employees, vendors, and suppliers of the picketed contractor but may also be used by neutral parties.

Attachment 2
SAMPLE COMMUNICATION

Figure A2.1. Sample Designated Reserved Gate Procedures Letter.

<Letterhead>

FROM: INSTALLATION COMMANDER

TO: (One copy goes to the contractor and/or subcontractor and one to the picketing union)

SUBJECT: Reserved Gate Procedures in the Event of Picketing

I have been advised that a labor dispute may result in picketing of (INSERT CONTRACTOR OR SUBCONTRACTOR NAME) during performance of contract (INSERT CONTRACT NUMBER) for (INSERT BRIEF CONTRACT DESCRIPTION) at (INSERT INSTALLATION NAME).

The Air Force maintains strict neutrality in contractor labor disputes. Consistent with this policy, I must make every effort to ensure the ability of the Air Force to perform its mission is not adversely affected by your dispute.

Accordingly, observe the following procedures for the duration of the dispute or until otherwise revoked by official action.

- a. Do not picket within the confines of the installation.
- b. All employees, vendors, and suppliers of (INSERT CONTRACTOR OR SUBCONTRACTOR NAME) will enter and exit the installation only through the following reserved gate(s): (INSERT NAME OF RESERVED GATE(S)).
- c. Confine demonstrations, including picketing, to the (INSERT NAME OF RESERVED GATE(S)).

The Air Force will post appropriate signs identifying the reserved gate(s) at all entrances to the installation. Direct any questions or concerns regarding these procedures to (INSERT INSTALLATION COMMANDER'S DESIGNATED POINT OF CONTACT) at (INSERT COMMERCIAL PHONE NUMBER).

INSTALLATION COMMANDER'S
SIGNATURE BLOCK

Figure A2.2. Sample Electronic Mail Message.

Attention all military and civilian personnel,

The (INSERT UNIT NAME) has become aware that a labor dispute may take place between (INSERT CONTRACTOR OR SUBCONTRACTOR NAME) and (INSERT UNIONNAME). For the duration of the dispute, pickets may be established at one or more entrances to the installation. Personnel must follow any special traffic directions given by Security Forces personnel or local law enforcement agencies. Under no circumstances will Air Force military or civilian personnel initiate, or participate in, actions in support of or against either of the aforementioned parties to the dispute. All personnel are reminded to remain strictly neutral and avoid any action, overt or otherwise, that would create the appearance of partiality and to refrain from expressing any position on the merits of the dispute.

INSTALLATION COMMANDER'S

SIGNATURE BLOCK