

**BY ORDER OF THE COMMANDER  
US AIR FORCES IN EUROPE-AIR  
FORCES AFRICA**

**UNITED STATES AIR FORCES  
EUROPE-AIR FORCES AFRICA  
INSTRUCTION 36-121**



**29 MARCH 2021**

**Personnel**

**NON-US CITIZEN EMPLOYEE WORK  
STOPPAGES**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This instruction implements Air Force Policy Directive (AFPD) 36-1, *Appropriated Funds Civilian Management and Administration*, AFPD34-3, *Non-Appropriated Funds Personnel Management and Administration*, and Air Force Instruction (AFI) 36-129 USAFE-AFAFRICASUP, *Civilian Personnel Management and Administration*. It provides guidance on developing and executing plans in the event of strikes, slowdowns, walkouts, and related work stoppages involving non-US citizen direct hire or indirect hire, where a work stoppage would impact the areas of safety, health, or cause a disruption of mission essential services. It is for use by all commanders and key managers who use and direct substantial numbers of non-US citizen employees or who manage programs whereby work stoppages would curtail operations and mission support activities. This instruction applies to all United States Air Forces in Europe, United States Air Forces Africa (USAFE-AFAFRICA) Regular Air Force units. It does not apply to the Air Force Reserve Command (AFRC) or Air National Guard (ANG) units. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) AFI 33-322, *Records Management and Information Governance Program*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). Ensure that these records are kept for the time necessary for purposes under host nation law (i.e. observing the respective statute of limitations and filing as court exhibits). Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of

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### **SUMMARY OF CHANGES**

This document has been substantially revised and needs to be completely reviewed. Major changes include: Updates to reflect changes to Local National (LN) work stoppage procedures. Incorporates substantial changes to the process of identifying and requesting military augmentees/manning assist. Removes all previously included provisions covering work stoppages of a non-US contractor workforce; includes **paragraph 8.1.6.**; which advises installation commanders to consult with the respective contracting officer for contractor-related workforce stoppages. Removes HQ USAFE/A5M equity; and Updates organizational office symbols and nomenclatures.

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**1. Purpose.** This publication identifies roles and responsibilities of installation management in case of Non-US work stoppages for example in the event of a strike. It establishes procedures for requesting military personnel as temporary stopgap measure.

**2. General Information.** A significant portion of USAFE-AFAFRICA’s work force consists of non-US citizen personnel employed under direct hire or indirect hire employment programs. The majority of these positions are in support functions and if their availability is lost through any type of work stoppage, it may seriously hamper or suspend operations. Effective emergency

planning is essential to assure continuation of operations, protection of government property, and the safety and welfare of US personnel and non-US employees who are not engaged in work stoppage activities.

**3. Knowledge of Host Country Labor Environment.** Whenever non-US citizens are employed, regardless of the employment system, commanders and management officials must acquire a working knowledge of host country labor-management relations and any collective labor agreements (CLA). The civilian personnel office (CPO), as the installation's primary advisor on host country civilian labor relations, provides training and advice on host nation labor relations practices and CLAs. The staff judge advocate (SJA) provides advice on international legal obligations, interpretations of host nation labor laws, and legal options available when work stoppages create issues relative to these labor laws and CLAs (i.e., law enforcement activities when access to an installation is blocked by striking workers or host country obligations under base rights agreements, etc.).

**4. Recognizing Potential Work Stoppages.** The highest potential for work stoppage occurs during collective bargaining. With this in mind, management enters negotiations ready to bargain in good faith and seek solutions, which reduce strike potential. Less obvious are conditions that may lead to wildcat strikes, demonstrations, and work slowdowns. Causes may cover a range of factors, such as internal union politicking, jurisdictional disputes, a perceived grievous management act, or host country affairs. Management should continually monitor the labor environment to identify potential problem situations, which may cause work stoppages or slowdowns. Normally, this type of spontaneous stoppage consists of a short duration (1 or 2 days), allows for limited response time, and produces more of an irritant than obstruction to operations.

**5. Efforts to Preclude Work Stoppages.** Within reasonable bounds, to the extent that USAFE-AFRICA bargaining interests and redlines are observed, and assuming that a compromise can be achieved between the opposing parties, management must strive to resolve strike conditions. Under some circumstances this may not be possible, i.e., arbitrary demands in collective bargaining that would produce unreasonable economic or operational precedents, jurisdictional disputes, responses to international issues, etc. When a work stoppage occurs, management should avoid actions that would agitate the situation, make resolution more expensive, or embarrass the US Government.

**6. Relationship of Economic Factors and Duration of Work Stoppages.** When workers of a local national direct or indirect employment program engage in strike activities, the employer may legally stop their pay. Due to the adverse financial impact on the LN workers and their unions, prolonged strikes are not likely to occur. Air Force work stoppage plans are developed based on a 30-day strike scenario.

#### **7. Personnel Augmentation/Manning Assistance.**

**7.1. Work Stoppages up to 10 Days.** The primary means of coping with work stoppages that are up to 10 days are accomplished by internal actions. Such actions may include realignment of the remaining workforce (US civilian, military, and non-striking foreign national employees), unless prohibited by international agreements and applicable host nation labor laws, extension of duty days, and curtailment of low priority support functions.

**7.2. Work Stoppages exceeding 10 Days.** If indications are that the strike could last beyond 10 days, external augmentation may be required. Base engineer emergency forces (Prime BEEF) contingency teams and other task groups may be deployed, unless it is determined that existing US-Host Nation agreements and/or host country labor laws prohibit outside augmentation. Work stoppage plans are developed to identify minimal external personnel augmentation to cover prolonged strike situations. Send intra-command tasking requests for personnel augmentation to the respective USAFE-AFAFRICA MAJCOM Functional Manager (MFM) and information copy USAFE-AFRICA/A1KE. Requests should possess actions used to resolve local situation, specific number of personnel, AFSC, skill-level, grade, and length of TDY required to resolve the issue.

**7.3. Funding for Augmentation.** Funding for external personnel augmentation is charged to the appropriate activity under existing US Air Force financial management directives and guidance. Installations will track all personnel augmentation costs using appropriate financial management procedures. In the event activity funds are not available, forward requests for funding to Financial Analysis Division (USAFE-AFAFRICA/FMA) for review and action.

## **8. Responsibilities:**

### **8.1. Installation Commanders:**

8.1.1. Develop a work stoppage emergency plan using the sample format provided in [Attachment 2](#), tailored to the local peacetime environment situation. **(T-2)**. Published work stoppage plans will:

8.1.1.1. Be referenced in appropriate operation plans.

8.1.1.2. Be designated "For Official Use Only" with distribution limited to key installation activities.

8.1.1.3. Be reviewed annually, and immediately following any work stoppage, to determine if changes are required (lessons learned).

8.1.1.4. Include organizations with significant numbers of non-US citizen employees who will designate representatives for a Work Stoppage Monitoring Group (WSMG).

8.1.1.5. Identify vulnerable workload by organization, position and incumbent name, which would be significantly impacted by a work stoppage of non-US personnel (mission impairing impact for that operation), with assistance of the CPO (or WSMG), functional managers and legal advice. Some countries' labor relations systems (e.g. Turkey) expect the employer to endure a high degree of hardship. Entirely substituting a striking workforce undermines the purpose and intent of lawful strike action and may be affected by US-host nation agreements and applicable host nation labor laws.

8.1.1.5.1. Decide to categorize positions and their incumbents under their authority who are essential to continue the mission as strike exempt (strike exempt list), especially if these are considered as essential to avoid serious harm to life or health of others. **(T-2)**. In accordance with US-host nation agreements and applicable host nation labor laws, strike exempt lists may have to be announced, officially posted at a designated location and in some cases coordinated with local union representatives. A local agreement on strike exempt

lists may also be helpful to cover short-term work stoppages, when unions are announcing a warning strike (e.g. Germany). Upon union agreement, the listed non-US employees are exempt from the participation at the strike. If no union agreement is reached, discuss options following US-host nation agreements and applicable host nation labor laws with the CPO and the legal office to ensure measures are taken to exempt positions and incumbents.

8.1.1.5.2. Decide on a case-by-case basis whether military augmentation for that workload is viable. The WSMG, with legal advice, will decide on the organizational functions requiring augmentation to avoid unbearable mission impact and the level of augmentation required.

8.1.2. Ensure the servicing CPO provides necessary guidance and training to key installation managers regarding local labor management relation issues.

8.1.3. In the event of a projected or actual work stoppage, convene a WSMG in accordance with the work stoppage plan and designate one individual as the WSMG chief.

8.1.3.1. The WSMG is the local point of contact for the respective MFMs.

8.1.3.2. The WSMG will include a designated representative of the installation commander, the SJA, and the Civilian Personnel Officer.

8.1.4. Provide copies of the work stoppage emergency plan and each revision to Personnel Division, USAFE-AFAFRICA/A1K, within 15 workdays of publication for distribution within the headquarters functional staff. **(T-2)**.

8.1.5. Advise the Personnel Division (USAFE-AFAFRICA/A1K) of all potential work stoppage situations, subsequent developments, and provide daily status report on stoppages in progress and actions taken to handle the situation. **(T-2)**.

8.1.6. Consult with Contracting Officer for work stoppages conducted by the respective contractor's workforce.

## 8.2. HQ USAFE-AFAFRICA MFMs:

8.2.1. Validate functional augmentation requirements identified by the installation in the appropriate functional annex of the work stoppage plan.

8.2.2. In the event of a projected or actual work stoppage, USAFE-AFAFRICA MFMs will determine final unit tasking for augmentees, coordinate with USAFE-AFAFRICA/A1KE when a work stoppage is anticipated to go beyond 10 days, and arrange transportation and logistic support requirements as needed for moving augmentees.

## 8.3. USAFE-AFAFRICA/A1K:

8.3.1. Serves as command point of contact for receiving information concerning potential or actual work stoppage situations involving direct-hire and indirect-hire non-US employees.

8.3.2. The Civilian Personnel Policy Branch (USAFE-AFAFRICA/A1KC) for foreign national personnel is the primary advisor on host country civilian labor matters for commanders, managers, and supervisors.

8.3.3. Provides command guidance on the development of work stoppage emergency plans.

8.3.4. Receives installation work stoppage emergency plans and distributes copies to the appropriate HQ USAFE-AFAFRICA functional staffs. USAFE-AFAFRICA/A1K reviews and maintains copies of all installation work stoppage emergency plans. When necessary, USAFE-AFAFRICA/A1K coordinates the work stoppage plan with other Department of Defense components, State Department, and host country officials.

8.3.5. Notifies USAFE-AFAFRICA/A1 of all situations in which a work stoppage is anticipated to last more than 10 days, and provides information that may impact augmentation requirements or implementation.

8.3.6. Provides status reports to HQ USAFE-AFAFRICA staff agencies on matters relating to work stoppages, as necessary.

#### **8.4. USAFE-AFAFRICA/A1KE:**

8.4.1. Serves as liaison between unit, MFM and AFPC for all military augmentation identified in the various installations' work stoppage emergency plans.

8.4.2. Once MFMs determine manning required to perform vulnerable workload cannot be provided from within the command, MFMs will advise squadron commanders to officially submit request for TDY manning assistance to HQ AFPC IAW AFI 36-2110, paragraph 3.14. Squadron commander will identify specific shortfalls and provide all actions used to resolve issue on official memorandum and addressed it to AFPC/DP3AM. Requests will be processed through respective group commander for validation. Consultation is recommended with the Military Personnel Flight Chief; however, the group commander maintains disapproval authority. If validated, squadron commander will forward to AFPC/DP3AM, Assignment Procedures organizational email in-box for processing with information copy to USAFE-AFAFRICA/A1KE.

SUSAN M. AIROLA-SKULLY, Colonel, USAF  
Director, Manpower, Personnel and Services

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

AFPD34-3, *Non-Appropriated Funds Personnel Management and Administration*, 13 June 2018

AFPD36-1, *Appropriated Funds Civilian Management and Administration*, 18 March 2019

DAFI33-360, *Publications and Forms Management*, 15 Dec 2018

AFI33-322, *Records Management and Information Governance Program*, 22 March 2020

AFI36-2110, *Total Force Assignments*, 5 October 2018

AFI36-129\_USAFE-AFAFRICASUP, *Civilian Personnel Management and Administration*

***Prescribed Forms***

None.

***Adopted Forms***

AF Form 679, *Air Force Publication Compliance Item Waiver Request/Approval*

AF Form 847, *Recommendation for Change of Publication*

***Abbreviations and Acronyms***

**AFSC**—Air Force Specialty Code

**CLA**—Collective Labor Agreement

**CPO**—Civilian Personnel Office

**IAW**—In Accordance With

**NAF**—Numbered Air Force

**OPLAN**—Operation Plan

**PRIME BEEF**—Base Engineer Emergency Forces

**RC**—Responsible Commander

**SJA**—Staff Judge Advocate

**TDY**—Temporary Duty

**US**—United States

**USAFE-AFAFRICA**—United States Air Forces in Europe and Air Forces Africa

**WSMG**—Work Stoppage Monitoring Group

*Terms*

**Collective Labor Agreement**—A labor contract, resulting from collective bargaining, that defines responsibilities and actions of an employer and the representative union or agent of the employees over a specified timeframe.

**Command Labor Relations Advisor**—The office of primary responsibility for this function is HQ USAFE-AFAFRICA/A1K.

**Contractor Employee**—An employee hired in support of a major service contract.

**Direct Hire Program**—An employment system where the US Forces are legal employer and responsible to perform the full range of labor administration and management of non-US citizen employees, from recruitment through termination.

**Indirect Hire Program**—An employment system involving the host government as legal employer of non-US citizen personnel utilized by the US Forces. The system is required to maintain the US Government's sovereign immunity wherever host government labor laws subject the employer to court proceedings on individual employee claims or to collective bargaining on labor agreements coupled with recourse to the courts on agreement disputes.

**Slowdown**—A non-strike tactic involving a marked reduction in worker production designed to protest a management action or to gain a specific concession.

**Strike**—A legally sanctioned work stoppage invoked by a group of employees to attempt to force employer compliance with the group's demands.

**Strike Exempt List**—List of positions as identified by the employer occupied by non-US citizen personnel who are essential to continue the mission, and may not participate in a strike. In accordance with US-host nation agreements and applicable host nation's labor laws, the list may require agreement with a union, or third party adjudication, if union contest.

**Warning Strike**—A lawful short-term work stoppage invoked by a union, typically to reinvigorate failing negotiations for a labor agreement or a pay increase.

**Wildcat Strike**—A spontaneous, non-sanctioned strike that may involve any number of employees.

**Work Stoppage Monitoring Group (WSMG)**—A group of key base officials established and activated locally during work stoppages to monitor operations, receive strike incident reports, answer inquiries, coordinate actions, and provide labor relations guidance.

**Attachment 2****WORK STOPPAGE EMERGENCY PLAN (TOPICAL OUTLINE).****A2.1. Overview of Local Labor Situation:**

A2.1.1. Compendium of applicable host country labor laws concerning strikes and other work stoppages. **(T-2)**.

A2.1.2. List of representative labor organizations. Include estimated or known membership (percentage of employee unionization), as well as the names and titles of labor organization officials. **(T-2)**.

A2.1.2.1. List strike-exempt positions occupied by non-US citizen personnel, if appropriate under law or collective agreement. **(T-2)**.

A2.1.2.2. List collective labor agreement running time and renegotiation date. **(T-2)**.

A2.1.2.3. List past stoppages, to include assessment of known causes, duration, means of resolution and lessons learned. **(T-2)**.

**A2.2. Work Stoppage Emergency Planning and Operations:**

A2.2.1. Preplanning:

A2.2.1.1. Designate WSMG positions and responsibilities. **(T-2)**.

A2.2.1.2. Labor situation data collection and analysis. **(T-2)**.

A2.2.1.3. Incident reporting (i.e., illegal acts, property damage). **(T-2)**.

A2.2.1.4. General ground rules for personnel augmentation. **(T-2)**.

A2.2.1.5. Internal adjustments. **(T-2)**.

A2.2.1.6. External needs for a prolonged strike:

A2.2.1.6.1. If local determination is made that work stoppage may exceed 10 days resulting in serious mission degradation, forward request for external personnel augmentation to HQ USAFE-AFAFRICA/A1KE. **(T-2)**.

A2.2.1.6.2. Identify in the request the required number of personnel by Air Force specialty code (AFSC) skill level, additional special experience and training, required tools, equipment, and clothing, requested reporting date, and number of days temporary duty (TDY) required (including travel time). **(T-2)**.

A2.2.2. List the Dos and Don'ts concerning legally acceptable actions by the US Forces members in consultation with the SJA. **(T-2)**.

A2.2.3. Operation plan training plan and schedule for managers and supervisors. **(T-2)**.

A2.2.4. Emergency Operations. List specific and detailed plans by functional area as annexes and document in a day-to-day format (i.e. strike day 1 [S-1], [S-2], etc.). External personnel augmentation needs are detailed, but may not begin before day S-11. List following annexes in the OPLAN: Personnel, Civil Engineer, Logistics, Legal, Medical, Security, Communication and Information, Financial Management, and Public Affairs. **(T-2)**.