

Subchapter 4. Employee Associations

4-1. Purpose

This DPM subchapter establishes policy and procedures governing the operation of employee associations within the Department of Transportation (DOT), and the relationships between DOT and such associations. This DPM subchapter states the responsibilities of DOT management officials and employee association officials and the requirements for the organization and operation of employee associations, including the requirements that an association must meet to receive the privileges authorized by this subchapter.

4-2. Policy

DOT recognizes that employee associations may contribute to employee welfare and morale, and assist in fostering a climate of diversity and inclusion. DOT may support employee associations by granting such associations the various privileges stated in paragraph 12 of this subchapter. However, responsibility for the organization and management of employee associations remains with the employees themselves. When it is determined by an appropriate management official that such recognition is in the best interest of the Department or an Operating Administration, such recognition shall be made. Recognition of employee associations shall be made without regard to race, color, creed, sex, sexual orientation, religion, national origin, age, marital status, political affiliation, disabling condition, or membership in a labor organization.

4-3. Scope

These policies apply to formally organized employee associations.

4-4. Definitions

a. Employee Association(s) means a formally organized group whose primary purpose is to contribute to DOT employee welfare and morale. Excluded from coverage under this subchapter are:

(1) activities operated principally for the benefit of military personnel, such as enlisted personnel or officers' clubs;

(2) labor organizations as defined in Title 5, United States Code, Section 7103(a)(4);

(3) credit unions chartered by the National Credit Union Administration;

(4) informal office groups, such as "flower" or "sunshine" funds, where money is collected from employees to cover incidental expenses such as birthday celebrations; and

(5) Employee Recreation Associations as defined by DPM Chapter 1000, Subchapter 3.

b. Management Official(s) means the Assistant Secretary for Administration, Office of the Secretary (OST), the Inspector General, and the Heads of Operating Administrations and their designees.

4-5. Responsibilities and Authorities

a. The Assistant Secretary for Administration shall:

(1) establish, oversee and administer departmental policy with respect to employee associations, and also ensure compliance with this subchapter by existing and new employee associations with membership solely from employees of OST, and from employees of more than one Operating Administration;

(2) recognize new employee associations with membership solely from employees of OST, and from employees of more than one Operating Administration.

b. Heads of Operating Administrations and the Inspector General shall:

(1) ensure compliance with this subchapter by existing and new employee associations representing only employees in their respective organizations;

(2) recognize new employee associations with membership only from employees in their respective organizations;

(3) provide such reports as requested by the Assistant Secretary for Administration, which will include a statement that each

recognized employee association meets the criteria set forth in this subchapter; and

(4) ensure that relationships with employee associations do not improperly interfere with obligations owed to labor organizations under the Federal Labor Management Relations Statute (5 U.S.C. Chapter 71).

c. Delegations of Authority. The Assistant Secretary for Administration and the Heads of Operating Administrations (including the Inspector General) may delegate the responsibilities and authorities under this subchapter. Delegations must be in writing.

d. The Departmental Director of Personnel shall review annually the operation of recognized employee associations to determine consistency with the requirements of this subchapter. Findings shall be reported to the Assistant Secretary for Administration, as required.

4-6. Authorization Procedures

a. Existing Employee Associations. To be granted the privileges authorized by this subchapter, employee associations must meet the criteria set forth in this subchapter. Appropriate management officials shall issue written determinations that associations are in compliance with the criteria.

b. New Employee Associations. Whenever a group of DOT employees proposes to organize an employee association, they must make a written request to the appropriate management official for DOT or Operating Administration recognition. Requests must include a copy of the charter, bylaws, statement of purpose, and constitution or equivalent of the association; and a list of names, positions, and telephone numbers of the current board of directors (officers, executive committee, and/or supervisory committee). The management official shall first determine if it is in the best interest of the Department or Operating Administration to recognize the association and whether the association complies with the criteria set forth in this subchapter. To be granted the privileges authorized by this subchapter, all new employee associations must be recognized in writing by an appropriate management official.

c. Operating Administrations. The Heads of Operating Administrations and the Inspector

General shall report in writing to the Assistant Secretary for Administration or his/her designee the recognition of any new associations within their respective organization no later than 30 days after such approval is given.

d. Nonrecognized Employee Associations. Employee associations which do not seek departmental recognition, or are not granted recognition by an appropriate management official, shall not be granted the privileges authorized by this subchapter and shall not use the Department's name or initials, nor those of an Operating Administration in connection with their activities.

e. Withdrawal of Authorization.

(1) The responsible management official, as a condition of the continued granting of the privileges authorized by this subchapter, may, at any time, require appropriate evidence from the employee association of compliance with the requirements and policy stated in this subchapter.

(2) Authorization to use the name or initials of the Department or an Operating Administration in the employee association's name and the granting of the other privileges authorized by this subchapter shall be withdrawn whenever the responsible management official determines that the employee association is not complying with the requirements of this subchapter. Before the withdrawal of privileges, the responsible management official will give written notice to the employee association of the noncompliance, and the corrective actions needed by a specific date.

4-7. Requirements

Employee associations seeking Department or Operating Administration recognition must meet and continually comply with the following conditions:

a. Membership and participation in employee associations shall be open to all employees of the Department without regard to race, color, creed, sex, sexual orientation, religion, national origin, age, marital status, political affiliation, disabling condition, or membership in a labor organization.

b. All activities sponsored by DOT employee associations must be open to participation by all of its members.

c. The employee association must be formally organized for one or more specific purposes primarily related to the benefit of or service to employees of DOT such as:

- (1) social, entertainment, and recreational affairs;
 - (2) athletic activities, games and hobbies;
 - (3) cultural and educational pursuits;
- and

(4) professional development that will foster the employment issues of specific groups, such as women's groups, minority professional groups and position specific groups.

d. The employee association must have a constitution and bylaws (or their equivalents), copies of which must be readily available to its members and prospective members for review. The constitution and bylaws must be recognized by an appropriate management official.

e. The employee association must be democratically organized and operated. All DOT employees working in the geographical area which the association is intended to serve must be eligible for membership at their option and assessed dues on an equal basis with other members.

4-8. General Limitations

a. The activities, programs, products or services of any DOT or Operating Administration recognized employee association shall not be represented, directly or indirectly, as being official functions or activities of the Department or any official thereof.

b. Employee associations may not engage in any activities which reflect adversely on DOT or an Operating Administration.

c. Except as provided below, DOT or Operating Administration appropriated funds may not be used for services or activities of employee associations.

4-9. Organization

a. Membership Control. Employee associations shall provide in their statement of purpose, charter, or constitution that the association is democratically organized and operated. The employee association shall have a governing body (such as a board of directors or council) elected from the association membership.

b. Association Management. The bylaws of the employee association shall carefully and explicitly define the functions and authorities of the governing body and officers. Such functions and authorities shall, in total, provide a comprehensive set of duties and responsibilities for the management of the employee association's affairs.

4-10. Conflict of Interest

In order to ensure that the business and activities conducted by the employee association does not result in the personal gain of any individual, each employee association shall include in its bylaws (or equivalent), a prohibition that association officers, members of governing bodies, and association employees: 1) shall not accept gratuities or any other benefits, directly or indirectly, from sellers of goods or services doing or soliciting business with the association; and 2) shall not receive special discounts over and above those available to members.

4-11. Minutes

Employee associations shall make available for inspection by all members of the association copies of minutes of meetings of the association and copies of the minutes of meetings of the governing body.

4-12. Privileges

Any employee association which meets the requirements and general limitations of this subchapter may be granted privileges as set forth below. Any or all privileges that are granted may be withdrawn at any time whenever such action is deemed to be in the best interest of the Department or an Operating Administration. Employee associations recognized under this subchapter may be granted the following:

a. Use of the name or initials of the Department or an Operating Administration, but not use of the DOT or an Operating Administration's seal, in the employee association's name, provided it is made clear that it is an association for DOT employees, and not an official organization of the Department or its Operating Administrations.

b. Use of available space at DOT facilities subject to General Service Administration building use, safety and security regulations, 41 CFR Part 101-20 and applicable DOT

requirements for use of such facilities, and provided such use of space will not interfere with the normal operations or functions of the DOT mission. Space that may be available consists of conference rooms, unoccupied offices, cafeterias and similar Government owned or leased space.

c. Use of designated bulletin boards provided that the literature posted thereon receives prior authorization by an appropriate management official.

d. Use of DOT's internal mail distribution facilities provided it does not interfere with the conduct of official business. Use will occur only when prior authorization has been obtained from an appropriate management official who has determined that the materials or literature being distributed will contribute to the efficiency of the service or meet the reasonable needs of employees.

e. Use of official DOT employee newsletters, on a space-available basis, for conveying information to meet reasonable needs of employees such as:

(1) educational announcements or developmental activities sponsored by employee associations;

(2) announcements of artistic or cultural activities; and

(3) special interest group announcements promoting equal opportunity or announcing meetings, entertainments, and social affairs.

f. Use of official time by officers and/or members of the governing bodies of DOT recognized employee associations provided:

(1) their use of official time is authorized in advance by their supervisors;

(2) employees do not devote substantial periods of official time for such purposes; and

(3) the official business of the Department is not interfered with.

g. Authorization to distribute promotional materials and literature on Federal premises during non-working time in non-working areas subject to safety and security regulations.

h. Use of any other privileges as may be reasonably allowed by appropriate management officials.