Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 251

RIN 3206-AG38

Agency Relationships With Organizations Representing Federal Employees and Other Organizations

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing proposed regulations governing agency relations with managerial, supervisory, professional, and other organizations that are not labor organizations. These regulations are being issued as part of the implementation of the Federal Personnel Manual (FPM) sunset. The regulations incorporate certain provisions that existed in former FPM chapters 251 and 252.

DATES: Comments on the proposed regulations must be received on or before December 1, 1995.

ADDRESSES: Send or deliver written comments to Phyllis Foley, Chief, Labor-Management Relations Division, Office of Personnel Management, Room 7412, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Hal Fibish at 202–606–1170.

SUPPLEMENTARY INFORMATION: One of the recommendations of the September 1993 Report of the National Performance Review (From Red Tape to Results: Creating a Government that Works Better and Costs Less) was that the FPM should be "sunset." Following consultation with agencies and other interested parties, the Director of the Office of Personnel Management (OPM) issued a memorandum abolishing the FPM as of December 31, 1993, except for certain provisionally retained materials.

The proposed regulations would continue, with some modifications, certain provisions that were in former FPM chapters 251 (Intramanagement Communications and Consultation) and 252 (Agency Relationships with Professional Associations and Other Organizations). These chapters were sunset as of December 31, 1993; but they contained material that does not exist elsewhere and that were of assistance to agencies in dealing with the affected associations and organizations. OPM, mindful of the need to keep regulations to a minimum, has nevertheless determined that it is necessary to issue regulations because of the significance of this matter.

Subpart A provides a general framework for dealing with organizations other than labor organizations that represent Federal employees and with other organizations. Criteria for establishing consultative relationships with organizations that are covered by this part are primarily derived from section 1-3a of former FPM chapter 251 and section 1–5 of former FPM chapter 252. In addition, section 251.101(f) reminds employees that 18 U.S.C. §§ 201-216, as interpreted by the Office of Government Ethics and the Department of Justice, places restrictions on a wide range of activities by Federal employees, including representational activities on behalf of organizations that are not labor organizations, and advises them to consult with their designated agency ethics official for guidance regarding any conflicts of interest which may arise.

Subpart B provides instructions on dealing with organizations representing Federal employees. Section 251.201, based on subchapter 1 of former FPM chapter 251, requires agencies to establish systems for intramanagement communications and consultation with supervisors and managers and associations of supervisors and managers. Section 251.202, based on former FPM chapter 252, provides a framework for dealing with organizations that are not supervisory or managerial. Note that while agencies are required to communicate and consult with associations of supervisors and managers, such dealings with other organizations representing Federal employees are discretionary. Such dealings, however, can be mutually beneficial to the agency and the members of the organizations. Section

251.203 provides information on what support may be granted organizations.

Subpart C provides information on dues withholding. Section 251.301 references 5 CFR 550.331, which requires agencies to provide for dues withholding for supervisory and managerial associations. Section 251.302 indicates that agencies may, but are not required to, provide dues withholding for other organizations.

E.O. 12866, Regulatory Planning and Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will only affect Federal Government employees and non-labor organizations representing such employees.

List of Subjects in 5 CFR Part 251

Government employees.

U.S. Office of Personnel Management.

James B. King, Director.

Accordingly, OPM is proposing to add 5 CFR Part 251 as follows:

1. Part 251 is added to read as follows:

PART 251—AGENCY RELATIONSHIPS WITH ORGANIZATIONS REPRESENTING FEDERAL EMPLOYEES AND OTHER ORGANIZATIONS

Subpart A—General Provisions

- Sec.
- 251.101 Introduction.
- 251.102 Coverage.
- 251.103 Definitions.

Subpart B—Relationships With Organizations Representing Federal Employees and Other Organizations

- 251.201 Associations of supervisors and management officials.
- 251.202 Agency support to organizations representing Federal employees and other organizations.

Subpart C—Dues Withholding

- 251.301 Associations of supervisors and management officials.
- 251.302 All other organizations.
- Authority: 5 U.S.C. § 1104; 5 U.S.C. chap. 71; 5 U.S.C. § 7135; 5 U.S.C. § 7301; and E.O.
- 11491