

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DEPARTMENTAL REGULATION		Number: DR-4020-251
SUBJECT: Associations of Management Officials and/or Supervisors and Other Organizations	DATE: July 27, 2005	
	OPI: Office of Human Capital Management – Performance Management and Policy Division	

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1 PURPOSE

This regulation establishes USDA policy dealing with established associations of management officials and/or supervisors, employee organizations and professional associations other than labor organizations as defined in chapter 71 of title 5, U.S. Code (Federal Service Labor Management Relations Statute (FSLMRS), whose membership is comprised primarily of USDA employees. It is intended to ensure the Department complies with provisions of 5 C.F.R. 251. It does not address organizations or associations established outside USDA, of which USDA employees may be members, or USDA organizations formed to promote the social, welfare, and recreational interests of Department and agency employees.

2 SPECIAL INSTRUCTIONS/CANCELLATIONS

This regulation replaces Departmental Regulation DR 4020-251, dated January 24, 2005, which at that time replaced Personnel Manual Chapter 252, Amendment 213, dated October

28, 1991, and Personnel Bulletin No. 252-1, dated March 11, 1999, as they pertained to all associations and organizations except welfare and recreation organizations. This issuance is made to make minor technical changes in Section 3, wherein the organizations named as examples for the definitions were removed, and to the Declaration Statement (Appendix A) to conform with 7 CFR Part 15d.

3 DEFINITIONS

- a **Association of Management Officials and/or Supervisors (Supervisory/Managerial Association)** means a established association comprised primarily of USDA management officials and/or supervisors, which is not eligible for recognition under the FSLMRS or comparable provisions of other laws, and which is not affiliated with a labor organization or federation of labor organizations. The purpose of such associations may include providing consultation services to USDA executives concerning the identification and resolution of agency operational issues, including problems affecting working conditions of supervisors and managers.
- b **Employee Organization** means a established organization, other than a labor organization, Supervisory/Managerial Association, or Professional Association, made up primarily of USDA employees whose purpose may include providing information, views and services that contribute to improved USDA agency operations, personnel management, and employee effectiveness. Such an organization may be a group of employees focused on matters related to civil rights, social, consumer, cultural, or safety, or similar issues
- c **Professional Group or Association (Professional Association)** means a established organization (or local chapter of such organizations), other than a labor organization, Supervisory/Managerial Association or Employee Organization, whose membership consists primarily of USDA employees within a recognized professional, technical or managerial field of work that normally requires credentials acquired from an institution of higher learning or a course of specialized instruction. Typically, the primary purpose of such groups or associations is to improve their profession and advance professional growth and development of their respective members in their career field. A professional group or association may include members of several professions or disciplines.
- d **USDA employee**, for the purposes of this regulation, means both Federal civilian employees as defined under 5 U.S.C. 2105, and USDA county committee employees, as defined under 16 U.S.C. 590h.

4 **POLICY**

USDA only recognizes established Supervisory/Managerial Associations, Employee Organizations and Professional Associations who meet the coverage requirements set forth in [5 C.F.R. 251.102](#), as determined by the Director of the Office of Human Capital Management (OHCM). Recognition does not infer Departmental sponsorship, sanction, or endorsement of the organization or its activities. Moreover, because such organizations are not Federal entities, employees are not performing official duties while engaged in organization activities. Use of official time for employees attending organization-sponsored meetings and events may be authorized subject to the conditions contained in this policy.

Support to recognized Supervisory/Managerial Associations, Employee Organizations and Professional Associations will be specifically limited to the activities listed below as authorized by the agency's Human Resource Management Director or designee. In making this determination, the subject activity must comply with applicable statutes/regulations (including [5 C.F.R. 2635, Subpart H](#), ethics regulations pertaining to outside activities), and in the case of meeting attendance, the event benefits agency programs or is part of an established employee development program consistent with 5 C.F.R. Part 410.

Listed activities are not entitlements. Authorization is subject to the availability of resources and agency funds, work priorities and other bona fide management considerations.

- a Reasonable use of agency equipment and administrative support services for employees to prepare professional papers in conjunction with their role or membership in a professional association where there is a benefit to the agency.
- b Payment for travel, per diem, tuition and official time to attend professional association meetings where the agency will benefit directly.
- c Authorization of excused absences for employees willing to pay their own way to attend professional association meetings where benefit to the agency is evident.
- d Use of meeting space in USDA facilities on a space available basis.
- e Use of designated bulletin boards and other areas for display as consistent with building policy, USDA internal mail system, and electronic mail to notify its members about meetings and organization or group activities provided such activity does not interfere with conducting official business. USDA-recognized associations and employee organizations are not authorized to use agency-developed and controlled all-employee mailing lists to send broadcast messages.

These limitations do not preclude the attendance of USDA employees at training events or meetings that may be sponsored by USDA-recognized supervisory/managerial associations or employee organizations as part of an approved employee development plan, or authorized as part of an employee's official duties.

Supervisory/Managerial Associations, Employee Organizations and Professional Associations are specifically prohibited from using agency office space, equipment and administrative support services to engage in fund raising, lobbying efforts, or litigation-related activities in which the United States or USDA is a party or has a direct substantial interest.

An association or other employee organization may use the name of the Department or an Agency in its name provided it is made clear that the association or organization is not an official organization of the Department or Agency.

USDA managers must not bypass a labor organization with exclusive recognition rights as provided for under Chapter 71 of Title 5 of the U.S. Code or comparable provisions of other laws, to meet with or negotiate with an association or employee organization on grievances or matters affecting conditions of employments of bargaining unit employees.

5 RECOGNITION PROCEDURES

- a In order to be recognized as a Supervisory/Managerial Association, Employee Organization, or Professional Association within USDA, and therefore become eligible for coverage under this regulation, the Director of OHCM must certify that the conditions in 5 C.F.R. 251.102 are being met. Procedures for recognition are as follows:
 - (1) The President or duly authorized official of the Association (Supervisory/Managerial or Professional) or Employee Organization must submit a copy of the group's Constitution and Bylaws along with a signed Association or Employee Organization Declaration Statement, to the OHRM Director. See Appendix A.
 - (2) The Director, OHCM will review the documents and initiate any necessary follow up action in order to determine whether conditions set forth in 5 C.F.R. 251.102, are being met.
 - (3) Upon determining such conditions are met, the Director OHRM will issue a memo to the President of the Association or Employee Organization recognizing the group under these regulations. Recognition will be conditional on the group continuing to meet provisions of 5 C.F.R. 251.102, as determined by Director OHCM.
 - (4) The Director OHCM will maintain a listing of all Associations and Employee Organizations recognized by USDA and post this list on the USDA OHCM web site.
- b After being recognized, the Association or Employee Organization must provide the Director OHCM with any changes to their Constitution, Bylaws, as well as updated contact information for their President within 30 days after the change occurs.

6 DUES ALLOTMENTS

- a Consistent with [5 C.F.R. 550.331](#), for Associations (Supervisory/Managerial or Professional) and Employee Organizations, the Director, OHCM or designee may authorize the automatic allotment of dues to an Association or Organization provided that the following conditions are met:
- (1) Authorization to establish automatic dues allotments for members of an Association must be established in a Memorandum of Understanding (MOU) between the Director of OHCM and President of the Association or Organization. A sample MOU is provided as Appendix B.
 - (2) To justify administrative costs associated with setting up an allotment program; the Association or Organization must have at least 200 USDA employee members who may request dues withholding. [Note: The 200 employee requirement will be applied prospectively, with no effect on current organizations receiving automatic dues allotments for their members.] Additionally, bi-weekly withholding for amount dues cannot be less than (\$1.00).
 - (3) The Association or Organization must allow its USDA employee members to voluntarily revoke their dues allotment at least quarterly. Revocation requests must be submitted in writing from the employees and processed through their Servicing Personnel Office in accordance with terms of the MOU described in (1).
 - (4) Dues allotment requests must be initiated on a Request for Payroll Deductions for Association Dues, Form AD-1054.
- b As an option to establishing automated dues allotment, members of Associations or Employee Organizations may set up individual financial allotments to pay dues. Arrangements for such allotments must be made directly between the employee member and their Servicing Personnel Office using a Direct Deposit Sign Up Form, SF 1199A.

APPENDIX A

DECLARATION STATEMENT
FOR
ASSOCIATIONS OF MANAGEMENT OFFICIALS OR SUPERVISORS,
USDA EMPLOYEE ORGANIZATIONS, or PROFESSIONAL ASSOCIATIONS

Name of Association
or Employee Organization:

This Declaration Statement is submitted in accordance with Departmental Regulation 4020-251, in fulfillment of requirements necessary to receive recognition by the USDA.

On behalf of this Association or Employee Organization, I declare the following statement to be true.

This Association or Employee Organization:

1. Is a nonprofit organization whose membership is primarily made up of USDA employees,
2. Has a current Constitution and Bylaws (copy attached),
3. Does not discriminate in terms of membership or treatment of its members because of race, color, religion, sex, national origin, age, sexual orientation, disability, marital status., familial status, or because all or part of an individual's income is derived from any public assistance program, and
4. Will not assist or participate in any strike, work stoppage or slowdown against the USDA, or advocate the overthrow of the Constitutional form of Government of the United States.

President

Date

Contact information: Name of President

Association or
Organization Address

Phone number

E-mail

Attachment: Constitution and Bylaws

APPENDIX B
SAMPLE MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. DEPARTMENT OF AGRICULTURE
AND
NATIONAL ASSOCIATION OF XYZ

The parties to this Memorandum, the National Association of XYZ, herein after referred to as NAXYZ, and the U.S. Department of Agriculture, hereinafter referred to as USDA, enter into this agreement for the purpose of establishing a mutually beneficial dues withholding agreement.

1. This Memorandum of Understanding is subject to and governed by regulations issued by the Office of Personnel Management (5 CFR 550.301, 550.311, 550.312, 550.113, and 550.331), and will be modified as necessary by any future amendments to said rules, regulations and law.
2. USDA will permit any employee of USDA who is a member of NAXYZ to make a voluntary allotment for the payment of dues to NAXYZ. Such deductions shall begin after certification of this agreement by USDA and upon request by the appropriate association official and shall be at no cost to NAXYZ. Prior to the processing of any voluntary allotments, the Association must furnish USDA-OHCM information necessary for the USDA-National Finance Center to electronically transfer funds to a financial institution designated by the Association, to include; the account type, taxpayer ID number, account number and routing number. This Memorandum of Understanding shall be made part of every future agreement between USDA and NAXYZ and shall be the only authorized method for obtaining dues withholding.
3. An employee requesting dues withholding shall obtain an AD-1054, "Request for Payroll Deductions for Association Dues", from NAXYZ and shall file the completed AD-1054 with the designated NAXYZ officer. The employee shall be instructed by NAXYZ to complete Section A of the form. No number shall appear in block 2 of the form except the employee's Social Security number.
4. The NAXYZ authorized official will certify on each AD-1054 that the employee is a member in good standing of NAXYZ; insert the amount to be withheld; and submit the completed AD-1054(s) and a covering memo to the Servicing Personnel Office (SPO) of the USDA Agency involved. The SPO shall certify the employee eligibility for dues withholding, insert the NAXYZ code and, process the form(s). The SPO will promptly sign and note the effective pay period on the cover memo and return a copy to NAXYZ.

When the SPO determines that an AD-1054 cannot be processed, the SPO shall promptly return the form to the Association, annotated with the reason for its return. Dues deductions, to be taken in the order of precedence under law, will not be made for employees who do not receive compensation sufficient to cover the total amount of the dues allotment.

5. Deductions will be made each pay period and remittances made by electronic funds transfer (EFT) on the Department's payday to the payee designated by the Association. A grace period of 7 days will be permitted in unusual circumstances. The NFC shall also promptly forward to NAXYZ a hardcopy listing of dues withheld via regular mail. The listing shall show the name of each member employee from whose pay dues were withheld, the employee's Social Security number, the amount withheld, the code of the employing agency, and any specific branch or chapter number to which each employee belongs. The listing will be in alphabetical order by the employee's last name. Each listing shall be summarized to show the total number of members for whom dues were withheld, the total number of dues withheld in each pay grade, the total amount withheld, and amount due to the branch or chapter. The list will also include the name of each employee member for that branch or chapter who previously made an allotment for whom no deduction was made that pay period, whether to leave without pay, insufficient pay, or dues cancellation. Such employees shall be designated with an appropriate explanatory term.
6. The amount of dues certified on the AD-1054 by the authorized Association official (see Section B) shall be the amount of regular dues, exclusive of initiation fees, assessment, back dues, fines, and similar charges and fees. One standard dues amount for all employees will be specified. If there should be a change in the dues structure or amount, the authorized Association official shall notify the appropriate SPO. If the change is the same for all members of the branch or chapter, a blanket authorization may be used which involves a varying dues structure, and then a revised rate schedule will be provided to the SPO. The SPO shall add the NAXYZ code and promptly forward the certification to the NFC. The change shall be effected at the beginning of the first full pay period after the certification is received by the NFC which shall be no later than 30 days after the Association provides written notification to the SPO of the change in dues. Only one such change to the dues structure may be made in any 12-month period.
7. An employee may voluntarily revoke an allotment for the payment of dues by completing a AD-356A, "Cancellation of Withholding of Dues to Labor Organizations and Associations of Supervisors and Managers" or by memorandum in duplicate, and submitting this form to the appropriate SPO. If the employee uses a written request, it must contain all the information required by the AD-356A. The SPO shall process the revocation effective as of the first full pay period the revocation was received by the SPO. The SPO shall verify the information and forward an official copy of each revocation to NAXYZ. This official copy will be appropriate notification for the revocation.
8. USDA will terminate an allotment:
 - a. As of the beginning of the first full pay period following withdrawal of USDA recognition of the Association;
 - b. At the end of the pay period during which an employee member is separated from USDA;

- c. As of the beginning of the first full pay period following receipt of notice from the NAXYZ Secretary/Treasurer that an employee member has ceased to be a member in good standing; or
 - d. As of the beginning of the first full pay period following receipt of revocation from the employee member as provided in section 7.
9. The parties to this agreement recognize that problems may occur in the administration of this agreement and the dues withholding program. The parties agree to exchange names, addresses, and telephone numbers of responsible officials and/or technicians of NAXYZ and USDA to facilitate resolution of problems. These individuals shall cooperate fully in an effort to resolve any issue relating to dues withholding under the terms of this Memorandum of Understanding. This does not constitute a waiver of any legal, regulatory, or contractual right.
 10. The USDA incurs no liability in connection with any authorized dues allotment disbursed in accordance with an employee's request. Any disputes regarding any authorized allotment are a matter to be resolved between NAXYZ and the employee.
 11. This Memorandum of Understanding shall remain in effect at the discretion of the Director of Office of Human Capital Management provided NAXYZ is recognized as an association under USDA regulations. Either party may propose amendments annually, before the anniversary date of the signing of this agreement.
 12. The initial dues deduction capability for the NAXYZ will be in place no later than 6 weeks from the date that this Memorandum of Understanding is signed.

Agreed and signed: _____

Director, Office of Human Capital Management, USDA	_____ President, NAXYZ
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