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AR 600-80

ARMY REGULATION
No. 600-80

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON DC 3 January 1978

PERSONNEL—GENERAL

RELATIONSHIPS WITH ORGANIZATIONS WHICH SEEK TO REPRESENT MEMBERS OF THE ARMY IN NEGOTIATION OR COLLECTIVE BARGAINING

Effective 15 January 1978

Local supplementation of this regulation is not permitted without the approval of HQDA. If supplementation is desired, Army Staff agencies and major Army commands will forward the proposed supplement to HQDA (DAPE-HRL), WASH, DC 20310 for approval.

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1. Purpose. a. This regulation implements DoD Directive 1354.1, 6 October 1977, which establishes policies and procedures and prohibits certain conduct with respect to organizations whose objective is to organize or represent members of the Armed Forces for purposes of negotiating or bargaining about the terms or conditions of military service.

b. The guidance provided herein does not and is not intended to modify or diminish the existing authority of commanders to control access to or maintain order and discipline on military installations; and it does not and is not intended to modify or diminish the obligations of commanders and supervisors regarding organizations representing Department of Army civilian employees as outlined in Executive Order 11491.

2. Scope and applicability. a. This regulation prohibits and regulates certain conduct of individuals as well as that of organizations which seek to represent members of the Army in negotiation or collective bargaining concerning the terms or conditions of military service. The provisions of this regulation are to be enforced against individuals and organizations who violate this regulation. The prohibitions of this regulation that are applicable to persons subject to the Uniform Code

of Military Justice are punitive in nature. Violations of any part or portion of this regulation are punishable as violations of a lawful general regulation under the provisions of the Uniform Code of Military Justice and such other statutes as may be applicable.

b. The provisions of this regulation apply to—
(1) Active duty Army personnel, members of the Army Reserve and members of the Army National Guard of the United States while serving in their military capacity, and civilian employees of the Department of the Army, and
(2) Individuals and groups entering, using or seeking to enter or use military installations.

3. Explanation of terms. For the purpose of this regulation the following definitions and explanation of terms will apply:

a. "Member of the Army" includes all personnel serving on active duty or active duty for training and members of the Army Reserve and the Army National Guard of the United States while performing periods of inactive duty training or otherwise serving in their military capacity.

b. "Military installations" include all installations, bases, sites, facilities, ships, aircraft, and other property controlled by the Department of

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the Army. In the event that an Army unit is collocated on an installation controlled by another service, the term military installation includes the facility used by Army elements in conducting military duties. For purposes of this regulation, military installation also includes any installation constructed or supported wholly or partly by Federal funds for use of the Army National Guard.

c. "Negotiation or collective bargaining" is a process whereby a commander or supervisor acting on behalf of the United States engages in discussions with a member or members of the Army (purporting to represent other such members), or with an individual, group, organization, or association purporting to represent members of the Army for the purpose of resolving, bilaterally, terms or conditions of military service.

d. "Solicit" means to use words or any other means to request, urge, advise, counsel, tempt, or command another to commit any act prohibited by this regulation.

e. "Terms or conditions of military service" means terms or conditions of military compensation or duty including, but not limited to, wages, rates of pay, duty hours, assignments, grievances, complaints, or disputes.

f. "Collective job-related action" means any activity by two or more persons that is intended to and does obstruct or interfere with the performance of a military mission or duty assignment.

g. "Aid and abet" means to be present during the commission of any act prohibited by this regulation and to assist, command, counsel, or otherwise encourage the commission of such act.

h. "Conspire" means to join or agree with one or more persons to commit any act prohibited by this regulation.

i. "Supervisor" is defined as any member of the Army or Department of the Army civilian employee responsible for directing subordinate members of the Army in the performance of their duties.

4. Policy. a. The mission of the Department of the Army is to assist in safeguarding the security of the United States. Consequently, the Army occupies a unique and vital position within our society. A high state of discipline, total assurance of obedience to lawful orders, immediate responsiveness and individual loyalty are essential to the combat readiness required to accomplish this mis-

sion. The chain of command is the principal mechanism for developing and maintaining this state of readiness and it must remain unencumbered. There must be no deletion, erosion or obstruction of the authority of the chain of command or of the duty of subordinates to obey lawful orders issued through the chain of command.

b. Any actions by any individual or organization which intrude or seek to intrude into the chain of command in matters relating to mission accomplishment, the terms or conditions of military service, or cause any aspect of the lawfully established command relationships to be subject to negotiation or collective bargaining will—

(1) Erode the discipline of the Army;

(2) Interfere with the power of the Congress to make rules for the government and regulation of the land, air, and Naval forces, and interfere with the appropriate delegation of power to the Department of Defense to provide for the national defense;

(3) Impair the authority of the President as Commander in Chief of the Armed Forces and that of officers appointed by him to command the Armed Forces;

(4) Impair the reliability, operational readiness, and combat effectiveness of the Army so as to threaten the security of the United States;

(5) Destroy the required condition of immediate responsiveness and individual loyalty.

5. Prohibited activities. a. *Negotiation or collective bargaining.* No commander or supervisor may engage in negotiation or collective bargaining.

b. *Strikes and other concerted activity.* No member of the Army may—

(1) Engage in any strike, slowdown, work stoppage, or other collective job-related action related to terms or conditions of military service; or

(2) Picket for the purpose of causing or coercing other members of the Armed Forces to engage in any strike, slowdown, work stoppage, or other collective job-related action related to terms or conditions of military service.

c. *Recruitment efforts on military installations.*

(1) No person may conduct or attempt to conduct a demonstration, meeting, march, speechmaking, protest, picketing, leafletting or other similar activity on any part of a military installation for the purpose of forming, recruiting mem-

bers for or soliciting money or services for an organization (or organizations) that—

(a) Engages or is substantially likely to engage in any activity prohibited by this regulation or DoD Directive 1354.1; or

(b) Proposes or holds itself out as proposing to engage in negotiation or collective bargaining on behalf of members of the Armed Forces; or

(c) Proposes or holds itself out as proposing to represent members of the Armed Forces to the military chain of command with respect to terms or conditions of military service when such representation would interfere with the military chain of command; or

(d) Solicits or aids and abets a violation of this regulation or DoD Directive 1354.1 by a member of the Armed Forces.

(2) No person may engage in any activity on any part of a military installation, including but not limited to individual contacts or the posting for public display of any poster, handbill or other writing, if that activity or the material displayed constitutes or includes an invitation to collectively engage in an act prohibited by this regulation or DoD Directive 1354.1.

d. Membership. No member of the Army may become or remain an active member of any organization when—

(1) A determination has been made that the organization presents a clear danger to discipline, loyalty, or obedience to lawful orders because the organization, or any person on behalf of the organization:

(a) Engages in any act prohibited by this regulation or DoD Directive 1354.1; or

(b) Violates or conspires to violate or solicits or aids and abets a violation of articles 82, 85, 86, 87, 89, 90, 91, 92, 94, 108, 109, 115, 116, 117 or 128 of the Uniform Code of Military Justice or of 18 U.S.C. 1382; and

(2) Such member of the Army knows that the organization, or any person on behalf of the organization, engages in the conduct upon which the determination in 5.d.(1) is based and such member of the Army intends to promote such conduct.

e. General prohibitions.

(1) No member of the Army may solicit the commission of or conspire with or aid and abet any person or organization in the commission of any

act prohibited by this regulation or DOD Directive 1354.1.

(2) No member of the Army may attempt to engage in any act prohibited by this regulation or DOD Directive 1354.1.

6. Permissible activities. This regulation does not prevent, among other things—

a. Any member of the Army from presenting complaints or grievances over terms or conditions of military service through established military channels.

b. Commanders or supervisors from giving due consideration to the views of any member of the Army presented individually or as a result of participation on command-sponsored or authorized advisory councils, committees or organizations for the purpose of improving conditions or communications at the military installation involved.

c. Any member of the Army from petitioning Congress or communicating with any member of Congress, individually or collectively.

d. Any member of the Army from being represented by qualified counsel, whether or not retained by an organization on his or her behalf, in any judicial or administrative proceeding with respect to which there is a right to counsel of choice.

e. Any member of the Army from joining or being a member of any organization which engages in representational activities with respect to terms or conditions of off-duty employment.

f. Any civilian employed at a military installation from joining or being a member of an organization that engages in representational activities with respect to terms or conditions of employment.

7. Responsibilities. *a.* The Secretary of the Army, in consultation with the Chief of Staff, will determine if the provisions of paragraph 5c(2) and/or 5d are applicable under the specific conditions which exist at a particular installation after reviewing all available information and data in accordance with the guidelines outlined in appendix A and will make the specific determinations required. These determinations will be made on a case-by-case basis from all available information and data, to include that supplied by the installation commander.

b. Installation commanders will forward to the Secretary of the Army all available information

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bearing on the factors set forth in appendix A for use in making the required determinations. The data should include, to the extent available, a copy of any request received and/or a narrative statement of the incident, relevant background material (previous actions/activities related to the request/incident, etc.), name of organization or individual, copy of constitution, by-laws, or statement of purpose submitted by the individual or organization, commanders assessment and recommendation, and any other information deemed appropriate. Required data relevant to any request or incident will be collected, stored, and disseminated in accordance with paragraph 9 below. All data will be forwarded through command channels, to HQDA (DAPE-HRL) WASH DC 20310, for approval/determination by the Secretary of the Army.

8. Reports. Installation commanders will expeditiously report all incidents concerning request for permission or attempts (successful or unsuccessful) to engage in activities prohibited by this regulation. Reports will be forwarded by priority message to HQDA (DAPE-HRL) with information copies to intermediate commands. Sample report format is shown at appendix B. The reports will be compiled, stored, and disseminated in accordance with paragraph 9 below.

9. Collection, storage, and dissemination of information. Any information on persons or organizations not affiliated with the Department of Defense needed to make the determinations required by this regulation shall be gathered in strict compliance with the provisions of AR 380-13, but in any event shall not be acquired or retained by intelligence personnel. The organization itself will be considered a primary source of information.

APPENDIX A

DETERMINATION GUIDELINES

This regulation requires that certain factual determinations be made by the Secretary of the Army, in consultation with the Chief of Staff, on the basis of the particular facts and circumstances which exist at particular installations. When making these determinations the following guidelines will be applied:

A-1. In making the determination that a person or an organization poses a clear danger to the discipline, loyalty or obedience of lawful orders because such person or organization engages in, solicits, or aids and abets any act prohibited in this regulation (or in the statutory provisions identified in paragraph 5*d*, this regulation), the history and operations of the organization (including the constitution and by-laws, if any) or person in question may be evaluated along with evidence with respect to the conduct constituting a prohibited act. In addition, there must be sufficient evidence to support a conclusion that the person or organization is substantially likely to engage in a prohibited act.

A-2. In determining whether commission of a prohibited act by individual members can be imputed to the organization, examples of factors which should be considered include: the frequency of such act; the position in the organization of persons committing such act; whether the commission of such act was known by the leadership of the organization; whether the commission of such act was condemned or disavowed by the leadership of the organization.

A-3. Once it is determined by the Secretary of the Army that an organization engages in any prohibited act and is likely to do so in the future, the affected installations will be instructed to conspicuously post notices which clearly state that—

a. Such an organization poses a clear danger to discipline, loyalty, and obedience to lawful orders, and

b. Knowing, active membership in any such organization by members of the Army with the intent to promote such prohibited conduct is not permitted.

A-4. In making the determination that a member of the Army is an "active" member of the organization in question, membership must be more than merely nominal or passive. Normally, a person can be considered an active member if he or she engages in certain kinds of conduct for the organization. This conduct includes solicitation or collection of dues, membership recruitment, distribution of literature, service as an officer of the organization, or frequent attendance at meetings or activities of the organization.

A-5. In determining that a member of the Army knows about the prohibited conduct engaged in by the organization, such knowledge may be inferred if the clear notice specified in paragraph 3 above has been conspicuously posted.

A-6. Any information concerning persons and organizations not affiliated with the Department of Defense needed to make the required determinations shall be acquired, stored, and disseminated in accordance with AR 380-13. In no case will the information be acquired or retained by intelligence personnel. The organization itself will be considered a primary source of information.

APPENDIX B
SAMPLE FORMAT FOR INCIDENT REPORTING
(Exempt Report, para 7-2ae, AR 335-15)

PRIORITY MESSAGE

FROM: REPORTING COMMAND/INSTALLATION

TO: HQDA WASH DC//DAPE-HRL

INFO: INTERMEDIATE COMMANDS

SUBJECT: INCIDENT/ACTIVITY REPORT, AR 600-80

A. NAME OF INSTALLATION

B. TYPE OF INCIDENT (REQUEST/ATTEMPT TO NEGOTIATE OR COLLECTIVE BARGAIN, STRIKE, OR OTHER CONCERTED ACTION, SOLICITATION OR RECRUITING EFFORTS, DISTRIBUTION OF INFORMATION OR LITERATURE, REPORTS OF MEMBERSHIP, ETC.)

C. NAME OF INDIVIDUAL OR ORGANIZATION/GROUP

D. NARRATIVE STATEMENT OF INCIDENT

E. SUMMARY OF COMMANDER'S ACTION (INCLUDE COMMANDER'S ASSESSMENT OF SITUATION AND ANY RECOMMENDATIONS DEEMED NECESSARY)

Note. If report contains information concerning persons or organizations not affiliated with the Department of Defense, the report will be subject to the special handling requirements outlined in AR 880-13.



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The proponent agency of this regulation is the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvement on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA (DAPE-HRL) WASH DC 20310.

By Order of the Secretary of the Army:

BERNARD W. ROGERS
General, United States Army
Chief of Staff

Official:

J. C. PENNINGTON
Brigadier General, United States Army
The Adjutant General

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