



**Tips and Tidbits**  
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**Question: Under what circumstances can Labor Unions solicit for membership?**

The Federal Service Labor Management Relations Statute (Chapter 71 of 5 U.S. Code) establishes a system for Federal employees to elect a labor union to serve as their bargaining agent and to represent them in matters related to working conditions. Government employees who are members of these local unions have a right to solicit membership as well as participate in other activities relating to the internal business of a labor organization. The right to solicit membership is protected by law - Title 5 of the US Code 7101 – and is commonly referred to simply as the Statute. Additional information about the Law and Union rights can be found at <http://www.flra.gov/statutes/fslmrs/fslmrs.html>.

When Congress passed the Statute it was under the premise that: *“(1) statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them;-- safeguards the public interest;”* and *“(2) the public interest demands the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of the operations of the Government.”* With this in mind Congress concluded that labor organizations and the collective bargaining process in civil service are in the public interest. Accordingly, the local unions at Fort Benning have negotiated language in the respective collective bargaining agreements that address solicitation of membership.

Both Management and the Union are encouraged to support the spirit and intent of the law concerning union membership solicitation while keeping within the framework of the Statute. While the Union has the right to solicit bargaining unit employees to join the Union, Management has the responsibility of ensuring that the Union does not solicit membership unless it is within the parameters that have been established. Those parameters are:

- (1) Employees can only be solicited to join the Union before and after duty hours, during non paid meal periods, and during scheduled breaks; and,
- (2) The person doing the soliciting cannot be in a duty status. The solicitation cannot disrupt the work of other employees.

The following question and answer examples illustrate areas that Unions may have access to government facilities to solicit membership:

Can union members discuss union membership benefits with non-members at the workplace?

Answer: Under certain situations, yes they can. For example, a union employee may discuss union membership benefits to another non-union employee at their respective work sites provided that both employees are on non-duty time.

Can the Union set up displays or informational booths at cafeterias/canteens?

Answer: Yes – Managers are given advance notice to insure displays and/or booths do not conflict with any other scheduled event or activity. Normally this is done once a year at Fort Benning and is usually referred to as a “Lunch & Learn” by local Unions.

Can the local union membership bring in outside National membership to hand out union membership information at these booths?

Answer: As long the individual who approved the display has been advised and that the (union) activity does not interfere with the normal day-to-day operation of facility

Can union members use the Government e-mail system for solicitation?

Answer: Union members are **not** authorized to use the Government e-mail system for solicitation purposes. Facilities and publicity provided by the Federal Government on the installation are as stated within the respective negotiated bargaining agreements.

For questions or additional information please contact your servicing L/MER Specialist.

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