

EDITORIAL

Where the Flag Flies Freedom Holds Sway

Can any man or woman in the service see it rise in the morning light and descend in the evening to the bugler's notes without feeling a sense of its beauty as a symbol?

Our flag—this June 14 as in past years we honor it, for on that date 185 years ago it was adopted by the Continental Congress.

Ask any WW II veteran who was on Corregidor what it feels like to see the Stars and Stripes dragged down by an exultant enemy—for no veteran of Bataan will ever forget May 6, 1942, when our resistance ended.

"The emblem of our unity, our power, our thought and purpose as a nation," Woodrow Wilson called it. "We celebrate the day of its birth; and from its birth until now it has witnessed a great history, has floated on high the symbol of great events, of a great plan of life worked out by a great people."

CHAPLAIN'S MESSAGE

How Much Do You Rely On 'The Sliding Factor?'

By CHAPLAIN R. C. FENNING

Mr. Rupert Hughes, the famous author and lecturer, of a few years ago, once got off a train in a small town and hopped into the taxi nearest the car from which he had alighted.

THE ROCKETEER The Rocketeer receives Armed Forces Press Service material. All are official U. S. Navy photos unless otherwise specified.

Promotional Opportunities

Present Station employees are encouraged to apply for the positions listed below. Applications should be accompanied by an up-to-date Form 58. The fact that positions are advertised here does not preclude the use of other means to fill these vacancies.

Machineist, \$3.02 to \$3.28 p/h. Code 4542—To do machining on explosive items. Will use precision lathe, milling machine, shaper, grinder, etc. Work done to close tolerances.

R. W. Stephenson Of Personnel Dept. Receives Ph.D.

A Doctor of Philosophy degree in Industrial Psychology was awarded to Robert W. Stephenson, Head of the Employee Development and Research Division, it was recently announced from the University of California at Berkeley.

His dissertation entitled "Originality and Affect" reports an experiment conducted at NOTS and other Navy laboratories. The research identified those characteristics which reliably distinguish original engineers.

Stephenson received his A.B. in Psychology from the University of California, Berkeley, and was affiliated with that school, the Ford Foundation, and the American Institute for Research prior to joining the Employee Development and Research staff in 1957.

Volunteer Workers To Enter National Red Cross Classes

Four Red Cross volunteer workers will attend the American Red Cross National Aquatic School to be held in Kings Canyon National Park this summer.

Mary deLancey and Chris Leininger will have an opportunity this month to qualify as water safety instructors through the generosity of the WACOM and Rotary organizations.

Fern Wacker attends the school in August, assisted by a gift from the Community Woman's Club. Len Campbell, another service volunteer, also plans to attend in August.

Through this school, the American Red Cross is able to do important work in upholding standards of water safety throughout the country and teach new methods and programs which have been carefully evaluated by the Red Cross.

In addition, they receive training in boating, canoeing, and first aid programs.



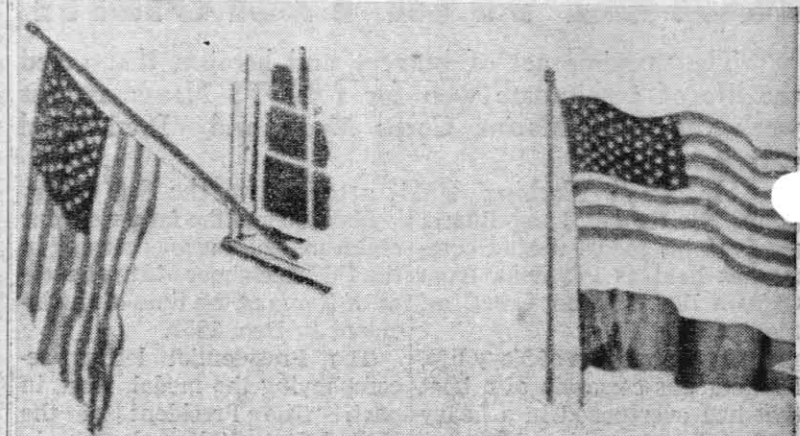
Your supervisor will be proud of your Beneficial Suggestions, too!

DIVINE SERVICES

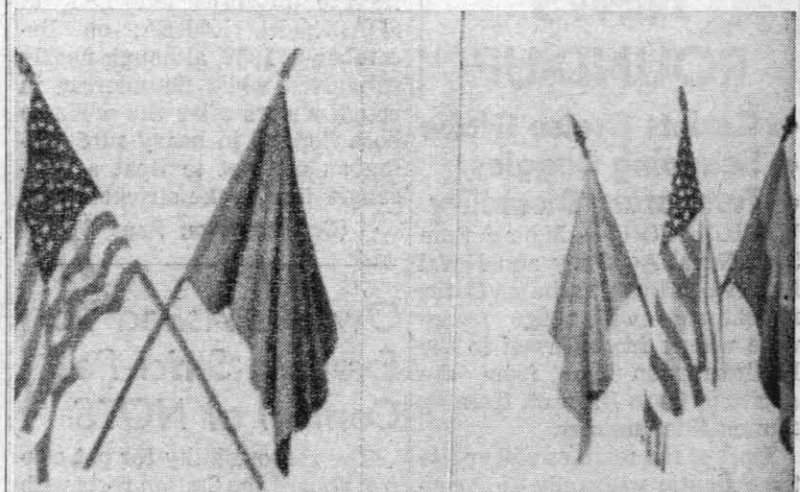
Christian Science (Chapel Annex) Morning Service—11 a.m. Sunday School—11 a.m. Nursery facilities available.

FLAG DISPLAY

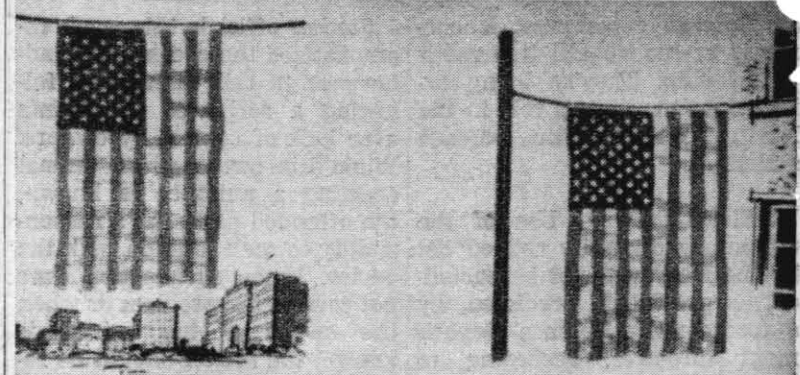
Because many local residents have recently expressed interest in the proper method of displaying the national colors, the ROCKETEER here presents the major points.



WHEN DISPLAYED from a staff projecting horizontally or at any angle from the window sill, balcony or front of a building, the union of the flag should go clear to the peak of the staff unless the flag is to be displayed at half-mast.



THE NATIONAL FLAG should be at the center and highest point of the group when a number of flags of states or localities or pennants of societies are grouped and displayed from staffs.



WHEN DISPLAYED over the middle of the street, the flag should be suspended vertically with the union to the north in an east and west street, or to the east on a north and south street. When the flag is suspended over a sidewalk from a rope extending from house to pole at the edge of a sidewalk, the flag should be hoisted out from the building toward the pole, union first.

When displayed the flag is hoisted at 8:00 a.m., and lowered at sunset. On Memorial Day, the flag is flown at half-mast until noon and then hoisted to the top of the staff.

When carried in a procession with other flags, the national colors are placed to the right of the marchers. It is never dipped in a salute.

Navy To Operate New Satellite System at Pacific Missile Range

Washington (AFPS)—The Navy Astronautics Group which will operate the navigational satellite system now being developed by the Navy for the Department of Defense has been established at the Pacific Missile Range Headquarters, Point Mugu, Calif.

The group will maintain and operate astronautics systems assigned by the Chief of Naval Operations, including spacecraft, ground-based components and sub-systems. Eventually the new command will include a satellite command and injection station, computer center, operations control center and satellite tracking facility, all at Point Mugu.

Apprentice Grads Spotligted In Formal Ceremonies Today

Twenty - one Station apprentices are accepting journeyman certificates today during graduating exercises held at 2 p.m. in the Community Center.

Completing a four - year program of academic course work, trade theory instruction, and shop experience, sixteen of the total graduates will also be announced as nominees for the Associate in Arts degrees from Bakersfield Junior College.

Graduating members and their respective trades are:

- Electrician: Ronald R. Cunningham, James E. Dowda, Charles G. Johnson, Glenn R. Johnson and Frank Ptaenic, Jr.
Electronics Mechanic: Walter J. Becktel, Douglas W. Cowan, Anthony J. Durand, George W. Gregory, Albert J. Guerrero, Robert M. McArthur, William F. Mumford and Michel A. Vernon-Cole.
Machinist: Oramel M. Gates, Jack L. Herbstreit, Bruce A. Suladie and James E. Wilkie.
Pipefitter: David A. Henden and Kenneth W. Hignite.
Plumber: Jack L. Joyce and Charles Shields.

Baseball Clinic Slated Tomorrow For Pony-Colt League Participants

A baseball clinic for Pony-Colt Leaguers, their managers and coaches, will be conducted tomorrow by Herb Guest at 9 a.m. on Schoeffel Field.

Assisting Herb will be Ed Weiser, Bob Forster, Ed Creer and Bill Bessee. Boys are requested to bring their gloves and shoes as they will be actively engaged in actual game situations.

Table with columns: Date, Time, Teams. Lists games for June 11-15 including Tigers-Cardinals, Cubs-Indians, Yankees-Reds, etc.

Major League Team Schedule

The following games on the major league team schedule have been set for 8:30 p.m. The last named team is home team.

Table with columns: Date, Team 1, Team 2. Lists major league games from Monday, June 11 to Thursday, July 5.

GEBMA Makes Two Benefit Payments

Assessment for benefit payment No. 60 paid on the death of Alma Turse was waived due to adequate funds on hand. \$1,000 was paid to her husband, Emanuel P. Turse. She is also survived by two sons.

The assessment for benefit payment No. 61, however, is now payable by GEBMA members for Thomas A. Marcus who died last Saturday at the Ridgecrest Hospital. \$1,000 was paid to his widow Catherine.

Members are asked to mail \$1.10 to secretary - treasurer Frank M. Brady, 302-A Groves. It is further requested that members who have recently changed address notify Mr. Brady.

Sec. Korth Sees Vast Technological Trend

WASHINGTON—Secretary of the Navy Fred Korth commented following his West Coast tour of military installations, that the Navy's No. 1 problem is retention of skilled personnel.

"Every year," he said, "ships, planes and weapons become increasingly complicated and require a greater investment of money and schooling for training and operation purposes."

He also stated that a committee of Navy and civilian aerospace experts will meet this summer in California to study possible effects of space flights on seapower.



STAFF OFFICE — Lcdr. Robert G. Douglas reports to the office of the Technical Officer (Code 16) from USNUSOs, Newport, Rhode Island.

Lcdr. Brennan added Utron to the cargo in his R5D aircraft and within hours Utron was on his way to his new home. In San Diego he was greeted by personnel of the Children's Zoo — Head Keeper Arturo Ordenez and attendant Darlene Fernald who mothers all the baby animals. His arrival was heralded by news media and television since he is the only one now at Children's Zoo.

NEWS FROM PASADENA



BARELY A HANDFUL—Lcdr. Earl W. Norton, Operations Officer, San Clemente Island, displays Utron, NOTS gift to Children's Zoo at San Diego. Airman Apprentice J. N. Sargent rescued the one pound package of fur and fleas from a high ledge at San Clemente Island

Children's Zoo Accepts SC Gift

Utron is not another satellite whirling around in outer space. It is a San Clemente Island little gray fox.

Utron was rescued from a ledge on the side of a cliff by NOTS Airman Apprentice J. N. Sargent. Lcdr. Earl Norton, Operations Officer at San Clemente Island contacted Lcdr. Jack Brennan of Utility Squadron 3 (from which Utron derived his name) and prevailed upon him to fly Utron to San Diego to be presented as a NOTS gift to the Children's Zoo.

Lcdr. Brennan added Utron to the cargo in his R5D aircraft and within hours Utron was on his way to his new home. In San Diego he was greeted by personnel of the Children's Zoo — Head Keeper Arturo Ordenez and attendant Darlene Fernald who mothers all the baby animals. His arrival was heralded by news media and television since he is the only one now at Children's Zoo.

Utron is estimated by the Head Keeper to be from 3 to 4 weeks old. He weighed in at one pound, fleas and all. When full grown he will tip the scales at about 5 pounds and will be 8 to 10 inches in height.

He is also known as Urocyon cinereoargenteus (if preferred to Little Gray Fox), is peculiar to San Clemente Island and usually frequents woods and lives in hollow logs or burrows.

The Foxy one was presented by Lt. Gibbons of Utility Squadron 3 to the Children's Zoo where he will be kept for several months. Children and adults may visit him there and become acquainted. However, when full grown, he will be quite frisky and will be transferred to the big zoo.

Symposium Attended By Pasadena Scientists

The Naval Ordnance Test Station, Pasadena, was well represented at the Institute of Aerospace Sciences Symposium on Aeromarine Sciences held in Los Angeles on May 28.

The Symposium consisted of a series of invited presentations by authorities in the rapidly-growing fields of hydrodynamics, propulsion and underwater research vehicles.

Those from NOTS Pasadena presenting papers were Dr. Jack W. Hoyt, Head, Propulsion Division, "Experimental Study of Ventilated Propellers;" Dr. John G. Waugh, Hydrodynamics Branch, "Water-Entry and Exit Phenomena;" and Thomas G. Lang, Head, Hydrodynamics Group, "Vent Hydrofoil Research at NOTS."

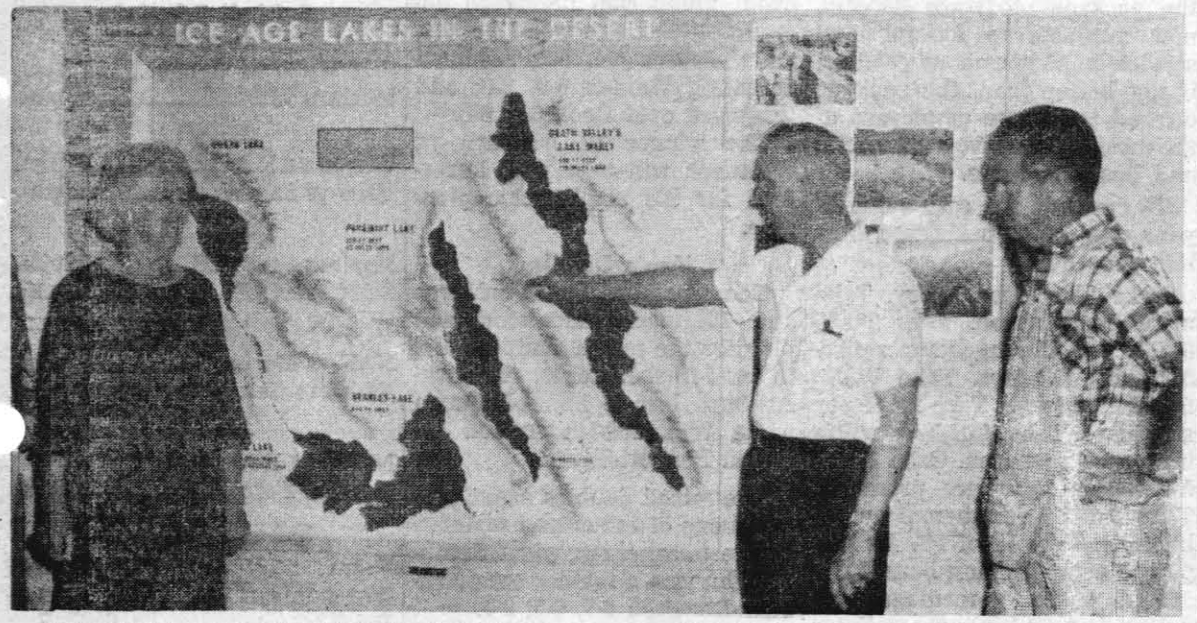
Other participants included the following from NOTS, China Lake: Dr. Rene Engel, H. R. Kelly, Firth Pierce and Roger Wickenden. Former NOTS employees Sidney Thurston and Dr. R. C. Brumfield served as Session Chairmen.

Technical Lecture Set for Wednesday

Employee Development Committee announces a Technical Lecture, "Frequency Response of Towed Thermometers" to be presented by Andrew G. Fabula, Physicist, P5006.

Fabula will discuss the dynamic response of towed thermometers as inferred from "plume tests" in a small towing tank. In particular, he will describe work with the platinum-film thermometer used for measuring small-scale oceanic temperature variations.

This unclassified lecture will be held Wednesday, 13 June at 1330 in the Large Conference Room, Bldg. 7.



KERNVILLE ARTIST VISITS MUSEUM — Norma McClure, Kernville artist, inspects the first mural panel display to be installed in the new Maturango Museum. The visiting artist donated one of her oil paintings of the Kern River to the Spring Festival which was won by Mike Jenkins, a local radio announcer. At right are Hal Lindberg of TID, who designed and executed the mural, and Richard Edwards, who volunteered the carpenter work necessary for the installation. Volunteer workers are still needed for the Museum.

EXECUTIVE ORDER 10988 QUESTIONS ANSWERED

Q. Does the Executive Order prohibit supervisors and other management officials from joining an employee organization which includes rank and file employees?

A. No. Section 1 (a) makes it clear that all employees have a right to join an employee organization without any restraint whatsoever by management.

Q. The Navy Department's current policy now includes a statement encouraging employees to organize and join employee groups. Should this be continued?

A. No.

Managerial Executive

There is no fixed definition of management in the Executive Order and circumstances within individual agencies may lead to somewhat varying conclusions. The Civil Service Commission considers the following to be a general guide on what constitutes management for this purpose: *Persons who make or recommend management policies or who direct, control, or supervise Government operations or personnel, and those associated with or assisting in such direction or control generally carry responsibilities incompatible with leadership in an organization of rank and file employees.* This general guide does not apply, of course, when an agency is satisfied that no conflict of interest would arise for persons in designated specific positions or classes of positions.

Q. Does the Executive Order require that all supervisors refrain from running for, or holding office in, or acting as a representative of an employee organization?

A. Yes (except for organizations of supervisors) if at every level the agency's supervisors possess significant managerial responsibilities and are in fact part of the management group. In this event, their official duties would result in conflicts of interest.

Q. What is the relationship of conflicts of interest and membership in unions?

A. The two things are separate. The right to join a lawful union extends to all employees, whether or not engaged in managerial, personnel, or similar duties, and may not be restricted by agencies. But if management and certain other officials were to take an active role in union affairs (by serving as an officer or representative, etc.) these activities would be incompatible with official duties and therefore represent conflict of interest.

Employee Organizations Defined

Whether or not the organization is called a union, association, or by some other name is not in itself significant. The basic purpose of the organization is important. Organizations whose primary purpose is social, fraternal, religious and so on, may not be recognized under this program although the views of such groups may be considered in matters of interest to their members.

The term "employee organization" also includes groups of organizations, e.g., a "council" composed of several local craft unions.

However, "council" does not include management-sponsored "employee councils." Such groups do not meet the conditions for recognition. They are generally established by management, often have management representatives as members, and can be changed or abolished by management action. Thus while some agencies have found employee councils of this type a valuable source of employee views (and may continue them if they determine it is in the interest of employee-management cooperation to do so) they do not fall within the scope of this program and may not be given recognition under E.O. 10988.

Q. What is meant by the term "council" in the Order?

A. The word "council" in the Order means a group which is formed by employee organizations. It refers to the type of council that the Tennessee Valley Authority deals with, i.e., a collection of otherwise independent unions.

Q. Are "employee councils" sponsored by management permitted under the new program?

A. The general answer is "yes." However, an employee council would not be appropriate in any situation in which a union has exclusive recognition in a unit. And management should take a rather close look, even at situations where there is formal recognition.

In an installation that has no substantial organized representation of employees through their own volition—no bona fide employee organization—an employee council would not be inappropriate and, in fact, might be a useful device for management-employee communications.

Individual Rights Protected

The introduction of the employee-management cooperation program should in no sense be viewed as an effort to deemphasize the importance of the individual or to dilute existing programs designed to meet his needs and protect his rights. This would not be desirable in any event in view of the Government's traditional concern for effective personnel management, the requirements of the merit system, and the policy of strict neutrality with respect to the decision of employees to join or not join an organization. For example, even where there is exclusive recognition, any individual employee has the right to choose his own representative in a grievance action.

Identification of "Professional Employees"

In most cases, the question of who is a professional should not be difficult to resolve for employees covered by the Classification Act. More than 160 series definitions in the Handbook of Occupational Groups and Series of Classes state that the duties of positions in those series are to "advise on, administer, supervise, or perform professional work," or in similar language indicate that the series is professional.

Persons properly classified in these series would be considered professional employees for the purposes of defining exclusive units under E.O. 10988. (Some might also meet the definition of managerial executive or supervisor and would be treated accordingly.)

Identification of "Supervisors"

A guide that may be used in determining who is a "supervisor" within the meaning of Sec. 6(a) is given below. Where an employee performs a preponderance of the following duties he should be considered a supervisor for purposes of this program:

- Assigns and schedules work for employees reporting to him.
- Initiates requests for filling vacancies.
- Selects or participates in the selection of employees.
- Recommends promotions, reassignments, other status changes, or recognition of outstanding performances of assigned personnel.
- Initiates classification actions.
- Checks attendance and approves leave, including all ordinary sick and annual leave and vacation schedules.
- Receives complaints and grievances.
- Holds corrective interviews and proposes disciplinary action to higher authority.
- Conducts informal training; broadens employee training and provides back up skills by cross training; recommends more formalized training where needed.
- Keeps subordinates informed on important features of management's personnel and employee relations programs.
- Sets or participates in setting performance standards and prepares formal evaluations of employee performance.

Q. In an election to determine majority status for exclusive recognition purposes, should the winner obtain a majority of eligible employees (an absolute majority) or simply a majority of those who actually vote?

A. The President's Temporary Committee on the Implementation of the Federal Employee-Management Relations Program believes that a consistent rule should be applied by all agency heads on this point. It advises that:

(a) Exclusive recognition should be granted to the organization chosen by a majority of those voting, provided that there is a representative vote. Generally, a "representative vote" should mean a minimum of 60% of those in the unit eligible to vote. In particular situations, an agency might determine that a percentage slightly less than 60% is representative.

(b) When an absolute majority of employees in the unit votes for one organization the 60% rule would not apply. For example, if only 52% voted of those eligible to vote, the agency still should grant exclusive recognition if 51% voted for one union.

The following are some of the considerations which should be kept in mind during negotiations:

1.—The basic objective of negotiation is to reach agreement. This requires a willingness to listen and to compromise. Adoption of a "take it or leave it" attitude is not a suitable basis for negotiation, since, in effect, it serves notice that there is really nothing to negotiate about. Often the best way to facilitate general agreement is to deal first with an issue on which there is a very good chance that there will be agreement.

2.—There is no requirement that agreement must be reached every time or on all issues. Each side may find that some or perhaps all of the other's demands are unreasonable or impossible to put into effect. However, persistent failure to reach agreement is a symptom of something wrong on one or both sides of the table. On the other hand, over-eagerness on the part of management to agree or to "do something" for the union is not the intent of the program.

3.—Real success in cooperative efforts requires that each side believe the other will act in good faith and is not out to destroy the basic authority or position of the other.

4.—As in any kind of bargaining each side is likely to ask for more or offer less initially than it is willing to settle for. This is the simplest, oldest, and most commonly used tactic in negotiation whether the field is commerce, diplomacy, union-management relations, or whatever. It gives both sides the opportunity to gain something and give up something, and in the process one side may perhaps get more or give up less than would otherwise be the case.

5.—As in most of relationships, more factors may be involved in reaching agreement than resolution of the specific issues in question. There are matters of "face," traditional attitudes, "expected" behavior, personal ambitions, disputes within organizations, personality clashes, and so on, which may affect negotiations.

Q. May an organization be permitted to have meetings on Government property?

A. This is not prohibited by the Order. This privilege, however, should not be loosely granted.

Q. May employees attend such meetings on Government time?

A. No.

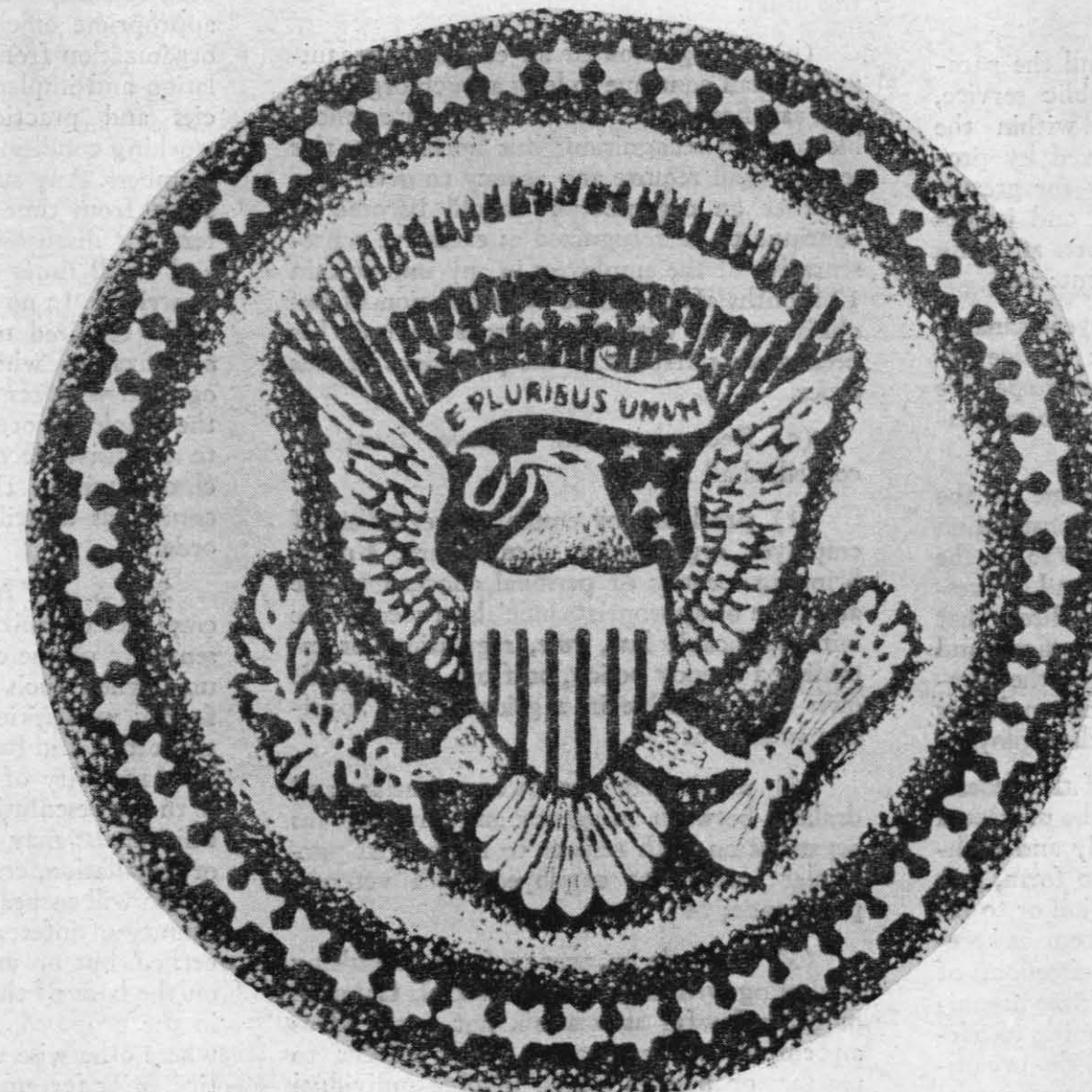
Q. May employees collect or pay dues on Government time?

A. No.

Q. May an agency permit union representatives to solicit members during the lunch period?

A. Yes.

INTRODUCING EXECUTIVE ORDER 10988



A New Era In Civil Service Employee-Management Relations

The information presented to you in this special enclosure to the *Rocketeer*, concerning Employee-Management Cooperation, represents a major change in the relationship between employee and manager in the Federal Civil Service.

Executive Order 10988, entitled "Employment Management Cooperation," and issued by President Kennedy, expresses his belief that "the participation of Federal employees in the formulation and implementation of employee policy and procedures affecting them, contributes to the effective conduct of public business."

The Navy takes pride in its long and successful history of relations with employee groups. Recognition of these important relations has served as a continuing source of unifying strength.

This Executive Order will further strengthen relationships to be pursued by this Command in the spirit of willing cooperation.

The end to be sought is an orderly and constructive employee-management relationship dedicated to the effective accomplishment of the Station's mission.

C. BLENMAN, JR.
Captain, U. S. Navy
Commander, NOTS

Executive Order 10988

WHEREAS participation of employees in the formulation and implementation of personnel policies affecting them contributes to effective conduct of public business; and

WHEREAS the efficient administration of the Government and the well-being of employees require that orderly and constructive relationships be maintained between employee organizations and management officials; and

WHEREAS subject to law and the paramount requirements of the public service, employee-management relations within the Federal service should be improved by providing employees an opportunity for greater participation in the formulation and implementation of policies and procedures affecting the conditions of their employment; and

WHEREAS effective employee-management cooperation in the public service requires a clear statement of the respective rights and obligations of employee organizations and agency management:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution of the United States, by Section 1753 of the Revised Statutes (5 U.S.C. 631), and as President of the United States, I hereby direct that the following policies shall govern officers and agencies of the executive branch of the Government in all dealings with Federal employees and organizations representing such employees.

SECTION 1. (a) Employees of the Federal Government shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity. Except as hereinafter expressly provided, the freedom of such employees to assist any employee organization shall be recognized as extending to participation in the management of the organization and acting for the organization in the capacity of an organization representative, including presentation of its views to officials of the executive branch, the Congress or other appropriate authority. The head of each executive department and agency (hereinafter referred to as "agency") shall take such action, consistent with law, as may be required in order to assure that employees in the agency are apprised of the rights described in this section, and that no interference, restraint, coercion or discrimination is practiced within such agency to encourage or discourage membership in any employee organization.

(b) The rights described in this section do not extend to participation in the management of an employee organization, or acting as a representative of any such organization, where such participation or activity would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee.

SEC. 2. When used in this order, the term "employee organization" means any lawful association, labor organization, federation, council, or brotherhood having as a primary purpose the improvement of working conditions among Federal employees, or any craft, trade or industrial union whose membership includes both Federal employees and employees of private organizations; but such term shall not include any organization (1) which asserts the right to strike against the Government of the United States or any agency thereof, or to assist or participate in any such strike, or which imposes a duty or obligation to conduct, assist or participate in any such strike, or (2) which advocates the overthrow of the constitutional form of Government in the United States, or (3) which discriminates with regard to the terms or conditions of membership because of race, color, creed or national origin.

SEC. 3. (a) Agencies shall accord informal, formal or exclusive recognition to em-

ployee organizations which request such recognition in conformity with the requirements specified in sections 4, 5 and 6 of this order, except that no recognition shall be accorded to any employee organization which the head of the agency considers to be so subject to corrupt influences or influences opposed to basic democratic principles that recognition would be inconsistent with the objectives of this order.

(b) Recognition of an employee organization shall continue so long as such organization satisfies the criteria of this order applicable to such recognition; but nothing in this section shall require any agency to determine whether an organization should become or continue to be recognized as exclusive representative of the employees in any unit within 12 months after a prior determination of exclusive status with respect to such unit has been made pursuant to the provisions of this order.

(c) Recognition, in whatever form accorded, shall not—

(1) preclude any employee, regardless of employee organization membership, from bringing matters of personal concern to the attention of appropriate officials in accordance with applicable law, rule, regulation, or established agency policy, or from choosing his own representative in a grievance or appellate action; or

(2) preclude or restrict consultations and dealings between an agency and any veterans organization with respect to matters of particular interest to employees with veterans preference; or

(3) preclude an agency from consulting or dealing with any religious, social, fraternal or other lawful association, not qualified as an employee organization, with respect to matters or policies which involve individual members of the association or are of particular applicability to it or its members, when such consultations or dealings are duly limited so as not to assume the character of formal consultation on matters of general employee-management policy or to extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees.

SEC. 4. (a) An agency shall accord an employee organization, which does not qualify for exclusive or formal recognition, informal recognition as representative of its member employees without regard to whether any other employee organization has been accorded formal or exclusive recognition as representative of some or all employees in any unit.

(b) When an employee organization has been informally recognized, it shall, to the extent consistent with the efficient and orderly conduct of the public business, be permitted to present to appropriate officials its views on matters of concern to its members. The agency need not, however, consult with an employee organization so recognized in the formulation of personnel or other policies with respect to such matters.

SEC. 5. (a) An agency shall accord an employee organization formal recognition as the representative of its members in a unit as defined by the agency when (1) no other employee organization is qualified for exclusive recognition as representative of employees in the unit, (2) it is determined by the agency that the employee organization has a substantial and stable membership of no less than 10 per centum of the employees in the unit, and (3) the employee organization has submitted to the agency a roster of its officers and representatives, a copy of its constitution and by-laws, and a statement of objectives. When, in the opinion of the head of an agency, an employee organization has a sufficient number

of local organizations or a sufficient total membership within such agency, such organization may be accorded formal recognition at the national level, but such recognition shall not preclude the agency from dealing at the national level with any other employee organization on matters affecting its members.

(b) When an employee organization has been formally recognized, the agency, through appropriate officials, shall consult with such organization from time to time in the formulation and implementation of personnel policies and practices, and matters affecting working conditions that are of concern to its members. Any such organization shall be entitled from time to time to raise such matters for discussion with appropriate officials and at all times to present its views thereon in writing. In no case, however, shall an agency be required to consult with an employee organization which has been formally recognized with respect to any matter which, if the employee organization were one entitled to exclusive recognition, would not be included within the obligation to meet and confer, as described in section 6(b) of this order.

SEC. 6. (a) An agency shall recognize an employee organization as the exclusive representative of the employees, in an appropriate unit when such organization is eligible for formal recognition pursuant to section 5 of this order, and has been designated or selected by a majority of the employees of such unit as the representative of such employees in such unit. Units may be established on any plant or installation, craft, functional or other basis which will ensure a clear and identifiable community of interest among the employees concerned, but no unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized. Except where otherwise required by established practice, prior agreement, or special circumstances, no unit shall be established for purposes of exclusive recognition which includes (1) any managerial executive, (2) any employee engaged in Federal personnel work in other than a purely clerical capacity, (3) both supervisors who officially evaluate the performance of employees and the employees whom they supervise, or (4) both professional employees and nonprofessional employees unless a majority of such professional employees vote for inclusion in such unit.

(b) When an employee organization has been recognized as the exclusive representative of employees of an appropriate unit it shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership. Such employee organization shall be given the opportunity to be represented at discussions between management and employees or employee representatives concerning grievances, personnel policies and practices, or other matters affecting general working conditions of employees in the unit. The agency and such employee organization, through appropriate officials and representatives, shall meet at reasonable times and confer with respect to personnel policy and practices and matters affecting working conditions, so far as may be appropriate subject to law and policy requirements. This extends to the negotiation of an agreement, or any question arising thereunder, the determination of appropriate techniques, consistent with the terms and purposes of this order, to assist in such negotiation, and the execution of a written memorandum of agreement or understanding incorporating any agreement reached by the parties. In exercising authority to make rules and regulations relating to personnel policies and practices and working conditions, agencies shall have due regard for the obligation

(Continued on Page 5)

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imposed by this section, but such obligation shall not be construed to extend to such areas of discretion and policy as the mission of an agency, its budget, its organization and the assignment of its personnel, or the technology of performing its work.

SEC. 7. Any basic or initial agreement entered into with an employee organization as the exclusive representative of employees in a unit must be approved by the head of the agency or an official designated by him. All agreements with such employee organizations shall also be subject to the following requirements, which shall be expressly stated in the initial or basic agreement and shall be applicable to all supplemental, implementing, subsidiary or informal agreements between the agency and the organization:

(1) In the administration of all matters covered by the agreement officials and employees are governed by the provisions of any existing or future laws and regulations, including policies set forth in the Federal Personnel Manual and agency regulations, which may be applicable, and the agreement shall at all times be applied subject to such laws, regulations and policies;

(2) Management officials of the agency retain the right, in accordance with applicable laws and regulations, (a) to direct employees of the agency, (b) to hire, promote, transfer, assign, and retain employees in positions within the agency, and to suspend, demote, discharge or take other disciplinary action against employees, (c) to relieve employees from duties because of lack of work or for other legitimate reasons, (d) to maintain the efficiency of the Government operations entrusted to them, (e) to determine the methods, means and personnel by which such operations are to be conducted; and (f) to take whatever actions may be necessary to carry out the mission of the agency in situations of emergency.

SEC. 8. (a) Agreements entered into or negotiated in accordance with this order with an employee organization which is the exclusive representative of employees in an appropriate unit may contain provisions, applicable only to employees in the unit, concerning procedures for consideration of grievances. Such procedures (1) shall conform to standards issued by the Civil Service Commission, and (2) may not in any manner diminish or impair any rights which would otherwise be available to any employee in the absence of an agreement providing for such procedures.

(b) Procedures established by an agreement which are otherwise in conformity with this section may include provisions for the arbitration of grievances. Such arbitration (1) shall be advisory in nature with any decisions or recommendations subject to the approval of the agency head; (2) shall extend only to the interpretation or application of agreements or agency policy and not to changes in or proposed changes in agreements or agency policy; and (3) shall be invoked only with the approval of the individual employee or employees concerned.

SEC. 9. Solicitation of memberships, dues, or other internal employee organization business shall be conducted during the non-duty hours of the employees concerned. Officially requested or approved consultations and meetings between management officials and representatives of recognized employee organizations shall, whenever practicable, be conducted on official time, but any agency may require that negotiations with an employee organization which has been accorded exclusive recognition be conducted during the non-duty hours of the employee organization representatives involved in such negotiations.

SEC. 10. No later than July 1, 1962, the head of each agency shall issue appropriate policies, rules and regulations for the implementation of this order, including: A clear

statement of the rights of its employees under the order; policies and procedures with respect to recognition of employee organizations; procedures for determining appropriate employee units; policies and practices regarding consultation with representatives of employee organizations, other organizations and individual employees; and policies with respect to the use of agency facilities by employee organizations. Insofar as may be practicable and appropriate, agencies shall consult with representatives of employee organizations in the formulation of these policies, rules and regulations.

SEC. 11. Each agency shall be responsible for determining in accordance with this order whether a unit is appropriate for purposes of exclusive recognition and, by an election or other appropriate means, whether an employee organization represents a majority of the employees in such a unit so as to be entitled to such recognition. Upon the request of any agency, or of any employee organization which is seeking exclusive recognition and which qualifies for or has been accorded formal recognition, the Secretary of Labor, subject to such necessary rules as he may prescribe, shall nominate from the National Panel of Arbitrators maintained by the Federal Mediation and Conciliation Service one or more qualified arbitrators who will be available for employment by the agency concerned for either or both of the following purposes, as may be required: (1) to investigate the facts and issue an advisory decision as to the appropriateness of a unit for purposes of exclusive recognition and as to related issues submitted for consideration; (2) to conduct or supervise an election or otherwise determine by such means as may be appropriate, and on an advisory basis, whether an employee organization represents the majority of the employees in a unit. Consistent with law, the Secretary of Labor shall render such assistance as may be appropriate in connection with advisory decisions or determinations under this section, but the necessary costs of such assistance shall be paid by the agency to which it relates. In the event questions as to the appropriateness of a unit or the majority status of an employee organization shall arise in the Department of Labor, the duties described in this section which would otherwise be the responsibility of the Secretary of Labor shall be performed by the Civil Service Commission.

SEC. 12. The Civil Service Commission shall establish and maintain a program to assist in carrying out the objectives of this order. The Commission shall develop a program for the guidance of agencies in employee-management relations in the Federal service; provide technical advice to the agencies on employee-management programs; assist in the development of programs for training agency personnel in the principles and procedures of consultation, negotiation and the settlement of disputes in the Federal service, and for the training of management officials in the discharge of their employee-management relations responsibilities in the public interest; provide for continuous study and review of the Federal employee-management relations program and, from time to time, make recommendations to the President for its improvement.

SEC. 13. (a) The Civil Service Commission and the Department of Labor shall jointly prepare (1) proposed standards of conduct for employee organizations and (2) a proposed code of fair labor practices in employee-management relations in the Federal service appropriate to assist in securing the uniform and effective implementation of the policies, rights and responsibilities described in this order.

(b) There is hereby established the President's Temporary Committee on the Implementation of the Federal Employee-Management Relations Program. The Committee shall consist of the Secretary of Labor, who will be chairman of the Committee, the Secretary of Defense, the Postmaster General, and the Chairman of the Civil Service Commission. In addition to such other matters relating to the implementation of this order as may be referred to it by the President, the Committee shall advise the President with respect to any problems arising out of completion of agreements pursuant to sections 6 and 7, and shall receive the proposed standards of conduct for employee organizations and proposed code of fair labor practices in the Federal service, as described in this section, and report thereon to the President with such recommendations or amendments as it may deem appropriate. Consistent with law, the departments and agencies represented on the Committee shall, as may be necessary for the effectuation of this section, furnish assistance to the Committee in accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Unless otherwise directed by the President, the Committee shall cease to exist 30 days after the date on which it submits its report to the President pursuant to this section.

SEC. 14. The head of each agency, in accordance with the provisions of this order and regulations prescribed by the Civil Service Commission, shall extend to all employees in the competitive civil service rights identical in adverse action cases to those provided preference eligibles under section 14 of the Veterans' Preference Act of 1944, as amended. Each employee in the competitive service shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting, such appeal to be processed in an identical manner to that provided for appeals under section 14 of the Veterans' Preference Act. Any recommendation by the Civil Service Commission submitted to the head of an agency on the basis of an appeal by an employee in the competitive service shall be complied with by the head of the agency. This section shall become effective as to all adverse actions commenced by issuance of a notification of proposed action on or after July 1, 1962.

SEC. 15. Nothing in this order shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any agency and any representative of its employees. Nor shall this order preclude any agency from continuing to consult or deal with any representative of its employees or other organization prior to the time that the status and representation rights of such representative or organization are determined in conformity with this order.

SEC. 16. This order (except section 14) shall not apply to the Federal Bureau of Investigation, the Central Intelligence Agency, or any other agency, or to any office, bureau or entity within an agency, primarily performing intelligence, investigative, or security functions if the head of the agency determines that the provisions of this order cannot be applied in a manner consistent with national security requirements and considerations. When he deems it necessary in the national interest, and subject to such conditions as he may prescribe, the head of any agency may suspend any provision of this order (except section 14) with respect to any agency installation or activity which is located outside of the United States.

Approved—January 17th, 1962.

JOHN F. KENNEDY

THE WHITE HOUSE,

January 17, 1962.

(F.R. Doc. 62-700; Filed Jan. 18, 1962; 10:18 a.m.)