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NASA Procedural Requirements

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Responsible Office: Logistics Management Division

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Chapter 1: Introduction

1.1. Scope

1.1.1. The material in this manual is presented in the form of guidelines to assist NASA Center management in establishing local procedures for dealing with contractor labor-management disputes. This manual also implements the procedures for providing access for labor union representatives to conduct necessary union business at NASA facilities. Included in the guidelines are suggestions for gathering and evaluating certain data and appropriate actions to be taken by NASA which may prevent or reduce the impact of a contractor labor dispute. In addition, a "check list" is provided for the actions to be taken by NASA in cases where a contractor strike situation is imminent. Moreover, included are procedures for requesting the removal of critical NASA parts/materials from a manufacturer's strike-bound plant and procedure for the preparation of variance hearings pursuant to section 4(c) of the Service Contract Act of 1965, as amended. These guidelines have been developed to allow considerable flexibility to meet unique situations that may exist at NASA Centers.

1.1.2. It is essential that each NASA Center maintain a certain awareness of its contractor labor-management relationships in order to be able to assess the seriousness of a potential or actual labor dispute, e.g., the courses of action that are likely to be taken by other contractor employees, civil service employees, and unions concerning a dispute, and the resultant impact to the NASA Center in terms of program delays and additional costs. During periods of labor contract negotiations, it is especially important to be aware of the status of such negotiations, since an impasse could result in work stoppages that could adversely affect the NASA Center.

1.1.3. Since contractor labor disputes vary, and each one has its own particular problems, NASA's role in contractor labor-management disputes should be one of "neutrality." Care should be taken to ensure the Agency's position of "neutrality" in establishing local procedures from these guidelines.

1.2. Policy

NASA recognizes the legal right of contractor employees and unions to engage in collective bargaining, including legitimate picketing at NASA Centers, when an impasse is reached during a labor dispute or labor contract negotiations. NASA officials should not become involved directly or take sides based on the merits of any labor dispute. However, in such cases, appropriate actions should be taken by NASA to reduce or eliminate impact on its programs, including actions to ensure access to the NASA Center by NASA personnel and by employees of other contractors who are not directly involved in the dispute.

1.3. Applicability

1.3.1. These guidelines are applicable to all NASA Centers and Component Facilities. Certain NASA Centers may

need to deviate from the guidelines because of existing unique situations, i.e., Marshall Space Flight Center as a tenant on an Army facility or Dryden Flight Research Center as a tenant on an Air Force facility. The Kennedy Space Center may also need deviations from these guidelines because of joint Agency operations.

1.3.2. At NASA Centers where tenant contractors operate inside the NASA facilities, e.g., the Michoud Assembly Facility and the Stennis Space Center, it is not necessary to maintain the data set forth in paragraphs 2.1. and 3.2. for such tenant contractors. However, if it is anticipated that a labor dispute of a tenant contractor could have any impact on NASA operations, the NASA Center should reach an understanding with each tenant contractor, and the contracting agency that NASA will be advised of any impending labor dispute which may result in a strike. In the event of a tenant contractor strike, the "reserve gate" procedure should be implemented in accordance with the guideline provided in this manual. NASA should be responsible for initiating the steps necessary to establish a "reserve gate." However, some of the action items may be the responsibility of the tenant contractor or the responsible Government agency. Any necessary changes in the responsibility for implementation of the "reserve gate" procedure agreed to by the parties (NASA, other Government agencies, and the tenant contractor) should be formalized and a copy of such understanding sent to NASA Headquarters, Contractor Industrial Relations Officer.

1.3.3. Since the problems arising from construction contractor labor disputes are frequently different from those of industrial contractors, separate guidelines for construction contractor labor-management disputes are set forth in chapter 3.

1.4. Definitions

1.4.1. Business Agent - paid union official who assists the local union in its business affairs, including organizing employees, negotiating contracts, and handling grievance and arbitration cases.

1.4.2. COLA - Cost of Living Adjustment.

1.4.3. Company Spokesperson - A person who represents contractor management during the bargaining process concerning economic and other items that will become part of the parties' labor agreement.

1.4.4. Contingency Plan - A plan that will permit critical work operations to be maintained by qualified personnel, should union personnel be absent due to strike action.

1.4.5. FMCS - Federal Mediation and Conciliation Service.

1.4.6. Injunction - Mandatory order by a court to perform or cease a specified activity, usually on the grounds that otherwise the complaining party will suffer irreparable injury from unlawful actions of the other party.

1.4.7. Jurisdictional Disputes - Controversy between two unions as to which union should have its members perform a specific type of work on a particular project.

1.4.8. Labor Agreement - (Collective Bargaining Agreement) is a legally binding document entered into between a company and a union which covers the wages, hours, and other conditions of employment for the company's union represented employees.

1.4.9. Mediator - Federal or state mediator who provides assistance to management and labor in resolving disputes, usually associated with bargaining over terms of a labor agreement.

1.4.10. Neutral Contractor - A contractor who is not involved in a labor dispute affecting other parties.

1.4.11. Neutral Gate - A gate which is used by Government personnel, contractor employees, and contractors' suppliers who are not parties to a known labor dispute.

1.4.12. NLRB - National Labor Relations Board.

1.4.13. Prime Contractor - Contractor who has overall responsibility for certain work or a project and who may subcontract portions of this work to other contractors.

1.4.14. Reserve Gate - A gate that is specifically designed for use (ingress and egress from the center) by the struck contractors' suppliers and employees when a contractor union dispute has resulted in strike and picketing actions. The striking union will usually picket at this reserve gate.

1.4.15. Secondary Boycott - One in which a party would use threats, coercion, or restraint to compel one "person" - a term that includes an employer - to stop doing business with another.

1.4.16. Tenant Contractor - Contractor of another agency located on a NASA Center.

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