

LEGAL

1. REASON FOR ISSUE: To amend and clarify the Department of Veterans Affairs (VA) policy on the legal use of VA facilities by professional or qualifying employee organizations or similar groups.

2. SUMMARY OF CONTENTS/MAJOR CHANGES: This handbook sets forth mandatory procedures previously contained in law, Federal regulation, and numerous other issuances. These changes will be incorporated into the electronic version of VA Handbook 5025 that is maintained on the [Office of Human Resources Management Web site](#). The changes:

a. provides clarification for professional associations and similar group activities such as continuing education, training, and professional development;

b. provides for access to VA facilities by all employee associations and similar groups;

c. provides for equal access to VA facilities by professional or qualifying employee groups.

3. RESPONSIBLE OFFICE: Work Life and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources Management (05).

4. RELATED DIRECTIVE: VA Directive 5025, "Legal."

5. RESCISSIONS: None.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

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PART X. EMPLOYEE ORGANIZATIONS AND ACTIVITIES

CONTENTS

PARAGRAPH	PAGE
1. <u>SCOPE</u>	X-1
2. <u>REFERENCES</u>	X-1
3. <u>POLICY</u>	X-1
4. <u>TYPICAL ACTIVITIES</u>	X-1
5. <u>EMPLOYEE ASSOCIATIONS AND SIMILAR GROUPS</u>	X-1
6. [<u>PROFESSIONAL ASSOCIATIONS AND SIMILAR GROUPS</u>]	X-1
[7.] <u>MANAGEMENT-ASSOCIATION RELATIONSHIPS</u>	[X-2]
[8.] <u>GENERAL LIMITATIONS</u>	X-2
[9.] <u>PRIVILEGES AND STANDARDS</u>	X-2
[10.] <u>CREDIT UNIONS</u>	[X-4]

PART X. EMPLOYEE ORGANIZATIONS AND ACTIVITIES

1. SCOPE. This part prescribes policies and instructions concerning employee associations and other employee groups of similar purpose or nature in VA, regardless of the name given the organization. While credit unions come within this category, they are subject to the special provisions of paragraph 9, rather than the other provisions of this part.

2. REFERENCES. 12 U.S.C. 1751-1775.

3. POLICY

a. VA recognizes that voluntary, cooperative activities by employees to meet their mutual needs or interests, to serve their common welfare, or to make their relationships and their employment more pleasant can contribute substantially to a favorable work environment. VA therefore looks with favor on such activities, and on democratically constituted associations and similar groups voluntarily formed for those purposes. Subject to the provisions of this chapter, an employee association or similar group may engage in any activity in the interest of employees, of the general type of those described in paragraph 4 but not limited to those specifically mentioned therein, that its membership wishes to take up.

b. VA officials and employees, in their official capacities, will not represent VA in any activity or function which is held in a facility which segregates the races or excludes minority group participation.

4. TYPICAL ACTIVITIES. Typical of the activities appropriate for an employee association or similar group are athletic, recreational, entertainment, social or cultural activities; employee newspapers; welfare or emergency assistance funds; group insurance other than Government-provided plans; and concessions (such as for vending machines) which they may properly be authorized to operate. These services are treated in more detail elsewhere in this manual.

5. EMPLOYEE ASSOCIATIONS AND SIMILAR GROUPS. The typical organization of this nature is composed of or open to all VA employees in an installation. The payment of nominal dues may be a requirement of membership. Normally, this organization is referred to as an employee association, and engages in several activities or is formed for specific or general purposes. Its individual activities may be carried on directly by the association itself or by subordinate groups therein. Groups may be formed for a limited purpose, either in the absence of a typical association or separate from an existing one. This chapter applies to all such groups as well as the typical associations, even though references hereinafter are only to associations.

[6. PROFESSIONAL ASSOCIATIONS AND SIMILAR GROUPS. Activities appropriate for a professional association or similar group are social, fraternal, or professional activities that may include, but are not limited to, such things as continuing education, training, and professional development. Activities may not include dealings *that assume the character of negotiations* with management over personnel policies, practices, or matters involving conditions of employment where an exclusive bargaining unit exists.]

[7.] MANAGEMENT-ASSOCIATION RELATIONSHIPS

a. Employee associations and their interests are essentially private matters and their activities are private activities. Yet associations are composed entirely of VA employees and are closely identified with VA. The relationship between an association and local management is therefore a cooperative one, based on mutual recognition of each other's interests, responsibilities, rights, and limitations.

b. Local management consults with associations or employees wishing to start one, on their request, and makes available advisory assistance on such questions as organization, constitution, bylaws, finance, recreation, and publications. If there is sufficient evidence of employee interest, it is appropriate for management to help start an association or activity to meet a clear need. The human resources office will usually represent management in dealing with associations.

c. VA gives encouragement, assistance, recognition, and privileges to employee associations because of their services to employees and their benefits to employee welfare and morale. At the same time, certain safeguards are to be observed because VA is affected by the acts of its employees and is concerned with their welfare and morale.

[8.] GENERAL LIMITATIONS

a. The activities of an employee association shall be compatible with applicable laws, regulations, VA and facility policies, and good community relations.

b. No use may be made of the name, sponsorship, facilities or activity of VA by or for any employee association or recreational organization practicing discrimination based on race, creed, color, national origin or disability.

c. The activities will be not represented, directly or implied, as official activities of VA. The association's name, membership cards, and publicity will be such as to make this clear.

d. No funds appropriated to VA will be used for any employee association activities.

e. Restrictions on the use by employees of VA recreational facilities and equipment, given elsewhere in this manual, shall include the use by associations.

f. Employee associations will not be recognized for the purpose of presenting or considering individual personnel matters, grievances, or appeals. (See VA Directive and Handbook 5023, Labor-Management Relations.)

[9.] PRIVILEGES AND STANDARDS

a. As long as an association is constituted and operated in accordance with the standards listed below, it will not only be given encouragement and cooperation but will be authorized to:

(1) Conduct meetings or activities outside working hours on VA premises in accordance with arrangements with the Human Resources Officer or other appropriate administrative official.

(2) Publicize its activities by the use of bulletin boards and by circularizing employees.

(3) Exercise such other privileges which will not add any expense to the Government or interfere with the regularly assigned duties of employees or with VA's services to veterans.

[(4) All employee associations and similar groups (as defined in paragraph 5) shall be afforded access to VA facilities to post notices and conduct appropriate activities on equal bases. Such access shall not be unreasonably withheld.]

b. The standards for an association to be given such privileges are that:

(1) It is democratically organized and operated and all employees in the area for which it is established are eligible for membership at their option.

(2) It provides full opportunity for all members to elect those who conduct its affairs, and elections are held at sufficiently frequent intervals to permit membership control. In addition, the typical association usually will have a constitution and bylaws.

(3) It has a financial audit of its funds made annually by a qualified person or persons not a part of the association management, and furnishes the facility head a copy of the audit report.

(4) Full information about it is supplied its members.

(a) If there is a constitution and bylaws, each member will be furnished copies of these documents including all changes. This may be done by periodic publication.

(b) Members will be currently informed on its activities.

(c) An annual and adequate financial report will be prepared and will either be posted on all bulletin boards or otherwise effectively brought to the attention of all members.

(5) If there is a constitution and bylaws, copies thereof and of changes therein shall be supplied the installation's human resources office. Copies of activity and financial reports will also be supplied the human resources office.

(6) The association must recognize that VA has a legitimate concern with its operations, and provide local VA management with a reasonable opportunity to discharge its responsibility.

[c. All professional or qualifying employee associations (and similar groups) must be given equal access for use of VA facilities to the extent the access is granted to other professional or qualifying employee associations (and similar groups) at a particular facility.]

[10.] CREDIT UNIONS

a. The credit union is one of the employee organizations looked upon with favor, particularly whenever employees are interested in organizing and operating one. Credit unions are to be chartered either under State law or under the Federal Credit Union Act, 12 U.S.C. 1751-1775. This act is administered by the National Credit Union Administration. Advice and assistance with respect to the organization or operation of credit unions may be secured either from the appropriate State agency or from the National Credit Union Administration.

b. In accordance with the provisions of 12 U.S.C. 1770, VA installations may allot space for the transaction of credit union business. In addition, credit unions may be permitted (1) to transact business during working hours, provided there is no interference with the performance of the employees' official duties; (2) to publicize their activities through the use of bulletin boards and by circularizing individual employees; (3) to make incidental use of office equipment; and (4) to exercise such other privileges as will not entail any expense to the Government or disruption of the official activities of the office or facility. The human resources management office will usually represent management in dealing with credit unions.