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NASA Procedural Requirements

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Industrial Labor Relations Manual (Revalidated April 10, 2013, with admin. changes)

Responsible Office: Logistics Management Division

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Preface

P.1. Purpose

This NPR provides internal requirements and procedures to assist NASA Centers in dealing with contractor labor management disputes and to provide access of Labor Union Representatives to NASA for the purpose of maintaining schedules and goals relating to vital NASA programs.

P.2. Applicability

This NPR is applicable to NASA Headquarters and NASA Centers, including Component Facilities.

P.3 Authority

a. NASA Federal Acquisition Regulation Supplement Sections.

- (1) Labor relations 1822.101
- (2) General 1822.101-1
- (3) Reporting of labor disputes 1822.101-3
- (4) Removal of items from contractors' facilities affected by work stoppages 1822.101-4
- (5) Admission of Labor representatives to contract sites 1822.101-70
- (6) Liquidated damages and overtime pay 1822.302
- (7) Contacts with the Department of Labor 1822.400-70
- (8) Procedures for requesting wage determinations 1822.404-3
- (9) Investigations 1822.406-8
- (10) Withholding from or suspension of contract payments 1822.406-9
- (11) Semiannual enforcement reports 1822.406-13
- (12) Regulatory exemptions 1822.604-2
- (13) Definitions 1822.1001
- (14) Procedures for preparing and submitting Notice (SF98/98a) 1822.1008
- (15) Additional information for the preparation of SF98/98a 1822.1008-270
- (16) Required time of submission of notice 1822-1008-7

P.4. Applicable Documents

- a. National Labor Relations Act, 29 United States Code (U.S.C.) §§ 151-169.
- b. Service Contract Act of 1965, 48 C.F.R., Subpart 22.10.
- c. Labor Relations, General, 48 C.F.R., Section 22.101-1.
- d. NASA Form 1293, Labor Dispute Report.

P.5. Measurement/Verification

None

P.6. Cancellation

NPR 5200.1D, Industrial Labor Relations Manual, dated June 23, 1997.

Revalidated April 9, 2013, original signed by:

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Change 1	04/10/2013	Update to comply with 1400 Compliance, with administrative changes, title changes, update applicable documents, and added Attachment G for references.

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 sections 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.

Chapter 2: Operating Procedures for Nonconstruction Contractors

2.1. Data Requirements

For all nonconstruction contractors at each NASA Center, the following data should be compiled and kept current at all times:

- a. A roster of all onsite contractors and their subcontractors reflecting the following:
 - (1) Description of work scope.
 - (2) Union or nonunion (employees of contractor).
 - (3) If union represented, name of local union and number of employees represented; name, telephone number, and address of business agent representing the local union.
 - (4) Expiration date of labor agreements.
 - (5) Copy of current labor agreements.
- b. Name of appropriate representative of nearest office of the NLRB.
- c. Name of appropriate representatives of local FMCS.
- d. Copies of local state labor regulations and agency designated to monitor labor disputes, if applicable.
- e. Detailed map of the NASA Center, reflecting locations of all gates.

2.2. Labor Contract Negotiations

2.2.1 Prior to the beginning of negotiations, obtain the following information from the company:

- a. Name and title of union and company spokesperson.
- b. Whether the parties are negotiating an initial labor agreement or a renewal.
 - (1) If a renewal, ascertain whether the current labor agreement requires notification by the parties of an intent to terminate the labor agreement prior to strike action.

2.2.2 The Center Contractor Industrial Relations Officer shall:

- a. Require all onsite contractors to advise the NASA Center Contractor Labor Relations Office of the date negotiations are scheduled to begin.
- b. Develop a direct contact with the company spokesperson soon after negotiations begin and before an impasse is reached.
- c. Request an up-to-date status on the negotiations at appropriate intervals from the company spokesperson.

2.3. Potential Impasse or Strike Action:

When it appears that the parties may reach an impasse, the Center Contractor Industrial Relations Officer should take the following actions:

2.3.1. When it appears that the parties may reach an impasse, the Center Contractor Industrial Relations Officer should take the following actions:

a. Advise the following personnel as soon as practicable of the situation:

(1) Contractor Industrial Relations Officer at Headquarters. at Headquarters.

(2) The NASA Center Chief Counsel, and other appropriate Center management officials.

(3) The NASA Center procurement officer.

b. If FMCS has not yet entered into negotiations, ensure that they are requested to do so—if not by the parties, then by NASA

c. Obtain from the company and/or the mediator the real issues in dispute between the parties.

d. Request that the company provide NASA with its contingency plan prior to a strike occurring if services shall be continued.

e. See "Action Checklist for Potential Impasse and Strike Notice Action Checklist When Impasses May Be Near" (Appendix C).

2.3.2. NASA Center management should make an assessment of:

a. The impact that a strike would have upon any critical NASA Center operation and advise NASA Headquarters, including the Contractor Industrial Relations Officer at Headquarters.

b. The reactions of neutral contractors regarding potential actions of their respective employees should strike action occur involving another contractor located at the NASA Center.

2.3.3. Obtain from the company and/or the mediator the real issues in dispute between the parties.

a. Develop a contingency plan of its own (over and above that provided by a contractor) in the event of a strike. This contingency plan should be discussed with the HQ Contractor Industrial Relations Officer.

b. Prepare for the implementation of the "reserve gate" procedure (see chapter 4).

c. Advise the military commander (if applicable) of the potential strike and request an assessment of the impact on the military operations.

d. Request that the mediator obtain from the union, if possible, its assurance of a 24-hour notice of any strike action.

2.3.4 NASA officials should not make any news releases without prior approval of the NASA Center Public Affairs Office, Chief Counsel, and the Center Contractor Industrial Relations Officer. Any news releases or comments of NASA officials to the news media should reflect NASA's impartiality and should contain no comment on any issues in dispute between the company and the union. Requests for reports on the status of negotiations or meeting times and places should be referred to the company, union, and FMCS as appropriate.

2.4. Strike Notice:

2.4.1 After receiving a strike notice from the mediator, union, or company, the NASA Center Contractor Industrial Relations Officer should take the following actions:

a. advise the following personnel as soon as practicable of the situation:

(1) Contractor Industrial Relations Officer at Headquarters.

(2) The NASA Center Chief Counsel, and other appropriate NASA Center management officials.

(3) The NASA procurement officer.

b. Establish themselves as a focal point of contact in any matters regarding the strike.

c. Send an e-mail, FAX or letter to the company and union advising both of the "reserve gate" procedure. If applicable, suggest that the Center Director and the Military Commander, or their designee, sign the e-mail/FAX/letters. (Appendix D.)

d. Ensure that neutral and reserve gate signs are ready for use. If time permits, signs may be placed and covered until needed. (Appendix E.)

e. Ensure that arrangements have been made to collect struck contractor employees' regular access passes/badges and that new access passes/badges are issued for the reserve gate.

f. Obtain periodic and current reports from each gate in regard to picketing and forms of demonstration.

g. Advise local law enforcement officials of the impending strike.

h. Implement the "reserve gate" procedure. See chapter 4.

i. Make arrangements to have photographic resources available to take pictures of gates, pickets, pickets' signs, and reserve gate signs.

j. Advise the regional attorney for the NLRB of the impending strike.

k. If the union does not observe the "reserve gate" procedure, consider going to NLRB for injunctive action. See section 4.3.

l. See "Action Checklist for Potential Impasse and Strike Notice Action Checklist When Impasses May Be Near." (Appendix C)

2.4.2 At the conclusion of the strike, the NASA Center Contractor Industrial Relations Officer/Advisor will file a Labor Dispute Report, NASA Form 1293 (Appendix F) with the Contractor Industrial Relations Officer at Headquarters.

Chapter 3: Guidelines for Construction Contractor Labor-Management Disputes

3.1. General

3.1.1. Construction labor agreements are usually negotiated by contractor employer associations, whereas the industrial labor agreements are usually negotiated by the individual local industrial contractor. Therefore, it is recognized that the small, local construction contractor would have little influence or involvement in disputes concerning labor contract negotiations.

3.1.2. Labor disputes, including strikes and picketing outside of labor contract negotiations, are quite prevalent in the construction industry. Frequently, such disputes result from use of a nonunion contractor, disciplinary actions, work rules, or jurisdictional issues. Many times such disputes are of short duration and do not involve the use of pickets.

3.2. Data Requirements:

For all construction contractors at each NASA Center, the Center Contractor Industrial Relations Officer should compile and keep current at all times: the following data should be compiled and kept current at all times:

- a. The expiration date of each building and construction trades labor agreement.
- b. The employer association is responsible for negotiating each agreement, including the names of any local employer representatives who take part in negotiations.
- c. The names, addresses, and telephone numbers of local building trades business agents.
- d. A current copy of each building and construction trades labor agreement.

3.3. Construction Labor Contract Negotiations:

In the event that disputes arise in construction labor contract negotiations where picketing is anticipated, the procedures set forth for industrial unions will be utilized. See paragraph 2.3. and Chapter 4, Reserve Gate Procedure.

3.4. Procedures for Construction Disputes Outside of Labor Contract Negotiations:

3.4.1 The following actions shall be taken by the Center Contractor Industrial Relations Officer in the event of a construction contractor labor dispute outside of contract negotiations:

- a. Contact the construction contractor(s) involved and obtain a detailed account of the facts concerning the dispute. In most cases, contact with local or other union officials is not to be made without prior concurrence of the Agency Contractor Industrial Relations Officer, unless the NASA Center employs a full-time Contractor Labor Relations Officer.

b. Advise NASA Contractor Industrial Relations Officer at Headquarters of the dispute..

3.4.2 In the event of a work stoppage in which picketing is imminent or has taken place, the "reserve gate" procedure (chapter 4) is to be implemented with the following exceptions:

a. Only the struck contractor and its suppliers will be required to use the reserve gate. If the struck contractor is a prime contractor, the subcontractors will not be required to use the reserve gate; they are considered neutral contractors even though they are a subcontractor to the effected prime contractor.

b. Reserve gate letters should be prepared by the NASA Center Contractor Industrial Labor Relations and Chief Counsel's Office in accordance with Appendix D and should be coordinated with the Contractor Industrial Industrial Relations Officer at Headquarters and the Office of General Counsel at Headquarters prior to being issued.

- When disputes arise from the use of a nonunion contractor at a work site and picketing is expected, the "reserve gate" procedure should not be implemented unless it is determined that such picketing would have an extreme impact on critical programs. In most cases relative to these circumstances, an injunction may be obtained to prohibit picketing at all gate locations, provided that a secondary boycott exists. Normally, extensive discussions among the Contractor Industrial Relations Officer, the Office of General Counsel, and the NASA Center representatives will take place before the initiation of any legal action.

Chapter 4: Reserve Gate Procedure

4.1. General

4.1.1. These guidelines establish general procedures concerning entrance and exit gate(s) for use by striking and/or neutral NASA contractor personnel, their suppliers, and civil service personnel on NASA controlled property.

4.1.2. The "reserve gate" procedure, when used at a NASA Center, is intended to provide the striking union and the contractor with similar conditions as if the dispute were taking place at the employer's premises outside of the NASA Center. This is accomplished by directing all of the struck employer's representatives, employees, and suppliers through special designated entrances/exits, the reserve gate(s). Moreover, by providing a special gate(s) for the struck contractor and the suppliers, neutral contractors can conduct business operations without interference, thereby minimizing the impact on neutral contractors.

4.1.3. Subcontractors are not required to use the reserve gate(s) unless they are performing struck work. In these unusual situations before such subcontracting arrangements take place, they must be reviewed by NASA Center management and the NASA Contractor Industrial Relations Officer at Headquarters.

4.2. Establishing and Enforcing the Use of Reserve Gates

4.2.1 When a union announces it intends to or actually begins picketing at a NASA location, the Center Contractor Labor Relations Officer (or designee), through the NASA Center management, shall do the following:

a. Designate a gate(s) in coordination with the Center Security Office for use by the struck contractor's employees, suppliers, and subcontractor employees, if applicable (see section 4.1.3), taking into consideration the following:

(1) A gate that will cause the least inconvenience to the largest number of people who will be working during the strike.

(2) Whether civil service employees and neutral contractors' employees should be restricted from using the designated gate.

b. Notify in writing (usually by FAX), the local union and the contractor of the designated gate in accordance with sample letters set forth in Appendix D (send copy of union FAX/letter to the company and copy of company FAX/letter to the union). Seek the union's cooperation to confine the pickets to the established reserve gate area. Consult with the Agency Contractor Industrial Relations Officer when or if appropriate before direct contact is made with the union.

c. Request in writing that the neutral contractors and all other employers at the NASA Center do the following:

(1) Notify their employees of the location of the reserve gate(s) for the striking employees.

(2) Provide appropriate instructions to all of their employees for entering and leaving the premises during the term of the strike.

- d. Recall from all of the struck contractors and subcontractors, if applicable (see section 4.1.3), their regular identification passes and car stickers and reissue special identification badges or decals, which will be honored only at the designated reserve gate.
- e. Post large signs at all entrances and exits in accordance with procedures set forth in section 4.2.1.f.
- f. Post notices for the reserve gate procedure.

(1) Notices (signs) shall provide clear and concise directions as to proper use of entrances and exits by all persons entering or leaving the NASA Center. They should be printed in bold letters so as to be easily read from moving vehicles.

(2) The signs shall meet the minimum legal standards in order to obtain prompt enforcement of the "reserve gate" procedure. Notices shall clearly state that the struck contractor, the employees, and suppliers will be confined to the use of a reserve gate for access and exit from the NASA Center and will not be permitted use of the neutral gates.

(3) Although employees of other contractors (not involved in the labor dispute) and Government employees may legally use the reserve gate, generally the NLRB prefers that the "reserve gate" be set aside for exclusive use by the struck employer and suppliers. Therefore, exclusive "reserve gate" procedures should be provided at the NASA Center where the regional office of the NLRB has expressed this preference. At other NASA Centers in which the NLRB has not expressed a preference for an exclusive "reserve gate," if desired, such gate may also be used by employees of contractors not involved in the labor dispute. The Agency Contractor Industrial Relations Officer will assist each NASA Center in determining the preference of the regional office of the NLRB on this matter.

(4) Sample formats of legally sufficient neutral and reserve gate notices are listed in Appendix E.

4.3 Procedures for Initiating Legal Action Through the National Labor Relations Board

4.3.1. The use of legal action in any labor dispute shall be avoided until all other remedial procedures have been exhausted. However, in the event that the union does not agree to the "reserve gate" procedure and continues to picket the "neutral gates," legal action may be instituted under the National Labor Relations Act in accordance with subsection 2.

4.3.2 Normally, one or more of the contractors being adversely affected are expected to initiate appropriate legal action by filing a charge with the regional office of the NLRB to obtain an injunction against the picketing of neutral gates by the union.

4.3.3 In the absence of either a contractor's willingness to file a charge or ability to establish evidence of irreparable damage, the NASA Center Contractor Industrial Relations Officer (or Contractor Labor Relations Advisor) will, in coordination with the Office of General Counsel, NASA Center management, and the NASA Contractor Industrial Relations Officer, determine whether the impact of picketing neutral gates is sufficient to recommend legal action by NASA.

4.3.4 Procedures for Filing Charges with the NLRB.

4.3.4.1 If it is determined that NASA will take legal action in a labor dispute, the NASA Center Director, or designee, with the concurrence of the NASA Contractor Industrial Relations Officer, and the Office of General Counsel, may authorize the filing of a charge.

4.3.4.2 The Center Contractor Industrial Relations Officer and the NASA Center Legal Office in coordination with the Contractor Industrial Relations Officer will do the following:

a. Initiate contacts with the regional offices of the NLRB to coordinate the procedures for filing and processing the charge..

4.3.2. Procedures for Filing Charges with the NLRB

4.3.2.1 If it is determined that NASA will take legal action in a labor dispute, the NASA Center Director, or designee, with the concurrence of the Contractor Industrial Relations Officer, and the Office of General Counsel, may authorize the filing of a charge.

4.3.2.2 The Center Contractor Labor Relations Officer and the NASA Center Legal Office in coordination with the Contractor Industrial Relations Officer will do the following:

a. Initiate contacts with the regional offices of the NLRB to coordinate the procedures for filing and processing the charge.

b. Develop with Center management and representatives of the NLRB the factual data reflecting irreparable damage to NASA programs, including but not limited to, such information as delays to certain critical programs or critical operational requirements or increased costs resulting from the illegal picketing.

c. Ensure the accumulation of evidence to support legal action, such as pictures of picketing and picket signs to identify the location of pickets at the Center to support the charge of a violation of the reserve gate procedure. Photographs should be taken of the printed material on each different sign. Discretion should be used by the photographer when taking these pictures so as not to provoke the pickets into other actions.

d. Provide clerical assistance and office space to the NLRB representative who is investigating the case, including coordinating through the NASA Center Legal Office for assistance in preparing necessary legal documents, e.g., taking depositions and briefs.

4.3.5 Contacts with local union officials during any strike situation should only be made by the NASA Center Contractor Industrial Relations Officer. International union officials will be contacted only by the NASA Contractor Industrial Relations Officer at NASA Headquarters, if required.

Chapter 5: Procedure for Requesting the Removal of NASA Parts/Materials from Manufacturers' Strike-Bound Plant

5.1. General

5.1.1. When it is evident that a potential or actual labor dispute at a supplier(s)/manufacturer(s) facility could impact the shipment of materials or parts, which are critical to NASA Center schedules, the Agency Contractor Industrial Relations Office should be contacted.

5.1.2. Upon receipt of a request for assistance, the Contractor Industrial Relations Office will contact the officials of the company, union, and other agencies as appropriate.

5.1.2.1. To assist the Contractor Industrial Relations Office in discussions with appropriate officials, the information listed in paragraph 5.2. should be submitted by the NASA Centers as soon as it is available.

5.1.2.2. Since the removal of parts/materials from a strike-bound plant comes at a time when labor-management relations are extremely sensitive, any contact with other agency officials involved, union officials at the struck plant, or international union officials will be made only by the Contractor Industrial Relations Office.

5.1.2.3. If it is decided that any items are to be removed from a strike-bound plant, cognizant Headquarters Program Offices through Center inputs, will establish priorities of items to be removed and/or completed prior to removal, e.g., finished work in process, tools, components, and materials. Upon the identification of such items, the Contractor Industrial Relations Office will coordinate work priorities and removal of the items through the appropriate officials of the company, union, and other agencies as required.

5.2 Data Requirements:

5.2.1 A Center Impact Report shall be submitted to the Contractor Industrial Relations Officer at Headquarters. This information may be transmitted by telephone and then followed up by a written report. This report should contain information listed below in items 5.2.1. through 5.2.6., and any other facts considered pertinent.

- a. Critical parts/materials, by program, system, contract numbers, technical name, and part numbers.
- b. Dates by which the item(s) must be delivered to meet program schedules. Investigate work-around plans and advise that slippage will occur if required delivery dates are not met. Also advise as to the possibilities of obtaining these items from other sources.
- c. Current production status and work that must be done before item(s) are ready for shipment. Investigate the possibility of completing unfinished work at the NASA Center or elsewhere. If possible, obtain the manufacturer's identification and drawing numbers to help trace or identify these items at the manufacturer's or supplier's plant.

d. Verify whether any other agencies have the responsibility for any functions concerning these critical items, e.g., quality control, establishing the source of supply, and transportation. If any other agency representative is involved at the manufacturer's facility, obtain this person's function/title, name, and telephone number.

e. Shipping information.

(1) Specific information concerning any special packaging, handling of the item(s) required, size, and weight of the pieces/containers making up the shipment.

(2) How, when, and where the items are to be shipped as follows:

(3) Method of transportation--air, rail, or truck, or if special military agency transportation is to be provided.

(4) Whether the carrier will pick up the item(s) for shipment at the manufacturer's plant or if they will be delivered to the carrier's terminal.

(5) Shipping document numbers so that these critical items can be traced to and during shipment.

f. The following manufacturer/subcontractor and union data:

(1) Manufacturer/subcontractor address and telephone number of the subcontractor and manufacturer representative who is a contact for NASA inquiries.

(2) Manufacturer/subcontractor industrial relations representative's name and telephone number if known.

(3) Union's name and local lodge number if known.

CHAPTER 6: Preparation for Variance Hearings Conducted Pursuant to Section 4(c) of the Service Contract Act of 1965, as Amended

6.1. General

6.1.1. The 1972 Amendments to the Service Contract Act of 1965 in Section 4(c) provides that interested parties may request a Department of Labor hearing to determine if collectively bargained wages and fringe benefits are at variance (higher or lower) with those prevailing in the locality. Such hearings may be requested by the union, the contractor, or by the contracting agency.

6.1.2. The party requesting the hearing has the initial burden of supporting the hearing request with prima facie evidence that the alleged variance exists. If a hearing is granted, each party may present detailed evidence in an attempt to prove the existence or nonexistence of the variance.

6.1.3. Prior to making a decision as to whether a hearing will be requested by NASA, the NASA Center Contracting Officer and Center Contractor Industrial Relations Officer will discuss the issues in question with the Agency Contractor Industrial Relations Officer, then the preliminary data will be obtained and compiled. After reviewing the data, if it is determined that a substantial variance exists, a request for a variance hearing will be formally prepared by the Agency Contractor Industrial Relations Officer with the concurrence of the Office of Procurement and the Office of General Counsel. If the request for a hearing is approved by the Department of Labor, additional data will be collected as required. The NASA Headquarters Contractor Industrial Relations Officer will advise the Center on the variance procedure, including advice on how to prepare the analysis and where to file the hearing.

CHAPTER 7: Procedure for Admitting Labor Union Representatives to NASA Centers

7.1. General

7.1.1. Labor union representatives who are not employees of NASA contractors but who have a bona fide bargaining unit with a NASA contractor will be permitted access to NASA Centers to conduct union business provided that safety and security regulations are complied with and that there is no interference with work operations.

7.1.2. Labor union representatives will be issued an appropriate pass (badge) that will authorize access to areas in which their members are working.

7.1.3. This procedure is intended to provide the union and the contractor with conditions the same as if their work were being performed at the employer's premises outside of the NASA Center.

7.1.4. Excluded from the provisions of this procedure are persons representing civil service employees. Civil service union matters are handled by the appropriate NASA Personnel Office.

7.1.5. Labor union representatives, while at NASA Centers, are prohibited from performing such union activities as collecting dues, holding meetings with more than one contractor employee, making unauthorized speeches, distributing union literature or membership authorization cards, and soliciting union membership except during nonworking hours and in nonwork areas.

7.2 Procedures for Providing Access Passes to the NASA Center for Labor Union Representatives

7.2.1. All requests for access are to be submitted to the NASA Center Contractor Industrial Relations Officer.

7.2.2. The Contractor Industrial Relations Officer will review and process appropriate requests by the following:

a. Contacting the NASA contractor whose employees the labor representatives will be visiting. Access is to be provided only to labor representatives that officially represent the contractor's employees..

b. Contacting the Center Security Office to make necessary arrangements to admit the labor union representative to the required areas.

Appendix A: DEFINITIONS

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

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.

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.

Injunction. A 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.

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

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

Mediator. A Federal or State employee who provides assistance to management and labor in resolving disputes, usually associated with bargaining over terms of a labor agreement.

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

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

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

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.

Secondary Boycott. A boycott 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.

Struck. Describes a facility or other workplace where organized labor is performing or has performed a labor strike.

Tenant Contractor. A contractor of another agency located on a NASA Center.

Appendix B: ACRONYMS

COLA Cost of Living Adjustment

FMCS Federal Mediation and Conciliation Service

NLRB National Labor Relations Board

APPENDIX C. Action Checklists

C.1 Checklist for Potential Impasse and Strike Notice Action Checklist When Impasse May Be Near

With the assistance of other Center officials, the Center Contractor Industrial Relations Officer shall complete the following activities when an impasse is near:

- Advise the Headquarters Contractor Industrial Relations Officer
- Advise NASA Center Chief Counsel's Office and Procurement Officer
- Request Assistance from the Federal Mediation and Conciliation Service (FMCS)
- Obtain a Statement of Issues
- Obtain the Contractor's Contingency Plan
- Make a NASA Center Impact Assessment
- Develop a NASA Contingency Plan
- Implement the Reserve Gate Procedure
- Advise the Military Commander (where applicable)
- Make a Military Operations Impact Assessment
- Obtain a 24-Hour Notice of Strike Action from the Union (by the Mediator)

C.2 Checklist Upon Receiving Strike Notice

With the assistance of other Center officials, the Center Contractor Industrial Relations Officer shall complete the following activities when a strike is near:

- Advise the Headquarters Contractor Industrial Relations Officer
- Send an e-mail/fax/letter to the Company advising of the "Reserved Gate"
- Send an e-mail/fax/letter to the Union advising of the "Reserved Gate"
- Advise local law enforcement offices of an impending strike
- Advise the Regional Attorney for the NLRB
- Arrange for photographic services during picketing activity
- Place and make ready for use reserve and neutral gate signs (May be covered until needed)

*Make arrangements to have Contractor employee badges collected and new badges issued

*END OF LAST SHIFT EMPLOYEE WORKS PRIOR TO STRIKE.

Appendix D: Notification of Reserve Gate Procedures

The attached letters are written in a suggested format. However, they may be revised if necessary, provided there is no substantive change that may invalidate the purpose of the notification. If revision is necessary, please ensure that the major points are included.

The purpose of these letters is to convey to the union and to the contractor that NASA intends to establish a reserve gate procedure and that their cooperation is required. The language used in the letters should be clear and firm but also invite their cooperation. Normally at this juncture, both parties are somewhat sensitive, so keep this in mind when preparing letters.

In some instances, the reserve gate may be used by all other contractor and NASA personnel. This does not change the purpose of the reserve gate, which is to restrict the struck contractor's access to the Center through the specific gate(s). In other cases, the NLRB may feel that it is necessary that the reserve gate(s) be used exclusively by the struck contractor (this practice will vary from area to area). In cases in which the reserve gate(s) is to be used exclusively by the struck contractor, other contractor/civil service personnel must be notified that they cannot use the reserve gate(s). See, sections 4.2.1c and 4.2.1f(3) of this manual.

D.1 Letter to the Union

Note: Send copy to Company

We are informed that a labor dispute exists between _____
Local Union Number and Name of Union and the _____
Contractor Company

It is recognized that this dispute may result in strike action by the Union.

In the event of picketing activity in connection with this dispute, the following procedures are being instituted regarding entry to and departure from _____ NASA Center for the duration of such picketing activity and shall be rigidly enforced.

1. All employees, officials, representatives, and suppliers of the Contractor Company** entering or leaving the NASA Center shall be restricted to gate(s)* Number; spell out highway, North/South, or name of street.
2. Security measures have been taken to ensure access only through the designated gate(s). Special alternate gate badges will be issued to personnel restricted to these gates.
3. Any picketing, demonstrating, or other overt activity in connection with this dispute must be confined to these locations. All such activity at any other point of entry shall be prohibited.
4. This procedure shall become effective immediately upon placement of pickets and will continue in effect for the duration of such activity. Upon removal of picket lines, these restrictions will be withdrawn.
5. Institution of these procedures is in accordance with decisions of the NLRB and the Courts.
6. This action is deemed to be in the best interest of the U.S. Government in order to ensure the

uninterrupted performance of vital activities in connection with the Nation's space program _____ and defense programs, if applicable

7. It is hoped that the issues in dispute are resolved, eliminating any necessity for the enforcement of these procedures. We trust that all the parties involved in this matter will understand the necessity for taking these steps and cooperate fully in their implementation.

Questions regarding the above procedures should be directed to the _____ Contractor Labor Relations Officer, telephone ____-____-_____.

Signed by NASA Center Director or Designee

Also, if appropriate, jointly signed by Military Commander or Designee

Send copy to Company.

*If it is absolutely necessary, two gates may be designated; if so, then make appropriate references in the following body of the letter.

**In cases in which struck work has been subcontracted, such subcontractor employees and suppliers must use the reserve gate and are subject to the same procedures as the struck contractor employers and suppliers.

D.2 Letter to the Company

Note: Send copy to Union

We are informed that a labor dispute exists between Local Union Number and Name and the Contractor Company.

It is recognized that this dispute may result in strike activity by the union.

In the event of picketing activity in connection with this dispute, the following procedures are being instituted regarding entry to and departure from NASA Center for the duration of such picketing activity and shall be rigidly enforced.

1. All employees, officials, representatives, and suppliers of the Contractor Company entering or leaving the NASA Center shall be restricted to gate(s)* number; spell out highway, North/South, or name of street.
2. Security measures have been taken to ensure access only through the designated gate(s). Special alternate gate badges will be issued to personnel restricted to these gates.
3. Any picketing, demonstrating, or other overt activity in connection with this dispute must be confined to these locations. All such activity at any other point of entry shall be prohibited.
4. This procedure shall become effective immediately upon placement of pickets and will continue in effect for the duration of such activity. Upon removal of picket lines, these restrictions will be withdrawn.
5. Institution of these procedures is in accordance with decisions of the NLRB and the Courts.
6. This action is deemed to be in the best interests of the U.S. Government in order to ensure the uninterrupted performance of vital activities in connection with the Nation's space program _____.

7. It is hoped that the issues in dispute are resolved, eliminating any necessity for the enforcement of these procedures. We trust that all the parties involved in this matter will understand the necessity for taking these steps and will cooperate fully in their implementation.

Please advise in writing, if possible, all of your employees, officials, representatives, and suppliers of these procedures. They should be informed that in the event of picketing activity, relative to this dispute, they must use the designated gate(s) during the labor dispute. Also, their regular access badge/car decal must be collected, and special badges/decals will be issued. There can be no exceptions concerning either entering or leaving NASA Center for the above listed personnel.

Questions regarding the above procedure should be restricted to the NASA CENTER's Contractor Labor Relations Office, telephone ____ - ____ - ____ .

_____ Signed by NASA Center Director or Designee

_____ Also, if appropriate, jointly signed by Military Commander or Designee

Send copy to Union.

*If it is absolutely necessary, two gates may be designated; if so, then make appropriate references in the following body of the letter.

**In cases in which struck work has been subcontracted such subcontractor employees and suppliers must use the reserve gate and are subject to the same procedures as the struck contractor employers and suppliers.

APPENDIX E. Neutral and Reserve Gate Notices

E.1 Neutral Gate Notice

NEUTRAL GATE NOTICE

THIS ENTRANCE (EXIT) IS FOR THE USE OF ALL GOVERNMENT AND CONTRACTOR EMPLOYEES AND SUPPLIERS EXCEPT THE EMPLOYEES AND SUPPLIERS OF (insert name of struck contractor**) WHO MUST USE (insert gate number, description or direction to reserve gates).

E.2 Reserve Gate Notice RESERVE GATE NOTICE

THIS ENTRANCE (EXIT) IS FOR THE EXCLUSIVE* USE OF (insert name of struck contractor)**

THEIR EMPLOYEES, AND SUPPLIERS, ENTRANCE (insert gate/number).

IS FOR THE USE OF ALL OTHER PERSONS AND PERSONNEL.

*If the reserve gate is to be used by employees of neutral contractors or Government employees, then the word "exclusive" may be removed. In most cases, the NLRB would prefer the "Reserve Gate" be used exclusively by the struck contractor and prohibit its use by employees of the neutral contractors.

**In cases in which struck work has been subcontracted, such subcontractor employees and suppliers must use the reserve gate and are subject to the same procedures as the struck contractor employees and suppliers.

APPENDIX F. Labor Dispute Report to NASA Contractor Industrial Relations Office

 National Aeronautics and Space Administration		Labor Dispute Report to NASA Contractor Industrial Relations Office	
I. WORK STOPPAGE DATA			
1. INSTALLATION <i>(Or program affected)</i>	4. UNION(S)	6. NUMBER OF EMPLOYEES OFF JOB	
		7. MAN DAYS LOST	
2. DATE & TIME OF STOPPAGE BEGAN: _____ ENDED: _____	5. COMPANY(IES)	8. TYPE OF DISPUTE: <input type="checkbox"/> GRIEVANCE <input type="checkbox"/> JURISDICTIONAL <i>(Between Crafts)</i> <input type="checkbox"/> CONTRACT NEGOTIATION <input type="checkbox"/> UNION / NONUNION <input type="checkbox"/> JURISDICTIONAL <i>(Between Industrial and Craft)</i>	
3. WORK DAYS LOST			
II. ADDITIONAL DATA			
9. REPORT MADE BY	PHONE	DATE	
10. NATURE OF ACTION: <input type="checkbox"/> THREAT OF STOPPAGE <input type="checkbox"/> SLOWDOWN <input type="checkbox"/> LOCKOUT <input type="checkbox"/> WORK STOPPAGE <input type="checkbox"/> PICKETING <input type="checkbox"/> OTHER			
11. CHIEF ISSUES IN DISPUTE			
12. NUMBER AND LOCATION OF PICKETS		SINGLE GATE PLAN IN EFFECT <input type="checkbox"/> YES <input type="checkbox"/> NO	
13. CONTRACTOR REPRESENTATIVE		PHONE	
14. UNION REPRESENTATIVE		PHONE	
15. REPRESENTATIVE OF INTERNATIONAL UNION		PHONE	
16. GOVERNMENT CONTRACT NUMBER AND SPECIFIC PROJECT		PHONE	
17. EMPLOYEES INVOLVED: <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> SERVICE <input type="checkbox"/> INDUSTRIAL		NUMBER % OF TOTAL OFF THE JOB _____ _____	18. GOVERNMENT ASSISTANCE <input type="checkbox"/> FMCS <input type="checkbox"/> NASA <input type="checkbox"/> NLRB <input type="checkbox"/> OTHER NAME PHONE
19. REMARKS			

NASA FORM 1293 FEB 02 PREVIOUS EDITIONS ARE OBSOLETE.

APPENDIX G. References

Federal Acquisition Regulations (FAR) 22.101 Labor relations, 22.1001 Definitions

Reorganization Plan #14 of 1950, 3 C.F.R., 1949-53 comp, p.1007

Code of Federal Regulations, Title 29, Subtitle A, Parts 4 and 5

NASA Industrial Labor Relations Guide

http://prod.nais.nasa.gov/portals/pl/documents/NASA_Labor_Relations_Guide_June_2011.pdf (kept on the NASA Office of Procurement website).