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Civilian Personnel

Participation of Head Works Council in Management Actions in Germany

For the CG, USAREUR/7A:

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Summary. This regulation establishes policy and procedures to ensure that the Head Works Council (HWC), USAREUR, participates in management actions that concern local national (LN) employees in Germany.

Applicability. This regulation applies to HQ USAREUR/7A and IMA-E staff offices.

Supplementation. Organizations will not supplement this regulation without USAREUR G1 (AEAGA-CL) approval.

Forms. AE and higher level forms are available through the Army in Europe Publishing System (AEPUBS).

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System Web site at <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is the USAREUR G1 (AEAGA-CL, DSN 375-2522). Users may send suggestions to improve this regulation on DA Form 2028 to the USAREUR G1 (AEAGA-CL), Unit 29351, APO AE 09014-9351.

Distribution. D (AEPUBS).

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1. PURPOSE

This regulation establishes policy and procedures and assigns responsibilities to ensure heads of HQ USAREUR/7A and IMA-E staff offices comply with the legal right of the Head Works Council (HWC), USAREUR, to participate in management actions that concern local national (LN) employees in Germany.

2. REFERENCES

- a. NATO Status of Forces Agreement (SOFA).
- b. NATO SOFA Supplementary Agreement (NATO SOFA SA).
- c. Protocol of Signature re Article 56, NATO SOFA SA.
- d. AR 25-400-2, The Army Records Information Management System (ARIMS).
- e. AE Regulation 25-35, Preparing Army in Europe Publications.
- f. USAREUR Regulation 690-61, Labor-Management Relations—Local National (LN) Employees in Germany.
- g. DA Form 2028, Recommended Changes to Publications and Blank Forms.

3. EXPLANATION OF ABBREVIATIONS

AE	Army in Europe
CPD	Civilian Personnel Directorate, Office of the G1, HQ USAREUR/7A
HQDA	Headquarters, Department of the Army
HQ USAREUR/7A	Headquarters, United States Army, Europe, and Seventh Army
HWC	Head Works Council, USAREUR
IMA-E	United States Army Installation Management Agency, Europe Region Office
LN	local national
NATO	North Atlantic Treaty Organization
SA	Supplementary Agreement
SOFA	Status of Forces Agreement
U.S.	United States
USAREUR	United States Army, Europe

4. RESPONSIBILITIES

- a. The Director, Civilian Personnel Directorate (CPD), Office of the G1, HQ USAREUR/7A—

(1) Is the official representative of the Army in Europe in relations between HQ USAREUR/7A and IMA-E and the HWC. The Director, CPD, is the officially appointed permanent representative of the “highest service authority” within the meaning of paragraph 1 of the Protocol of Signature re Article 56, paragraph 9, NATO SOFA SA.

(2) Will coordinate USAREUR and IMA-E management actions with the HWC.

- b. Heads of HQ USAREUR/7A and IMA-E staff offices will—

(1) Promote cooperation and mutual confidence between their staff offices and the HWC.

(2) Be responsive to the CPD in relations between USAREUR, IMA-E, and the HWC.

(3) Work with action officers to ensure that the legal rights of the HWC are respected.

5. HWC FUNCTIONS

a. Activities and Representation. USAREUR Regulation 690-61, annex C, governs LN works-council activities at U.S. Army installations in Germany. USAREUR Regulation 690-61, annex B, is an English translation of the German Personnel Representation Law as modified by the Protocol of Signature re Article 56, paragraph 9, NATO SOFA SA. The HWC was established under these legal provisions. The HWC is a body of 31 LN employees elected by secret ballot to represent the LN workforce in Germany to the highest service authority of the force. This workforce includes LN employees in USAREUR and IMA-E organizations and commands.

b. Rights and Responsibilities. USAREUR Regulation 690-61, annex C, stipulates the rights and responsibility of the HWC to participate in USAREUR and IMA-E actions (including policy actions) that affect LN employees. The Director, CPD, must inform the HWC promptly and comprehensively of planned management actions. The HWC must be involved in management actions under the formal cooperation or codetermination procedures in USAREUR Regulation 690-61, annex C, articles 69 and 72, before HQ USAREUR/7A or IMA-E makes a final decision.

c. Limitations and Exclusions. The extent of HWC participation in planned management actions may be restricted when HWC participation is incompatible with military interests of USAREUR or IMA-E particularly worthy of protection. Classified documents will not be submitted to the HWC. The Director, CPD, must inform the HWC immediately when the decision is made to restrict HWC participation because of incompatibility with the military mission.

6. ACTIONS SUBJECT TO HWC PARTICIPATION

a. USAREUR Regulation 690-61, annex C, articles 75 through 81, lists actions subject to works-council participation. The majority of actions start at the local management level (for example, base support battalion level). Some actions start at the intermediate command level (for example, 5th Signal Command, 21st Theater Support Command). Local and intermediate command (district) works councils participate in these actions. At the HQ USAREUR/7A and IMA-E level, the right of the HWC to participate in management actions primarily pertains to the following actions:

(1) Plans for the following organizational changes that are based on HQ USAREUR/7A or IMA-E actions:

- (a) Deactivations.
- (b) Significant reductions in strength affecting filled or vacant positions.
- (c) Relocations.
- (d) Mergers of organizations or major parts of organizations.

(2) Preparation of administrative instructions (for example, regulations, circulars, training outlines, command policy letters, messages, changes to these publications) that establish or change AE policy, procedures, instructions, or guidelines concerning LN employees.

b. When the action starts at the local management level it can be appealed by the works council at the local and intermediate management levels to the highest service authority, which will then act as an appellate authority in coordination with the HWC.

c. When decisions are made at levels above the highest service authority and when HQ USAREUR/7A or IMA-E is directed to execute these decisions that implement management actions, the HWC will be promptly informed before implementation in accordance with sentence 4 of paragraph 1 of the Protocol of Signature re Article 56, paragraph 9, NATO SOFA SA. In these cases, which will be finally determined by the Director, CPD, a separate and distinct participation right of the HWC does not exist.

7. PROCEDURES

a. Planned Organizational Changes.

(1) Heads of HQ USAREUR/7A and IMA-E staff offices will inform the CPD before taking management actions that will affect LN employees or vacant LN positions. This includes actions that are planned for military reasons, even when the actions are classified. The CPD will decide if an action is subject to HWC participation. When heads of staff offices send information that affects LN employees to subordinate organizations, they will send two printed copies to the CPD for transmittal to the HWC. To ensure the HWC receives this information as soon as possible, proponents will send copies of these documents to CPD by e-mail (wolfgang.trum@us.army.mil) immediately after the respective organization head has approved the action. Any public statements, press releases, or similar announcements concerning such actions must be coordinated with the CPD, and HWC notification requirements must be included in public affairs plans.

(2) The CPD will promptly inform the HWC of planned organizational changes (para 6a(1)) and their effects on LN employees. The CPD will discuss these actions with the HWC under the formal cooperation procedure at monthly HWC meetings. The CPD will honor and strive to accommodate proponent's desires concerning the timing of actions. The head of the staff office concerned will promptly provide information about the proposed action to the CPD and assist in the cooperation procedure when requested to do so. After discussion of the action with the HWC, the Director, CPD (on behalf of the CG, USAREUR/7A), will make the final decision in coordination with the head of the staff office concerned.

b. Proposed Administrative Instructions.

(1) Heads of HQ USAREUR/7A and IMA-E staff offices will send (by e-mail) a coordinated, edited draft of their proposed administrative instructions (for example, publications) and a German translation to the CPD. Drafts must show the date of their preparation or a version number. As an exception, if electronic transmission is not possible, proponents will provide two printed copies of the proposed documents with a German translation to the CPD. Draft AE publications (AE Reg 25-35) must have been edited by the Office of the G6, HQ USAREUR/7A, before being submitted to CPD for HWC review. The Office of the G6, HQ USAREUR/7A (AEAIM-D), will also review translations of edited AE publications before they are submitted to CPD for the HWC.

(2) The CPD will provide drafts of proposed administrative instructions (para 6a(2)) to the HWC for information, review, and discussion under cooperation or codetermination procedures. CPD will—

(a) Ensure a dialogue is established between the HWC and the proponent office on questions concerning the proposed publications.

(b) Assist during discussions with the HWC by providing advice on the application of the NATO SOFA and the German Personnel Representation Law.

(3) The CPD will provide advice to the staff office concerned when the cooperation or codetermination procedures are completed.

(4) Draft publications may be released for publication only after completion of cooperation or codetermination procedures. The basic intent of draft publications will not be changed after cooperation or codetermination procedures are completed. Since German is the official language in dealings with works councils in Germany, the German language version of all publications requiring HWC consent will be binding with respect to LN employees. CPD will ensure that the English translations of such publications convey the exact contents of the German version.

(5) When a publication is published only on paper, heads of proponent staff offices will provide the CPD 5 copies of the final publication and 35 copies of the German version, if published, for transmittal to the HWC.

c. Contact With HWC. The Director, CPD, is the official representative of the CG, USAREUR/7A, to the HWC and, as such, exclusively authorized to present the official "employer" position to the HWC and commit the "employer" to the HWC. Direct contacts with the HWC are not encouraged. HQ USAREUR/7A and IMA-E staff offices desiring to contact the HWC directly must first coordinate the contact with the CPD. Questions about HWC participation rights will be directed to the CPD at DSN 375-2522.

8. HWC AND THE LOCAL HQ USAREUR/7A AND IMA-E STAFF OFFICES WORKS COUNCILS

a. Local works councils representing LN employees of HQ USAREUR/7A and IMA-E staff offices are not subordinate to the HWC or bound by HWC instructions.

b. Local works councils normally have the right to appeal management decisions to the next higher headquarters for review and final negotiation between HQ USAREUR/7A or IMA-E and the HWC. HQ USAREUR/7A and IMA-E staff offices works councils do not have this right, because they have no higher headquarters of appeal. HQ USAREUR/7A and IMA-E staff offices works councils are bound by decisions made by their management officials under the cooperation procedure.

c. HQ USAREUR/7A and IMA-E staff offices works councils may request final decision by a conciliatory committee on actions subject to the codetermination procedure (USAREUR Reg 690-61, para 9a(7)).

d. HQ USAREUR/7A and IMA-E staff offices works councils have no separate and distinct participation right on management actions applicable to all Army in Europe employees in which the HWC has participated.