



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

**ORDER
3710.18A**

National Policy

Effective Date:
10/04/19

SUBJ: Internal Coordination Requirements for Negotiating Term and Mid-term Agreements (Including Memoranda of Understanding and Memoranda of Agreement) with FAA Unions

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- 1. Purpose of this Order.** This Order establishes internal management coordination and approval requirements for term and mid-term labor agreement negotiations, including, but not limited to, Memoranda of Agreement and Memoranda of Understanding (jointly referred hereafter as “labor agreements”).
 - 2. Audience.** This Order applies to all supervisory personnel.
 - 3. Where Can I Find this Order.** Federal Aviation Administration (FAA) personnel can find this Order on the MyFAA website at https://employees.faa.gov/tools_resources/orders_notices/. This Order is available to the public at http://www.faa.gov/regulations_policies/orders_notices/.
 - 4. Delegation of Authority.** The Assistant Administrator for Human Resource Management is authorized to issue changes to this Order that do not require the approval of the Administrator.
 - 5. Cancellation.** This Order cancels FAA Order 3710.18, Internal Coordination Requirements for Negotiating Agreements with FAA Unions, dated May 8, 2003.
 - 6. Background.** FAA multi-union work environment requires a consistent and coordinated bargaining approach to its labor agreement negotiations. To ensure a more corporate approach to negotiations, FAA implemented requirements for labor agreement negotiations. These coordination and approval requirements are consistent with FAA's obligations under the Federal Service Labor-Management Relations Statute, 5 U.S. Code Chapter 71 (the Statute). The management official (i.e., chief negotiator, responsible Labor and Employee Relations (AHL) Specialist, Line of Business (LOB) Representative, etc.) charged with leading, completing, or reviewing negotiations are held responsible for ensuring that labor agreements meet all legal requirements, that budget impacts are analyzed, and that agreements support corporate goals and interests.
 - 7. Union Notice.** All notices to or from unions concerning collective bargaining matters must be coordinated with AHL representatives in headquarters, regions or centers, as appropriate. Coordination must occur prior to issuance and the beginning of any negotiations, in the case of notification to the unions; and must occur prior to the beginning of any negotiations in the case of notification from the union.

8. Negotiation Representation. A Chief Negotiator/Spokesperson shall lead FAA negotiations. Unless otherwise delegated by the Executive Director of Labor and Employee Relations, AHL-1, AHL representatives will lead national and regional level negotiations. LOB and Staff Office (SO) representatives may be delegated to lead local (field facility) negotiations. When an LOB or SO representative leads negotiations, an AHL representative must review all proposed agreements to ensure negotiability and compliance with this Order. AHL shall provide a designated AHL representative to provide advice and guidance regarding the appropriate statute, collective bargaining agreement (CBA), FAA policy/orders, or other law, rule, or regulation on proposals and discussions during negotiations. The Chief Negotiator and the AHL representative have the responsibility to conduct due diligence on all proposals that could lead to a signed agreement by ensuring compliance with this Order.

9. Agreement Coordination and Approval Requirements.

a. All union negotiations will take place under the policy direction of the Administrator. Proposals initiated by the agency or submitted to the union, must be transmitted to the designated AHL office prior to negotiations. The designated AHL representative will review any agency proposals prior to the agency proposal being provided to the union and any union proposals prior to the agency submission of any counter proposal, in order to determine whether proposals are negotiable and to ensure compliance with this Order.

b. Each LOB or SO with employees covered by a labor agreement negotiation must be represented in negotiations.

c. Prior to and during negotiations, the participating/representative LOB/SOs and the assigned LER representative are responsible for ensuring that proposals and any final agreement are consistent with the CBA, the Statute, as well as with programmatic and operational requirements, and the effective and efficient functioning of the agency.

d. A budget analysis must be completed for every labor agreement prior to agreement and signature. The Office of Financial Services, or its designee, is responsible for conducting budget analyses and will coordinate with relevant LOB/SOs, and the Chief Financial Officer, or designee, in order to estimate cost impacts. The budget analysis will also provide the management negotiations team with an assessment of the affordability relative to anticipated funding levels.

e. The responsible policy or program office must be consulted prior to the completion of all proposed agreements that affect or change agency policies or programs outside the initiating organization's scope of authority.

10. Other Requirements for Agreements. Mid-term agreements shall be negotiated only as provided by any governing term agreement and should only be entered into when required for sound business reasons.

11. Agency Head Review. Section 7114(c) of the Statute states that any union agreement is subject to agency head review and approval. 5 U.S.C. § 7114(c). The agency has thirty (30) days after the agreement is signed to conduct such a review. This authority has been delegated to the

Director of Labor and Employee Relations, AHL-1, or their designee, and may be re-delegated to the AHL Service Area Directors. All labor agreements must include a signature line indicating that agency head review has been completed. Such a signature confirms that the labor agreement has been approved and signed on behalf of the Administrator.

In exercising agency head review authority, AHL must consult with the designated office within the Office of the Chief Counsel to ensure legal sufficiency.

12. Mandatory Provisions. All union agreements must contain:

- a. specific program or policy the agreement covers;
- b. specific union(s) and bargaining unit(s) the agreement covers;
- c. specific expiration date or expiration condition; and
- d. 30-day agency head review approval line described in paragraph 11 above.

13. Record Keeping. Copies of all national, regional, and local agreements must be sent to the appropriate servicing AHL office in headquarters, regions or centers, for inclusion in a national database. This applies to any current and future agreements.

14. Labor Relations Council. This Order creates a Labor Relations Council (LRC). The purpose of the LRC is to promote uniform agency-wide policy guidance on a proactive basis for significant labor relations issues, and to provide a forum for the presentation of information and formulation of cohesive policy guidance on labor relations issues. The Council will also be a forum to resolve disagreements within management concerning negotiations with the unions.

The Council membership shall be comprised of:

Deputy Administrator
 Assistant Administrator for Human Resource Management
 Director of Labor and Employee Relations
 Deputy Director(s) of Labor and Employee Relations
 Designated Associate Administrator(s) Involved in a Negotiation
 Assistant Chief Counsel, Employment and Labor Law Division

Any LOB or SO involved in a negotiation may raise an issue of concern regarding the substance or process of a negotiation to the Council. The Council will meet in an ad hoc session with the concerned LOB in attendance. The participants will strive for a consensus resolution. However, absent consensus, the Deputy Administrator shall resolve the matter.

15. Distribution. This Order is distributed to all executives, managers, and supervisors.



Steve Dickson
 Administrator