

III. SERVICES TO LABOR ORGANIZATIONS

A. SPONSORSHIP, CONTROL OR ASSISTANCE TO LABOR ORGANIZATIONS

(1) Management Involvement

While the Statute gives all employees the right to join or refrain from joining labor organizations, it specifically prohibits sponsorship, control, or assistance to such organizations by agencies. [5 USC 7116(a)(3)] Supervisors are considered management representatives. Consequently, their membership in a labor organizations requires the exercise of care so that their activities in such organizations do not constitute a basis for an unfair labor practice charge.

(2) Examples of Prohibited Sponsorship, Control or Assistance

Some activities which should be considered prohibited sponsorship, control or assistance to a labor organization (or an employee council, which meets the definition of a labor organization) are:

- (a) management or supervisory participation in the formation of the labor organization;
- (b) management officials or supervisors serving as officers of the labor organization;
- (c) involvement by management in the nomination or election of officers;
- (d) agency financial support to the labor organization;
- (e) providing space or facilities for a labor organization for purposes of solicitation or campaigning, where the organization has not filed a petition or intervened and there is an existing recognized labor organization, or where there is an election pending;
- (f) favoring one labor organization as opposed to another, where both unions have equivalent status¹¹
- (g) urging employees to form their own labor organization.

(3) Employee Advisory Committees and Councils

¹¹ 5 U.S.C. § 7116(a)(3) The term "equivalent status" is not defined in the law. Generally, a union achieves equivalent status when it raises a question concerning representation by filing a representation petition or becoming an intervenor in a pending representation petition.