

Headquarters  
United States Forces Korea  
Unit #15237  
APO AP 96205-5237

United States Forces Korea  
Regulation 690-22

1 September 2009

Civilian Personnel

KOREAN EMPLOYEES - HANDLING DISRUPTIVE LABOR ACTIONS

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**\*This regulation supersedes USFK Regulation 690-22, 6 March 1998.**

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FOR THE COMMANDER:

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**Summary.** This regulation prescribes USFK policies and procedures in handling labor disturbances involving Korean employees.

**Summary of Change.** This revision includes the following changes:

- Deleted (from Para 1-4b(1)) the requirement for commanders to submit a copy of their contingency plans to USFK Civilian Personnel Director. The Civilian Personnel Director does not oversee preparation and update of units' contingency plans.
- Updated organization names and office symbols of civilian personnel offices or human resources offices.
- Added positions shown below to Appendix C, Essential Categories of KN Employees Prohibited from any Collective Disruptive Actions to be consistent with the SOFA Joint

Committee Memorandum of 29 August 1974, 97<sup>th</sup> SOFA Joint Committee meeting. These positions were deleted inadvertently at the previous update.

- Refrigeration and air conditioning mechanic (cold storage and milk plant).
- Boiler operator, high pressure (milk plant only).
- Blender operator (milk plant only).
- Equipment cleaner (milk plant only).
- Packer/packing machine operator (milk plant only)

**Applicability.** This regulation applies to all USFK activities employing Korean civilian personnel.

**Supplementation.** Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval of the Commander, USFK, ATTN: FKCP-LPM, APO AP 96205-5237.

**Internal Control Process.** This regulation does not contain management control procedures.

**Suggested Improvements.** The proponent of this regulation is HQ USFK, (FKCP-LPM). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to HQ USFK, (FKCP-LPM), Unit #15237, APO AP 96205-5237.

**Distribution.** Electronic Media Only (EMO).

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## **Chapter 1**

### **General**

#### **1-1. Purpose**

This regulation prescribes responsibilities of commanders, designated staff sections, and personnel of Headquarters, United States Forces Korea (USFK) in handling labor disturbances involving Korean employees.

#### **1-2. References**

Required and related references are listed in appendix A.

#### **1-3. Explanation of Abbreviations**

Abbreviations used in this regulation are explained in the glossary.

#### **1-4. Responsibilities**

a. Commanders of subordinate commands, separate activities, and assigned units will do the following :

(1) Ensure that a contingency plan is developed for carrying out essential functions if the Korean employee work force is absent due to a labor action. The plan will be reviewed annually, updated if needed, and certified as current. (See Appendix B for guidance in preparation of contingency plans.)

(2) Employee grievances will be thoroughly investigated to ensure that equitable and fair treatment is provided. Within regulatory authority, every attempt will be made to provide constructive solutions, satisfactory to both management and employees. Those matters not resolved or matters outside the commander's authority will be immediately referred to HQ USFK for further review and determination. Every attempt will be made to localize and contain disruptive labor actions, preventing unnecessary escalation to higher echelon, or expansion to the remaining work force.

(3) Coordinate planned actions that have an effect on Korean employees with the servicing Human Resources Office (HRO), Civilian Personnel Advisory Center (CPAC), or Civilian Personnel Office (CPO). Management obligations for notifications stipulated in Article 4, Labor Management Agreement between USFK and USFK Korean Employees Union should be fully complied with. Necessary changes should be planned and carried out in such a manner not to create unnecessary or unanticipated labor disturbances. Successful implementation of the changes requires effective communications with employees and their union. Where appropriate, consultation with the union should take place to search for ways in which the adverse effect on employees may be reduced, without compromising management objectives. Prior to consultations with employees and/or employee unions, management may consult with the USFK Strategic Communications Division over the development of a communication and negotiation strategy.

b. Area and installation commanders will --

(1) Consolidate and coordinate contingency plans prepared by each tenant organization. An overall contingency plan for each camp, post, or base must be developed and maintained to provide security and safety, transportation, food service, necessary supplies, medical care, fire protection, and utilities. The plan will be reviewed annually, updated if needed, and certified as current.

(2) Maintain close liaison with the servicing HRO/CPAC/CPO and with bona fide Republic of Korea (ROK) Government (ROKG) and union representatives within their area on matters affecting the Korean work force.

(3) Coordinate requests for augmentation of security forces with the USFK Provost Marshal (FKPM).

(4) Review security resources available from the Korean National Police (KNP) and the ROK Army (ROKA) in coordination with the USFK Assistant Chief of Staff (ACofS), J3; area or installation Provost Marshals (PM) and Chief, Security Forces (CSF); and USFK Provost Marshal.

(5) Maintain close liaison with the local KNP.

(6) Prepare to close nonessential or marginal facilities, and minimally man others with US and Korean Augmentation to United States Army (KATUSA) personnel.

(7) Determine the highest priority operations (for example, hospital, food service, security, transportation, and engineer facilities). Prepare a minimum manning plan. Conduct on-the-job orientation training of selected US and KATUSA personnel to perform vital operations that may be affected.

(8) Prepare provisions for billeting and subsistence for those employees who desire to remain on the job if commuting is prevented.

(9) Restrict US personnel and traffic from areas where demonstrators and strikers assemble.

c. The USFK Civilian Personnel Director will --

(1) Serve as the primary point of contact for communication and negotiation with the USFK Korean Employees Union (hereinafter referred to as the union) and the ROK Ministry of Labor. While executing the communication and negotiation tasks the USFK Civilian Personnel Director may seek assistance from the USFK Strategic Communications Division over the development of a communication and negotiation strategy.

(2) Develop and carry out USFK actions dealing with Korean employees, its union, and the Labor Management Agreement.

(3) Advise subordinate commanders, separate activity commanders, and area/installation commanders on actions required at their level and the implementation of USFK actions dealing with the union.

(4) Monitor labor activities throughout the command and keep the command group and commanders advised of the labor situation.

d. The USFK ACofS, J1, in coordination with the ACofS, J3 and the ACofS G1 of Eighth U.S. Army, plans and coordinates the temporary detail of personnel, as requested by area and installation commanders, to subordinate commands and separate activities in the event of a major work stoppage. The temporary detail of Air Force personnel will be referred to the 7th Air Force, Deputy Chief of Staff for Personnel. The temporary detail of Navy personnel will be referred to the USNFK, Flag Secretary.

e. The USFK ACoF, J2 intensifies liaison with appropriate US and ROK agencies when demonstrations or other activities that threaten USFK personnel or property are imminent or have occurred.

f. The USFK ACoF, J3 will --

(1) Convene the Select Crisis Action Team (S/CAT), when necessary.

(2) Coordinate with the ACoF, J1 and the ACoF G1 of Eighth U.S. Army, to arrange temporary detail of personnel to perform essential duties threatened by work stoppages, in support of the area/installation contingency plans.

(3) Provide liaison between area and installation commanders in matters that require ROKA assistance to help secure USFK personnel or property.

g. The USFK ACoF, J4 plans for logistical support required in the event of a general strike.

h. The USFK ACoF, J5 will:

(1) Continue to be a liaison with the US Embassy and other US and ROK agencies to keep abreast of the developing situation.

(2) Assist management in the development of communication and negotiation strategies to be employed with Korean National employees and/or their unions.

i. The USFK Provost Marshal will maintain liaisons with the ROK police, coordinate USFK requests for security assistance, and keep Commander, USFK, and the S/CAT informed of the nature of disturbances and security measures implemented.

j. The USFK ACoF, Engineer prepares for employment of the engineer troop units to support facility engineering requirements specified in area plans to fill critical Korean National (KN) employee positions vacated because of KN employee disturbances.

k. The USFK Public Affairs Officer develops and distributes information on the situation and the commander's position to USFK units and the local news media.

l. The Special Assistant to the Deputy Commander and the US Status of Forces Agreement (SOFA) Secretary will --

(1) Alert USFK and ROKG members of the SOFA Joint Committee and keep them informed of the situation.

(2) Coordinate SOFA aspects of the situation.

m. Chiefs or Directors of HRO, CPO, or CPAC will --

(1) Identify employees occupying positions listed in appendix C who are prohibited from participating in collective disruptive actions.

(2) At the time of initial appointment and annually thereafter, notify these employees identified on the provisions of SOFA pertaining to collective labor actions (Appendix D).

(3) In the event of local labor actions, advise installation commanders of required labor relations procedures and actions, and coordinate with the USFK Civilian Personnel Director the actions to be taken locally.

(4) Keep the installation commander and area support group commander informed of labor problems and of negotiations in progress.

(5) Serve as the point of contact with the union chapter.

## **1-5. Policy**

a. Commanders at all levels. Commanders will implement effective labor management relations policies to prevent and minimize labor disturbances. Despite various ROK and US agreements and procedures, there are no absolute assurances that disruptive labor activities will not occur. When disruptive labor actions are imminent, or have occurred, measured and proportional action will be taken to prevent, stop, or contain the disruptive actions without escalating the problem. Guidance for planning job actions and supervisory actions to be taken during the labor actions are provided in Appendix B.

b. Labor Action Committee. At HQ USFK, the Labor Action Committee will meet and confer, on a continuing basis, on strategies for resolution of ongoing problems, as well as those which are causing heightened labor tension and threats of job actions. Membership of this committee is as follows:

(1) Assistant Deputy Chief of Staff - Chairman

(2) USFK Civilian Personnel Director

(3) ACofS J1 or designated representative

(4) ACofS J3 or designated representative

(5) ACofS J5 or designated representative plus a representative from the Strategic Communications Division.

(6) US SOFA Secretary or designated representative

(7) Judge Advocate (USFK) or designated representative

c. S/CAT. When required, the ACofS J3 will convene a S/CAT. The composition of the team will be predicated on the situation and the need(s) of the area, installation, or base commander(s).

d. Command Negotiation Team. The Command Negotiation Team will meet with union officials to attempt resolution of labor unrest. The team is comprised of the USFK Assistant Deputy Chief of Staff; the USFK Civilian Personnel Director; and a representative from the Judge Advocate's Office. A subgroup consisting of representation from the Air Force, Navy, and Army and Air Force Exchange Service (AAFES) may be called in by the Negotiation Team depending on the subject under discussion. The Command Negotiation Team will be primarily involved in command-wide problems or problems elevated to the command group by subordinate commanders.

## **Chapter 2**

### **Disruptive Labor Actions and Reports**

#### **2-1. Handling Disruptive Labor Actions**

a. When disruptive labor action is imminent, installation commanders will –

(1) Implement necessary control to ensure protection of government property and facilities. The KNP will be alerted regarding possible labor action. However, deployment of KNP on post/base will be made only after clearance with the S/CAT.

(2) With assistance from the servicing HRO, CPAC, or CPO, maintain communication with employees' representatives or union officials, while attempting to resolve the situation. Advise complainants of all actions taken by management in response to their complaint. Employees and the union will be advised of the proper channels provided for resolving grievances in USFK Employee Grievance Procedures; the Labor Management Agreement; and the ROK-US SOFA Article XVII. Employees and the union will be urged to follow these procedures.

(3) Provide a telephonic situation report to Command Center, Seoul, telephone numbers: 723-3030/3029. A follow-up report in writing will be forwarded to HQ USFK, ATTN: FKCP-LPM (Appendix E).

b. When a local work stoppage, slow down, picket, or sick-out has taken place, installation commanders will --

(1) Notify Command Center, Seoul, telephone numbers: 723-3030/3029.

(2) Place the contingency plan into effect in the work unit or organization affected by the action when necessary.

(3) Advise participants in a disruptive labor action that their grievances must be discussed under established procedures after the disruptive action has ceased. Request participants to designate representatives, normally not to exceed three persons. Discussions will be held only with the representatives and should be conducted at a separate place to permit orderly discussions without undue interference or threats from the group. Discussions will continue until all possibilities of resolution are exhausted.

(4) Disapprove and return mass leave requests in accordance with (IAW) paragraph 2-2b below.

(5) Remind employees and union representatives of the provisions of the ROK-US SOFA, Article XVII; the Labor Management Agreement; and the USFK Korean Employee Grievance Procedures, and the obligations of employees and union representatives under these agreements. Explain the consequences of their continued refusal to comply including disciplinary action for individual employees and the possible withdrawal of union recognition.

(6) Establish a deadline that the disruptive labor action on post/base must cease. After clearance from the S/CAT, request the support of the KNP to dismiss the group. The use of force or physical contact by US personnel will be avoided.



(7) Inform nonparticipating employees of their obligation to report to work and any special arrangements provided, such as designated entrance for use during the disruptive labor actions. Commanders will discourage the use of privately owned vehicles of US personnel for transportation of Korean employees across picket lines.

(8) After coordination with the Assistant Deputy Chief of Staff, USFK, inform the KNP and the local ROKG, Ministry of Labor Inspector, of the nature of the disruptive action and request their assistance.

(9) After coordination with the Assistant Deputy Chief of Staff, USFK, consult with the local ROKG authorities when such consultations are considered beneficial in trying to discontinue disruptive labor action.

c. When demonstrations and protest rallies on post/base occur, installation commanders will --

(1) Notify Command Center, Seoul, telephone number: 723-3030/3029, who will immediately alert the Joint Police Information Center, telephone number: 738-8070.

(2) Isolate the area. Alert the security force and enforce careful screening of Korean personnel entering the compound or the area of demonstration when necessary.

(3) After coordination with the Assistant Deputy Chief of Staff, USFK, inform the KNP and, if deemed necessary, request, after clearance from the S/CAT, their assistance to dismiss the group.

d. When a command-wide general strike is imminent or occurs, the Labor Actions Committee and the S/CAT will be convened as required.

e. A general strike will be handled in the following manner:

(1) Phase I. This is the prestrike period when a general strike is imminent. All commanders will review contingency plans and coordinate with the S/CAT. Staff sections at this headquarters will review and carry out, as appropriate, their respective responsibilities as outlined in paragraph 1-4 above.

(2) Phase II. The initial stage of a strike. Commanders of subordinate commands and activities will implement their contingency plans.

## **2-2. Administrative Actions for Illegal Job Actions**

USFK Reg 690-1, Appendix D, provides that personnel involved in instigating or leading disruptive actions may be suspended or, in more serious cases, removed. It is USFK's policy that any employee identified as being involved in distributing strike information, urging personnel to strike, picketing, preventing employees from reporting for duty, threatening employees or their families, or participating in a "struggle" committee is instigating or leading a disruptive action, and should be dealt with accordingly. In addition, any USFK employee identified as causing physical violence to people or property should face removal and criminal charges as appropriate. Appropriate administrative response to illegal job actions is as follows:

a. Sit-down/slow-down/refusal to work. Employees should be immediately warned that any of these actions may result in their being placed in a non-pay status. Should the employees persist, they will be placed in an absence without leave (AWOL) status and told to depart the installation. Appropriate disciplinary action may be proposed IAW USFK Reg 690-1, Appendix D. Any

employee identified as leading or instigating any of these actions is subject to a serious penalty, including suspension or removal; such action will be initiated by management. Any lesser penalty or no penalty will require justifiable mitigating circumstances.

b. Strike/sick-out. All employees not present for duty without prior approved leave will be listed as AWOL. A change from AWOL to paid leave status may be made only when there is sufficient evidence and justification by the employee on a request for leave form (OPM 71) which was not approved in advance. Any employee identified as leading or instigating any of these actions is subject to a serious penalty, including suspension or removal; such action will be initiated by management. Any lesser penalty or no penalty will require justifiable mitigating circumstances. In addition to administrative action by the management, commanders, after coordination with the USFK, Judge Advocate, may seek criminal indictment for those violent strikers/picketers who caused injury or property damage.

c. A guide for supervisors in recording job action participation is provided in appendix B.

### **2-3. Handling Job Actions in Contractor Operations**

a. Contractors have an absolute obligation to perform their contracts. When a contractor fails to comply with the contract terms or conditions for any reason, or if it is otherwise determined to be in the Government's best interest, the Contracting Officer is authorized to terminate the contract. Job actions conducted by a contractor's employees may be considered by the Contracting Officer in a contract termination decision. Job actions do not relieve the contractor of its contractual obligations to perform the contract. The U.S. Government retains the right to assume performance of contracted services in the event a contractor fails to perform for any reason.

b. Under U.S. Government contracts, labor-management relations issues between the contractor and its employees are the contractor's responsibility. Officials of the USFK must remain impartial in all contractor labor disputes. Except as stated below, USFK officials shall not engage in direct discussions or negotiations with contractors or contractor employees or their union representatives.

c. Installation commanders are responsible for--

(1) Developing an installation contingency plan for performance of urgent or critical services by military personnel or Government civilian employees during a job action that results in the interruption of contract operations.

(2) Determining, in conjunction with the servicing HRO, CPAC, or CPO and Contracting Officer, the need for implementing the installation contingency plan.

(3) Implementing security measures outlined in paragraph 2-1c, this regulation, in the event of on-post demonstrations and rallies carried out by contractor employees.

(4) Notifying the USFK Civilian Personnel Director, and the Contracting Officer, on all job action related issues, immediately after being notified of the job action and coordinating actions with those offices.

(5) Ensuring that the Contracting Officer's Representative (COR) reports in writing, potential or actual labor disputes, to the Contracting Officer and maintaining records of contractor performance during the job action.

d. The servicing HRO, CPAC, or CPO is responsible for (Also see paragraph 2-3b, this regulation) --

(1) Assisting invited contractor management with interpretation and clarification of agency regulations made applicable to them by contract terms and conditions.

(2) Enforcing the Labor Management Agreement with the recognized union representing the invited contractor's employees when necessary (see paragraph 2-3f(1)(a)).

(3) Advising installation commanders and contracting officers on the implications of installation contingency plans and applicable labor management laws, regulations, policies, and procedures.

e. The contracting officer is responsible for—

(1) Advising contractor management of their contractual obligations in the event of a job action and discussing contingency performance issues with contractor management.

(2) Reporting potential or actual labor disputes to the Assistant Chief of Staff, Acquisition Management (FKAQ).

(3) Determining termination of contract for default or convenience of the government.

(4) Advising installation commanders on matters relating to contractor performance, contract issues and requirements, and installation contingency plans for continuing urgent or critical services, and assuring the security of government property in the event that performance by the contractor is disrupted.

(5) Taking necessary action to enforce the terms and conditions of the contract.

f. Personnel administration and labor relations procedures in contractor operations for--

(1) Invited contractors.

(a) Invited contractors are those U.S. based contractors designated IAW Article XV, U.S.-ROK SOFA to perform contracts with USFK. USFK Reg 690-1 and other USFK regulations which are applicable to the direct hire Korean National employees of USFK are normally made applicable to these invited contractors by the terms of their contracts. Also, the provisions of Article XVII, U.S.-ROK SOFA, including the labor dispute settlement procedures, apply to invited contractors. In addition, the Korean employees of invited contractors are represented by the same labor union which represents USFK direct hire Korean employees union (KEU). The labor management agreement between USFK and KEU applies to invited contractors.

(b) For this reason, USFK officials may occasionally be required to provide counsel to invited contractor management. This counseling by USFK officials should be advisory in nature and limited to (except for enforcing terms of contract by contracting officer) providing clarification and interpretation of regulations and agreements that pertain to the employment of Korean national employees. USFK officials will not be involved in mediation or arbitration issues involving Korean national employees of the contractor. Contractor management is responsible for making all decisions regarding job actions or labor dispute with their employees.

(c) For the purpose of this regulation, invited contractor management is responsible for implementation of the following:

--Provisions stipulated in paragraph 1-4m for identifying and notifying employees who are prohibited from participating in disruptive labor actions.

--Policy stipulated in paragraph 1-5a.

--Provisions stipulated in paragraphs 2-1b(3) through 2-1b(5), and 2-1b(7).

--Provisions of paragraph 2-2.

(2) Contractors, other than invited contractors.

(a) The provisions of USFK Reg 690-1, U.S.-ROK SOFA Article XVII, Labor Management Agreement between the USFK and the union, recognized by the USFK, do not apply. The conditions of employment and personnel administration procedures for employees of contractors in this category are governed and controlled by ROK labor laws, the labor management agreement between the contractor and the union organized in the contract, and regulations of the contractor.

(b) Labor disputes involving contractors in this category are governed by the Labor Union Law and Labor Disputes Adjustment Law of the ROK. Information and guidance regarding ROK laws needed by commanders should be obtained from the Office of Judge Advocate, USFK, or Command Labor Advisor, located at the Civilian Personnel Directorate, HQ USFK.

(c) Paragraphs 2-3a, 2-3b, 2-3c, and 2-3e apply to USFK officials during labor actions of contractors in this category (paragraph 2-3f(2)). The role of HRO, CPAC, or CPO and the actions described in paragraph 2-3d do not apply.

#### **2-4. Reports**

a. Installation/base commanders will report immediately (subparagraph 2-1a(3)), by telephone, imminent labor disturbances to the Seoul Command Center, telephone numbers: 723-3029/3030. Provide follow-up reports in writing to HQ USFK, ATTN: FKCP-LPM. A guide for this report is in appendix E.

b. When a labor disturbance has actually taken place, installation/base commanders will immediately report it to the Command Center, Seoul, telephone numbers: 723-3030/3029. Command Center, Seoul, will notify appropriate staff members.

c. When the disturbance has been terminated, a report of termination will be forwarded to HQ USFK, ATTN: FKCP-LPM. A guide for the report is at appendix F.

d. The reports stated above are exempted from a requirement control symbol (RCS) assignment (RCS exempt: AR 335-15, subparagraph 5-2c(4)).

## **Appendix A References**

### **Section I Required Publications**

AR 335-15 (Management Information Control System). Cited in paragraph 2-4d.

ROK-US SOFA, Labor Article XVII. Cited in paragraphs 2-1a(2), 2-1b(5), 2-3f(1)(a), 2-3f(2)(a), and appendix B and D.

USFK Employees Grievance Procedures, USFK Regulation 690-1 (Regulation and Procedures-Korean Nationals). Cited in paragraph 2-1a(2) and 2-1b(5).

USFK-Korean Employees Union Labor Management Agreement. Cited in paragraphs 1-4a(3), 1-4c(2), 2-1a(2), 2-1b(5), 2-3d(3), 2-3f(1)(a), 2-3f(2)(a), and appendix B and D.

USFK Regulation 690-1 (Regulations and Procedures-Korean Nationals). Cited in paragraph 2-2, paragraphs 2-2a, 2-3f(1)(a), 2-3f(2)(a), and appendix B and D.

### **Section II Related Publications**

AR 190-13 (The Army Physical Security Program).

CPI 711, 30 January 1989, (Department of Navy Labor Relations Procedures).

PACAF OPLAN for Threatened or Actual Work Stoppage.

## **Appendix B**

### **Contingency Plan for Possible Job Actions**

**B-1.** Events within USFK and the recent labor climate in the ROK point out the need to be prepared for possible job actions by Korean employees. In recent years, there has been increased labor activism in the ROK and such labor activities can influence USFK employees and their union.

**B-2.** A job action is participation by an employee or employees, or a labor organization representing employees, in calling or engaging in a strike, work stoppage, slow-down, or picketing an organization in a labor-management dispute if it is disruptive of the normal operation of the organization; or condoning any such activity by officials of the involved labor organization failing to take action to prevent or stop it.

**B-3.** This appendix provides:

a. An installation and tenant unit commanders guide in preparation of their contingency plans for continuing essential functions and services when Korean employees become unavailable due to a job action.

b. A guide for supervisors/managers in recording job action participation information.

c. A guide for day-to-day supervisory practices which are helpful in avoiding group job action.

**B-4.** Contingency plans should include the following provisions, as a minimum:

a. Critical functions and services that must be continued during a job action should be identified. The following are examples of such services:

(1) Essential organizational mission requirements.

(2) Food services.

(3) Telephone and other electronic communication systems.

(4) Security posts.

(5) Medical facilities.

(6) Emergency transportation.

(7) Fire protection.

(8) Fixed plants (electricity, water supply, sewage, refrigeration plant, etc.).

b. Manpower needs must be addressed.

(1) Plan the detail or assignment of personnel to each function and service identified above. Licensing requirements to operate equipment should be reviewed and appropriate licenses should be arranged for individuals planned for assignment to work in lieu of the regularly assigned KN employee.

(2) Detailing of additional personnel from organizations outside the installation must be arranged in coordination with the ACoFS J1, when US military and civilian and KATUSA personnel assigned within the installation are not sufficient to cover essential functions and services identified.

(3) Other backup sources of manpower are:

- (a) Temporary hire dependents.
- (b) Available assistance from KNP to augment US security personnel.
- (c) Cross-servicing arrangement with the Korean fire station.
- (d) ROK city or provincial government assistance for water supply and waste disposals.
- (e) Available assistance from the Korea Electric Corporation for electric maintenance.
- (f) Availability of local contractors for emergency services/repairs of equipment and utility fixtures.

**NOTE:** Use of these backup personnel will require approval from HQ USFK and their availability should be identified in advance.

c. Supplies and equipment. Identify supply and equipment requirements.

(1) Establish procedures for emergency requisition/procurement of such supplies and equipment.

(2) Identify stock piling capability for such supplies.

d. Communications.

(1) Within USFK --

(a) Establish a standing operating procedure (SOP) for reporting to HQ USFK, through command channels, labor incident/situational developments. HQ USFK point of contact is the Command Center, Seoul, telephone numbers: 723-3030/3029

(b) Establish an SOP for such pertinent information as the location of the messing facility, gates for use, emergencies, and other administrative instructions to be used by installation personnel.

(c) Designate an individual who will be responsible for contacting local chapter union leadership.

(d) Designate an individual who will maintain and keep current phone numbers for personnel or organizations to be contacted should labor disturbances occur. The following agencies/activities telephone numbers should be maintained, as a minimum.

-- The HRO, CPAC, or CPO

-- The Korean Employees Union.

-- Local ROK Government agencies such as:

The KNP.

The Fire Department.

The city or provincial government.

-- Other ROK agencies or organizations which may be of assistance.

(2) Korean employees and their union.

(a) In case of a general strike:

(i) HQ USFK will develop a special bulletin for distribution to Korean employees.

(ii) Installation commanders may supplement this bulletin with additional administrative information for non-participating employees (e.g., gate(s) may be opened for employees or temporary billeting on post may be provided).

(iii) Communication with the union will be accomplished primarily between HQ USFK and the national union.

(iv) HQ USFK will advise installation commanders of communication required with the local union.

(b) In case of a local wildcat strike or a labor action limited to an organization:

(i) Request the union comply with the provision of the USFK-KEU Labor Management Agreement, Article 16c, to stop the incident.

(ii) Urge the union to follow established procedures for grievance and dispute settlements.

- For individual personnel actions, procedures provided under USFK Regulation 690-1, Chapter 13, will apply.

- For union grievances concerning noncompliance with the Labor Management Agreement (LMA), procedures under USFK-KEU Labor Management Agreement, Article 16, will apply.

- For a labor dispute, settlement procedures under the SOFA Labor Article will apply.

(iii) For employees participating in a labor action:

- Request discontinuation of the action. Establish an ultimatum for discontinuing such action.



- Explain grievance procedures above.
- Explain possible disciplinary actions against employees for engaging in such an action.

**B-5. Supervisory data for recording job action participation information:**

As much as possible, the following information should be recorded for each employee supervised, in the event of a job action affecting the work area:

- a. Name and position of employee: \_\_\_\_\_ .
- b. Is the employee a labor organization official or representative? \_\_\_\_\_ .  
If so, what is the employee's title? \_\_\_\_\_ .
- c. Briefly describe the activity of the employee during the initial phase of the job action. Did the employee terminate work or encourage others to do so? At what time was this? Did the employee obey orders to return to work; if so, what time was it? What did the supervisor tell the employee? When advised of the illegal nature of the action and ordered to return to work, what did the employee say or do? What, if any, reasons were given for the employee's action? What in your opinion caused the job action?
- d. Was the employee prevented from reporting to or returning to work by conditions beyond his or her control? \_\_\_\_\_. If so, what were the conditions or alleged conditions?
- e. What statements, if any, did the employee make to the supervisor, or fellow employees, during this action?
- f. List other pertinent observations or statements made by the supervisor to the employee in connection with the action. (See (a) through (e) above.)
- g. What other supervisors or employees were witnesses to statements or actions of this employee?
- h. \_\_\_\_\_  
(Signature of supervisor and position title)
- i. \_\_\_\_\_  
(Dates covered)
- j. \_\_\_\_\_  
(Date this form was completed)

**B-6. Guidelines for prevention of job actions:**

a. USFK managers maintain efficient operations and high standards of public service. This requires managers to create a work environment conducive to high levels of employee performance. Fair and considerate dealings with employees and prompt action to eliminate just causes of discontent will contribute greatly to a positive work situation.

b. Managers will periodically review their organization's work environment to assess:

(1) Equitable conditions of employment are maintained for all employees. It is certain that employees want to be treated the same as, or better than, their counterparts in other organizations. They also expect to be provided the same opportunities as their co-workers. Managers must be aware of their organization's standing compared to other organizations and private sector employers regarding working conditions. Compare other activity organization's work assignments, personal development, and promotional opportunities. Employees should be convinced that their supervisors are eliminating any known inequities.

(2) Full disclosure by management of the terms, conditions, and obligations of employment. Employees must be fully aware of duties and responsibilities of their position. They must be aware of work performance standards, personal conduct, on-the-job rules, personnel policies, and individual rights and benefits. This information may be provided by a variety of means (e.g., group orientations, employee handbooks, and supervisory discussions). However, it should be structured to ensure employees receive all pertinent data.

(3) Fair administration and enforcement of established rules, laws, and regulations. Supervisors must be consistent and equitable in carrying out their responsibilities. This is especially true in areas of discretion such as assigning work, evaluating performance, administering leave, and taking adverse action. Supervisors should be properly informed in order that their actions are "above board" and fairness is obvious to all.

(4) Open lines of communication between management, employees, and representatives. Free and direct internal lines of communication are indispensable to employee morale and to the management decision making process. Management must, therefore, keep the work force fully informed of problems and desires of the organization, and solicit employee ideas for work improvement. Employees should be advised of all matters which affect them, using as a minimum, the following communications channels: managers and supervisors, employee organizations, posted notices, newsletters, special bulletins, orientation sessions, counseling programs, and exit interviews.

(5) Open lines of communication among all members of the management team. Two-way communications among all levels of management are essential in order that each supervisor will have a chance to take part in the management process. To increase communications effectiveness, management may conduct meetings, conferences, seminars, and training sessions, as well as develop supervisory handbooks and bulletins, study projects, special reports, questionnaires, and special assignments. In all cases, the communications methods used should be tailored to individual local requirements.

(6) Use of collective consultation to resolve conflict. Consultation is possibly the most effective tool available for resolving the conflict of some management goals with the interests of employees. Through good faith consultation, both parties can make their concerns understood and reach mutually acceptable terms or methods of making required changes. Management officials who approach consultations as a positive opportunity to resolve problems will gain a more cooperative relationship with their employees. They may also develop some new solutions.

(7) Adherence to the terms of negotiated agreements. The Labor Management Agreement provides the basis for the long-range relationship of the parties. This is critical to the success of the total program. If the relationship is to be one of mutual trust and confidence, management must do everything possible to ensure that the agreement is administered fairly. The union and management should have an understanding regarding the limits of the agreement and the intent of its provisions. The parties responsible for administration of the Labor Management Agreement must be trained to carry out its requirements.

(8) Effective use of established procedures to adjust individual grievances. Grievance procedures must be administered rapidly, fairly, and without reprisal. These procedures should ensure that management acts according to policies and encourages employees to express how work conditions affect them. Grievances serve to direct management's attention to problems that might otherwise be ignored, and that if not resolved may lead to serious misunderstandings.

(9) Development of management personnel skilled in labor relations techniques. Management must be familiar with the technical program requirements, skills, and attitudes necessary for effective relationships when dealing with organized labor. All supervisors should receive basic training in labor relations responsibilities. Those who must negotiate or administer an agreement should have the proper supplementary training. In addition, properly trained technical specialists should be available to provide managers with guidance on specific labor relations problems.

(10) When giving instructions and during day-to-day contacts with Korean employees, language difficulties and cultural difference must be recognized. It must be recognized that English is a foreign language to Koreans. No matter how well a Korean employee may seem to understand and speak English, there still exists a substantial language barrier. To understand the message fully and to express themselves completely in English is very difficult for most Koreans. There have been a number of labor incidents which were provoked because of uninformed, unintended remarks which were construed by the employees to be contemptuous. Instructions have frequently been misunderstood, because of lack of communication. Due to the language difficulties, employees often make arbitrary judgments based on their own perception and experience. Written memoranda to inform employees of new rules, conducting meetings and training sessions for new technology or methods, and meetings to solicit employees' input when considering a change, will be helpful in developing positive communication.

(11) On the cultural aspects in the superior-subordinate relationships, there is a tendency among Koreans to refrain from expressing personal feeling or dissatisfaction openly to their superior. If these dissatisfactions are not cleared as they occur, they may accumulate and surface later as a more serious problem, often with such emotional overtones that no rational solution is possible. Careful observation of employee attitudes, informal discussions and interactions regarding non-job related subjects will often help to develop the working relationship between the superior and subordinates. Such interactions may help employees to be more open with the superior thereby making it easier for them to address issues as they occur.

## **Appendix C**

### **Essential Categories of KN Employees Prohibited from Any Collective Disruptive Actions**

**C-1.** Essential jobs. Jobs that are essential to the basic military missions or safety and protection of human life and property. Participation in any collective disruptive action by the occupants of such jobs would seriously hamper basic and essential military missions, or endanger human life and health and military property. Such categories of jobs include --

a. Fire protection and prevention jobs that supervise or perform the work of preventing, controlling and extinguishing fires, and operating fire communications equipment.

b. Communications operations jobs that supervise or perform the work of operating switchboards, relaying or transmitting communications traffic or messages, and in construction, installation, maintenance, repairing, and inspection of wire and electronic communications and associated equipment.

c. Essential fixed equipment and electrical installation, operation, and maintenance jobs that perform or supervise installation, operation, maintenance, and repairing work of electrical power plant, water treatment plant, sewage disposal plant, and cold storage equipment and fixtures.

d. Essential hospital jobs that administer, supervise or perform professional medical treatment, nursing care, dietetic work, physical therapy, nourishment and food services, and pharmaceutical work.

e. Essential transportation jobs that are limited to all marine jobs while aboard watercraft, transportation specialist (water), air traffic controller, and aircraft arresting systems mechanic jobs.

f. Computer systems administration and operation jobs that supervise, administer, or perform work involving installation, operation, and maintenance of digital and peripheral computer systems or in designing or implementing computer programs.

g. Petroleum, oil, and lubricants (POL) distribution jobs that plan and operate the POL distribution terminals and pipelines.

h. Interpreter-translator jobs that are assigned to the Joint Security Area, Panmunjom.

i. Employee-management relations jobs when the responsibility includes labor-relations matter. Limited to one employee each at each human resources office, civilian personnel advisory center, civilian personnel office, and the Civilian Personnel Directorate, HQ USFK.

j. Essential physical science jobs that perform or supervise professional scientific work or subordinate technical work in the fields of physical science that may be placed under the definition of essential jobs.

k. Those that perform or supervise ammunitions, munitions, or explosive handling.

**C-2.** List of essential jobs.

a. Fire protection and prevention jobs:

(1) Fire fighter.

(2) Fire communications operator.

b. Communications operations jobs:

(1) Telephone operator.

(2) Central office telephone equipment installer and repairer.

(3) Telephone installer and repairer.

(4) Telephone lineman.

(5) Communications cable splicer.

(6) Teletypewriter installer and repairer.

(7) Electronic equipment installer and repairer.

(8) Electronics technician (communications).

(9) Radar repairer.

(10) Teletypist.

(11) Communications specialist.

c. Essential fixed equipment and electrical installation, operation, and maintenance jobs:

(1) Power plant operator.

(2) Water treatment plant operator.

(3) Electrician.

(4) Electrical lineman.

(5) Air conditioning mechanic (missile).

(6) Sewage disposal plant operator.

(7) Refrigeration and air conditioning mechanic (cold storage and milk plant).

(8) Boiler operator, high pressure (milk plant only).

(9) Blender operator (milk plant only).

(10) Equipment cleaner (milk plant only).

(11) Packer/packing machine operator (milk plant only)

d. Essential hospital jobs.

- (1) Medical officer.
- (2) Nurse.
- (3) Nursing assistant and nursing assistant (Driver).
- (4) Physical therapist.
- (5) Dietician.
- (6) Laboratory technician.
- (7) Pharmacist.
- (8) Cook (hospital).
- (9) Food service attendant (hospital).
- (10) Tray service attendant (hospital).
- (11) Baker (hospital).
- (12) Medical technician.
- (13) Veterinarian.
- (14) Dental officer.

e. Essential transportation jobs:

- (1) All marine-type jobs (while aboard watercraft only).
- (2) Air traffic control specialist (tower).
- (3) Transportation operation specialist (water).
- (4) Aircraft arresting systems mechanic.

f. Computer systems administration and operation jobs:

- (1) Computer programmer.
- (2) Digital computer systems operator.
- (3) Card punch operator (at data processing center only).
- (4) Electronic technician (data processing center).

g. POL distribution systems jobs:

- (1) POL distribution scheduler.
- (2) POL distribution dispatcher.
- (3) Fuel distribution systems operator.

h. Interpreter-translator jobs. Interpreter-translator (armistice).

i. Employee-management relations jobs. Employee/labor relations specialist. (Position handling labor relations - one each at the human resources office, each civilian personnel advisory center, civilian personnel office, and the Civilian Personnel Directorate, HQ USFK).

j. Essential physical science jobs:

- (1) Physical science technician (water).
- (2) Meteorologist.

k. Ammunitions, munitions, or explosive handling jobs:

- (1) Ammunition Inspection Specialist.
- (2) Explosive Operator.
- (3) Munitions Handler.

**Appendix D**  
**Memorandum of Notification Against Participation In Labor Action**

**MEMORANDUM THRU:** \_\_\_\_\_  
**(Supervisor of the employee)**

**FOR:** \_\_\_\_\_  
**(Name)**

\_\_\_\_\_  
**(Organization)**

**SUBJECT: Notification of a SOFA Provision Regarding Prohibition Against**  
**단체 노동 쟁의 행위 참가 금지에 관한 행협 규정 통고**  
**Participation in Labor Action**

**1. This is to inform you that you are incumbent of a position designated as essential**  
이 는 귀하가 제 97 차 행협 합동 위원회가 합의한 1974 년 8 월 29 일자 행협 합동위원회  
**under the SOFA Joint Committee Memorandum of 29 August 1974, at the 97th SOFA**  
비망록에 따라 지정된 필수 직위에 보임 되고 있음을 알려드리기 위함입니다.

**Joint Committee meeting.**

**2. The occupant of this position is prohibited from participation in any collective**  
이 직위에 보임된자는 어떠한 노동쟁의 행위에도 참가하는 것을 금지하고 있습니다. 그와  
**labor disruptive actions. Participation in such action will constitute grounds for**  
같은 단체 행위에 참가하는 행위는 행협 제 17 조, 주한 미군과 주한 미군 한국인 노동  
**disciplinary actions as provided under the provision of USFK Reg 690-1, USFK-KEU**  
조합간의 단체 협약 및 주한 미군 규정 690-1 에 의하여 징계조치의 사유가 될 수 있습니다.  
**Labor Management Agreement, and Article XVII of the SOFA.**

**3. Your cooperation to comply with the agreements and the regulation is requested.**  
이들 협정과 규정을 따라주시도록 여러분의 협조를 요청합니다.

\_\_\_\_\_  
**Civilian Personnel Officer**



**Appendix E**  
**Report of Imminent Disruptive Labor Actions**

E-1. Organization and location.

E-2. Number of employees involved.

E-3. Complaints and issues.

E-4. Actions taken by the commander.

E-5. Implications and observations.

E-6. Union reactions.

**Appendix F**  
**Report of Termination of Labor Disturbances**

F-1. Organization.

F-2. Number of employees who participated in the disturbances.

F-3. Time disturbance began and the time it terminated.

F-4. Resolutions.

F-5. Actions taken or proposed against the participating employees or union.

F-6. Cooperation or assistance received from the union and ROK Government authorities.

F-7. Lessons learned.

**Glossary**  
**Abbreviations**

ACofS	Assistant Chief of Staff
AWOL	absent without leave
CPAC	Civilian Personnel Advisory Center
CPO	Civilian Personnel Office
HQ	Headquarters
HRO	Human Resources Office
IAW	in accordance with
KATUSA	Korean Augmentation to United States Army
KEU	Korean Employees Union
KN	Korean National
KNP	Korean National Police
POL	Petroleum, Oil and Lubricants
ROK	Republic of Korea
ROKA	Republic of Korea Army
ROKG	Republic of Korea Government
SCAT	Select Crisis Action Team
SOFA	Status of Forces Agreement
SOP	Standing Operating Procedures
U.S.	United States (of America)
USFK	United States Forces Korea