



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
JOINT FORCE HEADQUARTERS  
OFFICE OF THE ADJUTANT GENERAL - CALIFORNIA NATIONAL GUARD  
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CAAG

19 August 2009

MEMORANDUM FOR Federal Bargaining Unit Members, Supervisors, and Managers

SUBJECT: Policy Memorandum 2009-05 – Labor Management Relations

1. The California National Guard fully supports an effective Labor-Management climate. This Department will continue to adhere to Federal Service Labor-Management Relations Statute, 5 USC Chapter 71, and applicable bargaining unit agreements. Any management official found to have willfully or intentionally violated, discriminated, and/or retaliated against union members for protected activities will be held accountable.
2. The Civil Service Reform Act of 1978, codified by 5 USC Chapter 71, hereafter referred to as the Statute, gives federal technicians represented by an exclusive labor organization the right to have union representation at a formal meeting which involves an examination by a representative of the Agency in connection with an inquiry or investigation.
3. The Statute states each employee shall have the right to form, join, or assist any labor organization freely and without fear of penalty or reprisal, or to refrain from any such activity. It is a violation of the Statute if an agency interferes with, restrains, or coerces an employee in his/her exercise of any rights under the Statute. Furthermore, the Statute states it is an unfair labor practice for an agency to encourage or discourage union membership in a labor organization by discriminating in connection with hiring, tenure, promotion, or other conditions of employment. Moreover, the Statute states it is an unfair labor practice for an agency to discipline or otherwise discriminate against employees because they have filed a complaint, affidavit, petition, or have given any information and/or testimony under the Statute.
4. Management officials shall refrain from the following:
  - a. Discriminating against employees by denying them promotional opportunities because they have represented employees or have engaged in other protected activities on behalf of exclusive bargaining unit representation.
  - b. Making statements that interfere, restrain, or coerce employees in their exercise of protected activities.
  - c. In any like or related manner, interfering with, restraining, or coercing its employees in the exercise of their rights assured by the Statute.
5. All questions may be addressed to Human Resources Labor Relations office at (916) 854-3600.

  
WILLIAM H. WADE II  
Major General  
The Adjutant General