

**UNITED DOD WORKERS COALITION PROPOSED REGULATION ON MULTI-UNIT  
BARGAINING AND BARGAINING ABOVE THE LEVEL OF UNIT RECOGNITION  
(SHOWING DELETIONS FROM AND ADDITIONS TO THE AGENCIES' PROPOSED  
REGULATION)**

**§ 9901.918 Multi-unit bargaining.**

(a) Negotiations can occur at geographical or organizational levels within DoD or a Component with the local exclusive representatives impacted by the proposed change.

(b) Any such negotiations will--

(1) Be binding on all parties afforded the opportunity to bargain with representatives of DoD or the Component;

(2) Supersede all conflicting provisions of applicable collective bargaining agreements of the labor organization(s) affected by the negotiations; and

~~(3) Not be subject to ratification; and~~

~~(4) (3) Be subject to impasse resolution by the Board under procedures prescribed by this subpart the Board. In resolving impasses, the Board Resolution of impasses will ensure that agreement provisions are consistent with regard to all similarly situated employees in the affected bargaining units. The determination as to which organizations bargaining units are covered under multi-unit bargaining is not subject to review by the Board.~~

(c) Any party may request the services of FMCS to assist with these negotiations.

(d) Labor organizations may request multi-unit bargaining, as appropriate. The Secretary has sole and exclusive authority to grant the labor organizations' request.

(e) The Department will prescribe implementing issuances on the procedures and constraints associated with multi-unit bargaining.

**§ 9901.919 Collective bargaining above the level of recognition.**

(a) Negotiations can occur at the DoD or Component level with labor organization(s) at an organizational level above the level of exclusive recognition. The decision to negotiate at a level above the level of recognition, as well as the unions involved, is within the sole and exclusive discretion of the Secretary to determine and will not be subject to review.

(b) Any such agreement reached in these negotiations will--

(1) Be binding on DoD or the Component, as appropriate, and on all subordinate bargaining units of the labor organization(s) afforded the opportunity to bargain at the level of recognition and their exclusive representatives, and DoD and its Components, without regard to levels of recognition;

(2) Supersede all conflicting provisions of other collective bargaining agreements of the labor organization(s), including collective bargaining agreements negotiated with an exclusive representative at the level of recognition, except as otherwise determined by the Secretary;

(3) Not be subject to further negotiations with the labor organizations for any purpose, including bargaining at the level of recognition, except as the Secretary may decide, in his or her sole and exclusive discretion;

(4) Be subject to review ~~by the Board~~ only to the extent provided by this subpart;

~~(5) Not be subject to ratification;~~

~~(6)~~ (5) Be subject to impasse resolution ~~by the Board~~ under procedures prescribed by this subpart ~~the Board~~. In resolving impasses, ~~the Board~~ Resolution of impasses will ensure that agreement provisions are consistent with regard to all similarly situated employees in the affected bargaining units. The determination as to which bargaining units ~~organizations~~ are covered under national level bargaining is not subject to review ~~by the Board~~;

~~(7)~~ (6) The National Guard Bureau and the Army and Air Force National Guard, and bargaining units that include National Guard employees, are excluded from coverage under this section. Where National Guard employees are impacted, negotiations at the level of recognition are authorized; and

~~(8)~~ (7) Labor organizations may request bargaining above the level of recognition, as appropriate. The Secretary has sole and exclusive authority to grant the labor organizations' request.