

<b>DEPARTMENTAL REGULATION</b>		<b>Number:</b> DR-4020-251-01
<b>SUBJECT:</b> Welfare and Recreation Organizations	<b>DATE:</b> July 27, 2005	
	<b>OPI:</b> Office of Human Capital Management – Performance Management and Policy Division	

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Appendix A Declaration Statement for Welfare and Recreation Organizations

**1 PURPOSE**

This regulation establishes U.S. Department of Agriculture (USDA) policy dealing with formally established welfare and recreation organizations, other than labor organizations, as defined in Chapter 71, Title 5, United States Code (U.S.C.), Federal Service Labor Management Relations Statute, whose membership is comprised primarily of USDA employees. It does not address organizations or associations established outside of USDA, of which USDA employees may be members, or of formally recognized USDA associations of management officials and/or supervisors and other organizations as defined in Departmental Regulation (DR) 4020-251.

**2 SPECIAL INSTRUCTIONS/CANCELLATIONS**

With respect to all organizations formed to promote the social, welfare, and recreation interests of Department and agency employees, this regulation replaces Departmental Personnel Manual Chapter 252, Amendment 213, dated October 28, 1991 and Personnel Bulletin No. 252-1, dated March 11, 1999.

### 3 DEFINITIONS

- a **Welfare and Recreation Organization**, means a formally established organization, other than a labor organization or an organization recognized under DR 4020-251, made up primarily of USDA employees whose purpose is to promote the social, welfare, and recreation interests of Departmental employees. Membership may be open to all USDA employees or restricted to employees of a particular organizational unit(s) or geographical area. Examples of such organizations include USDA Employee Services & Recreation Association (ESRA), National Finance Center Employees Association (NFCEA), U.S. Horticultural Research Employee Association.
- b **USDA employee**, for the purposes of this regulation, means both Federal civilian employees as defined under 5 U.S.C. 2105, and USDA county committee employees, as defined under 16 U.S.C. 590h.
- c **Designated Official**, means a USDA official who is authorized in writing by the USDA Assistant Secretary for Administration, an agency Deputy Administrator for Management, or their designees, to formally recognize welfare and recreation organizations and to ensure their compliance with agreements authorizing the use of USDA real property in accordance with provisions of this regulation. Designated officials may also approve agreements authorizing use by such recognized organizations seeking to use USDA real property. For purposes of this regulation, designated officials will exercise their authority as follows:
- (1) For organizations whose majority of members are employees of a given agency, recognition and property use authorizations are granted by designated officials within that same agency. When a majority membership determination is not apparent, the designated official from the same agency as the organization's president will act on recognition and property use requests.
  - (2) For organizations whose membership is Department-wide (e.g. ESRA), the Deputy Assistant Secretary for Administration or designee will act on recognition and property use requests.

### 4 POLICY

In order to be afforded the use of agency facilities, services and resources as described in Section 6 of this directive, USDA welfare and recreation organizations must be formally recognized by a designated official as described in Section 3, in accordance with procedures set forth in Section 5. Recognition does not infer Departmental sponsorship, sanction, or endorsement of the organization or its activities. Moreover, because such organizations are not Federal entities, employees are not performing official duties while engaged in organization activities.

USDA managers must not bypass a labor organization with exclusive recognition rights as provided for under Chapter 71, Title 5, U.S.C. or comparable provisions of other laws, to meet with or negotiate with an association or employee organization on matters affecting conditions of employments of bargaining unit employees.

In order to be recognized, a welfare and recreation organization must:

- a Be a nonprofit organization whose membership is primarily made up of USDA employees;
- b Have a current constitution and bylaws, that includes a non-discrimination statement;
- c Adhere to relevant law and regulations pertaining to use of government property, ethics and conduct;
- d Not discriminate in terms of membership or treatment of its members because of race, color, religion, sex, national origin, age, sexual orientation, disability, marital status, familial status, or because all or part of an individual's income is derived from any public assistance program; and,
- e Not assist or participate in any strike, work stoppage or slowdown against the USDA, or advocate the overthrow of the constitutional form of government of the United States.

## **5 RECOGNITION PROCEDURES**

- a In order to be recognized as a welfare and recreation organization within USDA, and therefore become eligible for coverage under this regulation, the designated official must certify that the organization meets Departmental policy as contained in this directive. Procedures for certification are as follows:
  - (1) The president or duly authorized official of the welfare and recreation organization must submit a copy of the organization's constitution and bylaws along with a signed declaration statement, to the designated official. See Appendix A.
  - (2) The designated official will review the documents and initiate any necessary follow up action in order to determine whether conditions set forth in this directive are met.
  - (3) Upon determining such conditions are met, the designated official will issue a memorandum to the president of the welfare and recreation organization recognizing the organization under these regulations. Recognition will be conditional on the organization continuing to meet provisions of this directive.
  - (4) Each agency will maintain a listing of all requests made by welfare and recreation organizations as well as those associations recognized by designated officials within that agency.

- b After being recognized, the welfare and recreation organization must provide the designated official with any changes to their constitution, bylaws, the person holding the position of president, and contact information (i.e., name, address, phone number, and e-mail) for the president within 30 days after the change occurs.

## **6 USE OF AGENCY FACILITIES, SERVICES, AND RESOURCES**

- a Welfare and recreation organizations that are recognized in USDA may be authorized to use only the following facilities, services, and resources subject to the availability of agency funds, work priorities, and other bona fide management considerations:
  - (1) Use of meeting space and incidental storage of organization supplies in USDA facilities; and,
  - (2) Use of designated bulletin boards and other areas for display as consistent with building policy, USDA internal mail system, and electronic mail to notify its members about meetings and organization or group activities provided such activity does not interfere with conducting official business. Welfare and recreation organizations are not authorized to use agency-developed and controlled all-employee mailing lists to send messages.
- b Use of real property, either owned or leased by USDA, by welfare and recreation organizations for ongoing (i.e. more than 90 calendar days) organization-operated facilities may be permitted subject to applicable law, as well as USDA and General Services Administration regulations, including a requirement that they be deemed necessary for the health and efficiency of USDA employees. Agreements that set forth the terms and conditions for the use of USDA real property by facilities operated or sponsored by welfare and recreation organizations must be established in writing and address, at a minimum, the following topics:
  - (1) Specific location, size and description of planned use of the property;
  - (2) How the welfare and recreation organization will staff its facility located on USDA property, including whether it will use USDA employees and/or non-USDA volunteers or paid staff;
  - (3) Time period or duration of property use;
  - (4) Obligations on behalf of the agency and/or welfare and recreation organization for payment or provision of utilities, maintenance and cleaning of the property;
  - (5) Description of the services and benefits to be realized by USDA and its employees from the planned use; and,
  - (6) Contact persons and information within both the agency and the welfare and recreation organization responsible for administering the agreement.
- c Agreements authorizing the ongoing use of USDA real property must be reviewed from a security, legal, and property management perspective, and approved in advance by a designated official.

- d Welfare and recreation organizations that are authorized to operate ongoing facilities on USDA real property are not permitted to unilaterally contract with or permit other organizations to use USDA property for any purpose unless specifically authorized by a designated official.
- e Incidental use of USDA real property by welfare and recreation organizations for time-limited functions (i.e. less than 90 calendar days) may be authorized by a designated official provided such functions comply with law and USDA regulations, and the purpose is consistent with organization's purpose as expressed in its constitution and bylaws. Prior to authorizing use, the designated official should seek appropriate staff advice concerning issues related to agency liability, ethics and Federal property management.

## 7 ETHICS AND CONDUCT RULES

- a General. Some of the ethics and conduct rules particularly pertinent to welfare and recreation organizations are summarized in this section. At the outset, employees engaged in such activities must comply with all applicable statutes and/or regulations pertaining to ethics and conduct (including 5 C.F.R. 2635, Subpart H, Outside Activities) while participating in organization-related activities.
- b Use of Official Time and Administrative Leave. Welfare and recreation organizations are not Governmental entities. Therefore, in order to attend or participate in organization-sponsored events while on official time or administrative leave, employees must receive supervisory authorization based on a determination that the subject event or activity benefits agency programs.
- c Fundraising.
  - (1) On Federal property or on Official Time. Under 5 C.F.R. 950.102(d), agencies may establish policies and procedures applicable to solicitations conducted by employee organizations among their own members and for the benefit of welfare funds for their members. Such solicitations are not covered by the rules governing solicitation of employees on Government property for charitable donations as part of the Combined Federal Campaign. Accordingly, Federal employees who are members of welfare and recreation organizations may solicit money on behalf of their organization on Government property under the following conditions:
    - (a) Solicitations are made only to other members of the organization who are current Federal employees [solicitation of non-employee members and non-members on Federal property, under this authority, is prohibited];
    - (b) Solicitations are for organizational support (e.g., dues, see Section 8 below) or for the benefit of welfare funds for their members. See 5 C.F.R. 950.102(d);

- (c) Members do not directly solicit from an employee members whom they know to be their subordinates;
  - (d) All messages and notices communicate that the event is open only to members of the welfare and recreation organization; and,
  - (e) Any member of a welfare and recreation organization may provide to that organization a written request that the organization not solicit donations from that member, either on or off Federal Property and on official time, and that request kept in the files of that organization, and honored, until the employee provides to the organization a written rescission of the request.
- (2) Off Federal property and on personal time. The only rules that apply to the conduct of fundraising by Federal personnel under these circumstances are the fundraising rules set forth in 5 C.F.R. 2635.808(c). Accordingly, Federal employees who are members of welfare and recreation organizations may solicit money on behalf of their organization under the following conditions:
- (a) A Federal employee member, other than a special Government employee (as defined at 18 U.S.C. 202), may not solicit or accept donations from a person whom he or she knows to be a prohibited source within the meaning of 5 C.F.R. 2635.203(d) [However, a non-employee member could make such solicitation];
  - (b) A Federal employee member may not personally solicit funds or other support from another employee member who is his or her subordinate; and
  - (c) Solicitations are for organizational support (e.g., dues, see Section 8 below) or for the benefit of welfare funds for their members. See 5 C.F.R. 950.102(d).
- d Gifts-in-Kind Collections. Subject to case-by-case approval from the designated official, welfare and recreation organizations may collect gifts-in-kind such as food, clothing, and toys on government property to be used for charitable donations on behalf of the organization for the designated benefit of organizations listed in the current Combined Federal Campaign catalogue or to assist victims of specific emergencies or disasters as defined in 5 C.F.R. 950.102(a). See 5 C.F.R. 950.102(b).
- e Use of USDA Support. Welfare and recreation organizations are prohibited from using Government property, equipment, and administrative support services to engage in fundraising using a lottery or game of chance, lobbying efforts, or litigation-related activities in which the United States or USDA is a party or has a direct and substantial interest.
- f Use of Agency Name. An association or other employee organization may use the name of the Department or an agency in its name provided it is made clear that the association or organization is not an official organization of the Department or agency.

## **8 DUES AND FINANCIAL ACCOUNTABILITY**

- a USDA assumes no responsibility for dues and other funds or in-kind gifts collected by welfare and recreation organizations.
- b It is recognized that welfare and recreation organizations may require members to pay dues as a condition of membership. Dues may be collected directly by the organization during non-duty hours, or employee members may set up individual financial allotments to a financial institution. Arrangements for such allotments must be made directly between the employee member and his/her servicing personnel office using a Direct Deposit Sign Up Form, SF 1199A.

**APPENDIX A**

**DECLARATION STATEMENT  
FOR  
WELFARE AND RECREATION ORGANIZATIONS**

Name of Welfare and  
Recreation Organization:

This Declaration Statement is submitted in accordance with Departmental Regulation 4020-251-1, in fulfillment of requirements necessary to receive recognition by the USDA.

On behalf of this Welfare and Recreation Organization, I declare the following statement to be true.

This Welfare and Recreation Organization:

1. Is a nonprofit organization whose membership is primarily made up of USDA employees,
2. Has a current constitution and bylaws (copy attached),
3. Adheres to relevant law and regulations pertaining to use of Government property, ethics and conduct,
4. Does not discriminate in terms of membership or treatment of its members because of race, color, religion, sex, national origin, age, sexual orientation, disability, marital status, familial status, or because all or part of an individual's income is derived from any public assistance program, and
5. Will not assist or participate in any strike, work stoppage or slowdown against the USDA, or advocate the overthrow of the constitutional form of government of the United States.

\_\_\_\_\_  
President

\_\_\_\_\_  
Date

Contact information: Name of President

Employing Agency

Mailing Address

eMail

Phone Number

Attachment: Constitution and Bylaws