



DEPARTMENT OF THE ARMY
UNITED STATES ARMY, EUROPE, and SEVENTH ARMY
UNIT 29351
APO AE 09014-9351

REPLY TO
ATTENTION OF:

AEAGA-CL

8 SEP 2004

SUBJECT: CPD Policy Memorandum, LN-GE-LAB 3, Submission of Works Council's Non-Concurrence by Means of a Fax

1. References.

a. Annex C, USAREUR Regulation 690-61, Labor-Management Relations – Local National (LN) Employees in Germany, 24 Apr 00 (modified German Personnel Representation Law).

b. German Civil Code.

2. The German Federal Labor Court (GFLC) decided on 11 June 2002 (case file number 1 ABR 43/01) that a works council's submission of a non-concurrence statement by fax is legally sufficient. The GFLC stipulated that a written non-concurrence is required but it does not need to be in the statutory written form (i.e., original signature by one's own hand). The GFLC reasoned that the statutory written form provided for in section 126, reference 1b, is only required for statements having legal effect, whereas statements of non-concurrence by works councils merely constitute legal transactions that do not require the statutory written form.

3. This decision applies to all processes under reference 1a and must be observed in the future.

4. HQ USAREUR/7A POC is Mr. Wolfgang Trum, 375-2522, fax 375-2511, e-mail wolfgang.trum@us.army.mil.

A handwritten signature in cursive script that reads "Jeannie A. Davis".

JEANNIE A. DAVIS
Assistant Deputy Chief of Staff, G1
(Civilian Personnel)