



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

REPLY TO
ATTENTION OF:

AEAGA-CL

2 1 SEP 2004

SUBJECT: CPD Policy Memorandum, LN-GE-LAB 5, Decisions by the Works Council on Employee Group Matters

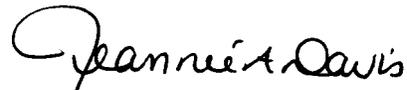
1. Reference Annex C, USAREUR Regulation 690-61, Labor-Management Relations – Local National (LN) Employees in Germany, 24 Apr 00 (Modified German Personnel Representation Law (GPRL)).
2. The GPRL strictly differentiates between white collar and blue collar employee groups and provides for proportionate representation of the two groups in the works council. Recently, the dismissal of a blue collar employee was annulled in labor court because the works council's concurrence had not been signed by the spokesperson of the blue collar employee group. Only the chairperson of the works council, a representative of the white collar employees, had signed the concurrence.
3. Matters that concern only one employee group must be deliberated jointly by all works council members; decisions, however, may only be made by the representatives of the concerned group (section 38, above reference). This is not applicable if the group is not represented in the works council.
4. If one of the groups is too small or if a group fails to assert its right to be represented in the works council, it will have no representative (section 17, above reference). In this case, the works council is authorized to decide on matters of the group not represented in the council. However, if the group is represented on the works council, the decision must be suspended if the representatives of that group are not present. If the group's absence serves the purpose of delaying the decision unduly, management may initiate court action for excluding the group members from the works council (section 28, above reference).
5. Issues that concern both groups of employees are considered to be joint matters. Whether a matter concerns a joint or a group matter depends on the facts and circumstances of the individual case. For example, a single group matter does not automatically become a joint matter simply because the works council as a whole is interested in enforcing a group right. Such rights rather need to be asserted during the joint deliberation that precedes the decision of the group representatives (section 38, above reference). Therefore, in order to be legally valid, the decision to initiate legal proceedings in a personnel matter must be rendered by the concerned group representatives. An identical decision of representatives of the concerned group and the entire works council is also legally valid, as long as the representatives of the concerned group are permitted to render a free and unbiased decision.

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6. Above information must be duly observed and brought to the attention of works councils if deemed appropriate. The purpose is to avoid unnecessary disputes on the issue in connection with judicial and arbitration proceedings.

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



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