

DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE MANUAL

TRANSMITTAL SHEET

Release No. **329**

SUBJECT: Administrative Series
Part 370: Personnel
Charter 800: Welfare and Recreation Organization
Subchapter 1: Employee Associations

EXPLANATION OF MATERIAL TRANSMITTED:

This manual chapter establishes the MMS Employee Association policy and responsibilities nationwide.



Director
Minerals Management Service

FILING INSTRUCTIONS:

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<u>Part</u>	<u>Chapter</u>	<u>Subchapter</u>	<u>Pages</u>	<u>Release</u>
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OPR: Chief of Staff, Administration and Budget

Date: **APR 19 2010**

**Minerals Management Service
Minerals Management Service Manual**

Effective Date: April 19, 2010

Series: Administrative

Part 370: Personnel

Chapter 800: Welfare and Recreation Organization

Subchapter 1: Employee Associations

Originating Office: Office of the Chief of Staff, Administration and Budget (A&B)

1. Purpose. This regulation establishes the Minerals Management Service's (MMS) policy dealing with formally established welfare and recreation organizations.

2. Scope. This policy applies to all MMS activities.

3. Authority.

A. 5 CFR 251.102, Agency Relationships with Organizations Representing Federal Employees and Other Organizations – Coverage

B. 5 CFR 251.202, Agency Support to Organizations Representing Federal Employees and Other Organizations

C. 5 CFR 950.102, Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations - Scope of the Combined Federal Campaign

D. 5 CFR 2635, Subpart H, Standards of Ethical Conduct for Employees of the Executive Branch - Outside Activities

E. 5 CFR 2635.808(c), Fundraising Activities - Fundraising in a Personal Capacity

F. 43 CFR 20.504, Employees Responsibilities and Conduct - Selling or Soliciting

4. Definitions.

A. MMS Employee Association (MMSEA): The MMSEA is established by this policy and comprises the current organization of MMS employees for the purpose of promoting their social, welfare, and recreation interests.

B. MMSEA Designated Official: The Director, MMS has authorized the Associate Director for Administration and Budget to serve as the MMSEA Designated Official. The MMSEA Designated Official oversees the MMSEA and ensures compliance with MMS policy.

C. Local MMSEA Chapters: All MMSEA Chapters at various geographical locations will be approved by the MMSEA Designated Official. Chapters must comply with the policy stated herein and will act in accordance with the Charter.

D. MMSEA Charter: The MMSEA is governed by one Charter that defines the roles and responsibilities of the Chapter Executive Board (CEB) officers, membership, and financial obligations (see Appendix A).

E. Gifts-in-Kind: Charitable giving in which the goods and services themselves are provided as opposed to giving money or items equating to cash. Items equating to cash include universally recognized gift cards, e.g., MasterCard, Visa, etc., but do not include those for a specific store or restaurant.

F. Vendors: Vendors are sellers explicitly invited by the MMSEA to sell items, products, and services, and include owners, sales persons, handlers, and attendants. Decisions concerning the selection of Vendors must be made objectively and without the appearance of bias or favoritism. An MMSEA member may not participate in the Vendor selection process when the application of a friend or family member is under consideration.

5. Policy.

A. Official Recognition: To be officially recognized, the MMSEA must:

- (1) Be a nonprofit organization whose membership will be open to all current MMS employees;
- (2) Agree to abide by the current MMSEA policy and Charter;
- (3) Adhere to relevant laws and regulations pertaining to use of Government property, ethics, and conduct;
- (4) 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, or familial status;
- (5) Nominate and elect officers; and
- (6) Adhere to restrictions imposed concerning the use of official time.

B. Procedures for Recognizing and Establishing MMSEA Chapters:

- (1) To be recognized as a MMSEA Chapter, a local representative must first complete the Declaration Statement for MMSEA Chapters and obtain the authorization of their local senior manager and Deputy Associate Director or Associate Director. The completed Declaration Statement for MMSEA Chapters must be sent for approval to the MMSEA Designated Official at Mail Stop 2000 (see Appendix B). Upon approval by the MMSEA Designated Official, a copy will be provided to the local representative.
- (2) After the MMSEA Chapter is officially recognized, a democratic election will be held to fill the required positions of the Chairperson, Treasurer, and Secretary, as well as any optional positions, e.g., Vice-Chairperson. The newly elected Chairperson must complete the Official Election Statement for the MMSEA Chapter (see Appendix C), which provides the names of the

elected officers. The Statement must be certified by the local senior manager and submitted for approval to the MMSEA Designated Official at Mail Stop 2000. This Statement must be submitted each time a Chapter holds an election.

(3) The MMSEA Chapter will be established when the Declaration Statement for MMSEA Chapters and the Official Election Statement for MMSEA Chapters are approved by the MMSEA Designated Official and all provisions in this policy and Charter (Appendix A) are met.

(4) Any Chapter failing to comply with the policy and Charter will receive a written notice from the MMSEA Designated Official that its certification may be terminated within 30 days of the date of such notice. During this time period, if the Chapter demonstrates compliance with this policy and the Charter, the MMSEA Designated Official may rescind the termination notice. The Chapter Chairperson can also submit a written request for an extension of the time period to the MMSEA Designated Official. Any terminated Chapter may request a written recertification by the MMSEA Designated Official at any time. The request must document adherence to this policy and the MMSEA Charter.

(5) Establishment of a Chapter does not infer MMS sponsorship, sanction, or endorsement of the organization or its activities.

C. Use of Agency Facilities, Services, and Resources: Formally recognized Chapter members may be authorized to use only the following facilities, services, and resources subject to availability, work priorities, local security policy, building accessibility regulations, and other bona fide management considerations:

(1) Use of building space by the MMSEA and incidental storage of organization supplies in MMS facilities may be authorized. The Chapter members may use conference rooms or common areas for meetings, events, or in support of a fund raising activity with prior approval by the local MMS Support Services, General Services, or the lead MMS office responsible for the reservations of such rooms and space. The MMSEA and vendors are subject to leased building management rules and liability regulations for use of a building's common area space.

(2) Use of MMS common area bulletin boards and other areas for display is authorized as consistent with building policy. These areas may be used to notify members about meetings and organization or group activities, provided such activity does not interfere with conducting official business. The MMSEA must remove displays/advertisements immediately after all events. Use of easels for event displays in common areas must be approved by the local MMS Support Services, General Services, or Facility Manager.

(3) Use of office equipment must comply with the policy as stated in this Chapter, i.e., copy machines, computers, printers, and fax machines. The cost to the Government for the use of office equipment must be negligible. Use of e-mail also must not cause congestion, significant delay, or disruption of service to any Government system or equipment. Transmitting large pictures or large attachments is prohibited. E-mail notices announcing an upcoming event with a link to the Pipeline is permissible. A flyer may be posted on the MMSEA Pipeline page with an expiration date.

Employees are prohibited from using Government office equipment at any time for any fund-raising activity that is not for the direct benefit of the MMSEA membership and are also prohibited from endorsing any product or service.

D. Labor Organizations: The MMS managers must not bypass a labor organization with exclusive recognition rights as provided for under Chapter 71, Title 5, USC or comparable provisions of other laws, to meet with or negotiate with an association or employee organization on matters affecting conditions of employment of bargaining unit employees.

E. Ethics and Conduct Rules: Ethics and conduct rules particularly pertinent to Employee Associations are summarized in this section.

(1) Employees engaged in the activities of the Employee Association must comply with all applicable statutes and/or regulations pertaining to ethics and conduct (e.g., 5 CFR 2635, Subpart H, Outside Activities; 5 CFR 950.102, Scope of the Combined Federal Campaign; 43 CFR 20.504, Selling or Soliciting; 5 CFR 251.102, Agency Relationships with Organizations Representing Federal Employees and Other Organizations—Coverage; 5 CFR 251.202, Agency Support to Organizations Representing Federal Employees and Other Organizations) while participating in organization-related activities.

(2) Use of Official Time and Administrative Leave. Employee Associations are not Government entities. Therefore, to attend or participate in organization-sponsored events while on official time or administrative leave, employees must receive supervisory authorization based upon a determination that the subject event or activity will contribute to improved agency operations, personnel management, and/or employee effectiveness.

(3) Fundraising.

(a) On Federal Property or on Official Time. Under 5 CFR 950.102(d), MMS may establish policies and procedures applicable to solicitations conducted by employee organizations for organizational support and/or 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 (5 CFR 950.102). Accordingly, the MMSEA may solicit money on behalf of their organization or its members on Government property under the following conditions:

(i) Solicitations are for organizational support or for the benefit of welfare funds for their members 5 CFR 950.102(d);

(ii) Members may not directly solicit from an employee whom they know to be their subordinate or from a prohibited source;

(iii) All messages and notices must be in compliance with guidelines concerning the acceptable use of Government equipment and solicitations.

(b) Solicitation Conducted Off Federal Property and on Personal Time. The rules which apply to the conduct of fundraising by Federal personnel under these circumstances are those set forth

in 5 CFR 2635.808(c), Fundraising in a Personal Capacity. Accordingly, Federal employees must comply with these guidelines when conducting fundraising activities outside of the work setting.

F. Gifts-in-Kind Collections. The Employee Association may collect gifts-in-kind such as food, clothing, and toys on Government property as charitable donations offered on behalf of the organization for the benefit of organizations or individuals in need or to assist the victims of specific emergencies or disasters as defined in 5 CFR 950.102(b).

G. Gambling. The MMSEA may not engage in gambling activities (e.g., lotteries, pools, or games of chance) while on federally owned or leased property.

H. Political Activity. The MMSEA may not engage in lobbying efforts or solicit contributions on behalf of candidates for political office.

I. Litigation. The MMSEA may not engage in litigation-related activities in which the United States or MMS is a party or has a direct and substantial interest.

J. Use of Agency Name. A recognized Employee Association may use MMS in its name provided it is made clear that the organization is not an official organization of MMS.

6. Dues and Financial Accountability.

A. The MMS assumes no responsibility for dues and other funds or in-kind gifts collected by the MMSEA.

B. The MMSEA may require members to pay dues as a condition of membership.

C. For each of the MMSEA Chapters, a fiscal year audit must be completed in compliance with fiscal responsibility standards of annual audits of budget and expenses. The audit must be conducted internally by a MMS employee who is not a member of the MMSEA. Each Chapter Chairperson is responsible for ensuring that an annual audit is conducted and a report is submitted to the MMSEA Designated Official at Mail Stop 2000 by December 1.

7. Dissolution of MMSEA Chapter.

In the event that an established MMSEA Chapter needs to be dissolved, all monetary or tangible assets, after fulfillment of financial obligations, shall be contributed to the general fund of the Combined Federal Campaign and all nonmonetary assets must be distributed to a nonprofit organization as agreed upon by a majority vote of the Chapter members.

Minerals Management Service Employee Association Charter

**Article I
Name**

The name of this association is the Minerals Management Service (MMS) Employee Association, hereinafter referred to as the MMSEA. Each MMSEA Chapter will be identified by a different name based on location.

**Article II
Purpose**

The MMSEA is a nonprofit, nonpolitical organization established for the purpose of promoting morale and fellowship by maintaining the social, recreational, and general welfare of the MMS employees. The MMSEA will not interfere with negotiations concerning employee-employer relationships and will not, officially or unofficially, interfere in any manner with the authority of a supervisor over a subordinate employee or enter into administrative decisions or the development of official rules and regulations.

**Article III
Statement of Compliance**

The MMSEA will abide by all laws, regulations, and policies set forth in

1. 5 CFR 251.102, Agency Relationships with Organizations Representing Federal Employees and Other Organizations – Coverage.
2. 5 CFR 251.202, Agency Support to Organizations Representing Federal Employees and Other Organizations.
3. 5 CFR 950.102, Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations - Scope of the Combined Federal Campaign.
4. 5 CFR 2635, Subpart H, Standards of Ethical Conduct for Employees of the Executive Branch - Outside Activities.
5. 5 CFR 2635.808(c), Fundraising Activities - Fundraising in a Personal Capacity.
6. 43 CFR 20.504, Employees Responsibilities and Conduct - Selling or Soliciting.
7. MMS Manual, Part 370.800, Chapter 1.

**Article IV
Statement of Nondiscrimination**

This organization shall not discriminate on the basis of age, color, ethnicity, gender, national origin, disability or handicap, race, religion, sexual orientation, marital status, or familial status. This policy will include, but is not limited to, recruiting, membership, organization activities, or opportunities to hold office.

Article V Membership

Each Chapter must abide by all laws, regulations, and policies outlined in Article III and:

1. Each Chapter must be open to all current MMS employees.
2. Specific membership dues, if applicable, are established by individual MMSEA Chapters, but will not exceed \$20 per calendar year.
3. Chapter members will determine the length of term for each of the CEB Officers.

Article VI Chapter Executive Board (CEB) Officers and Roles

Chairperson - Required

1. Provide general leadership to the CEB.
2. Coordinate agenda and topics for the CEB meetings.
3. Preside over CEB meetings.
4. Approve expenditures of Chapter funds with concurrence of CEB.
5. Submit the fiscal year audit to the MMSEA Designated Official pursuant to 6.C. of MMSM 370.800.1.
6. At end of term, may volunteer to serve as a consultant for incoming CEB and provide advice and attend meetings when requested.

Vice-Chairperson - Optional

1. Conduct the duties of the Chairperson during times of the Chairperson's absence.
2. Coordinate and provide answers to audits of MMSEA Chapter's funds and accounting. (In the event that there is no Vice-Chairperson, this responsibility reverts to the Chairperson.)
3. Ensure that fliers are created and posted prior to, and removed immediately following MMSEA Chapter social functions and events. (In the event that there is no Vice-Chairperson, this responsibility reverts to the Secretary.)
4. Maintain an inventory of the MMSEA Chapter's owned equipment and supplies. (In the event that there is no Vice-Chairperson, this responsibility reverts to the Treasurer.)

Secretary - Required

1. Conduct the duties of the Chairperson during times of the Chairperson's absence in the event there is no Vice-Chairperson.
2. Coordinate the location of meetings.
3. Keep accurate minutes of each Chapter meeting.
4. Distribute final minutes of each meeting to other CEB members prior to the next scheduled meeting.
5. Establish and maintain an electronic mailing list of Chapter members.
6. Establish and maintain an electronic record of the businesses with which the Chapter interacts.
7. Establish and maintain electronic files for meeting minutes, event information, forms, fliers, and other information of significance to CEB members.

Treasurer - Required

1. Maintain the general ledger, cash box, checking/savings accounts, and other fund disbursement materials necessary to account for all Chapter funds.
2. Collect any dues and/or fees, as approved by the CEB.
3. Ensure that all funds raised through Chapter activities are expended for the benefit of all Chapter members
4. Honor all bills for the following purposes:
 - a. The cost of approved social functions.
 - b. The cost of supplies for operations of the Chapter and the cost of fund raising items.
 - c. Expenditure of funds for purposes not specifically covered in the bylaws, but approved by the CEB, in compliance with MMSM 370.800.1.
5. Ensure that a fiscal year audit of the records is conducted annually pursuant to 6.C. of MMSM 370.800.1 and that an audit report is submitted to the CEB by November 1.

Article VII

Roles and Responsibilities of the MMSEA Chapter Executive Board

1. Coordinate and sponsor social functions and other activities that promote the purpose of the Chapter.
 - a. Social functions – The CEB shall be responsible for planning and coordinating social functions that promote employee interaction fellowship and diversity.
 - b. Volunteering – The CEB shall be responsible for planning and coordinating volunteer activities and collections of gifts-in-kind to maintain and advance the public regard and respect for the personnel of the MMS. All volunteer activities and collections will be conducted in compliance with 5 CFR 950.102, which addresses authorized solicitations of employees in the Federal workplace.
 - c. Fundraisers – The CEB shall be responsible for planning and coordinating fundraisers to provide funds to be used in support of Chapter activities in compliance with 5 CFR 950.102(d). This regulation notes that solicitations may be conducted by organizations composed of civilian employees among their own members for organizational support or for the benefit of welfare funds for their members.
 - d. Other activities – The CEB may support other activities or functions which benefit all Chapter employees. These activities must be conducted in compliance with all authorities and regulations stated in MMSM 370.800.1. Proposed activities must be cleared in advance, through appropriate channels, as stated in MMSM 370.800.1.5C.

The Board is responsible for communicating Chapter organization, guidelines, procedures, and information concerning events, activities, and other items of general interest to the Chapter membership.

Article VIII
Financial Obligations

An annual audit of the MMSEA Chapter books will be performed prior to the fiscal year annual meeting by an individual deemed qualified and selected by the CEB. The individual must not be a member of the CEB or the MMSEA Chapter.

Article IX
Dissolution

In the event of dissolution, all monetary or tangible assets, after fulfillment of financial obligations, shall be contributed to the general fund of Combined Federal Campaign and all nonmonetary assets must be distributed to a nonprofit organization as agreed upon by a majority vote of the Chapter members.

**DECLARATION STATEMENT FOR
MMS EMPLOYEE ASSOCIATION (MMSEA) CHAPTERS**

Location of MMSEA Chapter: _____

This Declaration Statement is submitted by the local representative in accordance with MMSM 370.800.1, in fulfillment of requirements to receive recognition by the MMSEA Designated Official to establish a MMSEA Chapter.

I declare the following statements to be true.

(A) This MMSEA Chapter:

- (1) Is a lawful and nonprofit organization whose membership is made up of current MMS employees;
- (2) Adheres to high standards of fiscal responsibility;
- (3) Employs democratic principles in the nomination and election of officers;
- (4) Abides by the MMSM 370.800.1 and the MMSEA Charter;
- (5) Adheres to relevant laws and regulations pertaining to the use of Government property, ethics, and conduct; and
- (6) 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, or familial status.

Chapter Representative (Signature) Date

Name of Representative: _____

Mailing Address: _____

E-Mail Address: _____ Telephone No. _____

Local Senior Manager (Name and Signature) Date

Associate Director (AD) or Deputy AD (Name and Signature) Date

MMSEA Designated Official Date

The form must be signed by the local senior manager and the Associate/Deputy Associate Director and submitted to the MMSEA Designated Official at Mail Stop 2000.

**OFFICIAL ELECTION STATEMENT FOR
MMS EMPLOYEE ASSOCIATION (MMSEA) CHAPTERS**

Name of MMSEA Chapter: _____

This Official Election Statement is submitted by the Chairperson in accordance with MMSM 370.800.1, in fulfillment of requirements to hold an election of the required positions for the Chapter Executive Board Officers.

The MMSEA Chapter held an election on _____, and the following individuals were voted to fill the following positions:

Chairperson (Required) Print Name	Date
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Secretary (Required) Print Name	Date
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Treasurer (Required) Print Name	Date
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Optional Officer / Title and Print Name	Date
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Optional Officer / Title and Print Name	Date
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Chairperson Signature	Date
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Chairperson Mailing Address: _____

E-Mail Address: _____ Telephone No. _____

Local Senior Manager Print Name and Signature	Date
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MMSEA Designated Official Signature	Date
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This form must be signed by the local senior manager and submitted to the MMSEA Designated Official at Mail Stop 2000.