

The guidelines for making these determinations are:

(a) A person or organization poses a clear danger to the discipline, loyalty, or obedience to lawful orders when the person or organization, or any person on behalf of the organization, engages in, solicits, or aids and abets any act prohibited by this part, or violates or conspires to violate 18 U.S.C. 1382, or solicits or aids and abets a violation of Articles 82, 85, 86, 87, 89, 90, 91, 92, 94, 108, 109, 115, 116, 117 or 128 of the Uniform Code of Military Justice. In making this determination, the history and operations of the organization (including the constitution and bylaws, if any) or person in question may be evaluated along with evidence with respect to the conduct constituting a prohibited act. In addition, there must be sufficient evidence to support a conclusion that the person or organization is substantially likely to engage in a prohibited act.

(b) In determining whether commission of a prohibited act by individual members of an organization can be attributed to that organization, examples of factors which should be considered include: the frequency of such act; the position in the organization of persons committing such act; whether the commission of such act was known by the leadership of the organization; and whether the commission of such act was condemned or disavowed by the leadership of the organization.

(c) In determining whether individual contact or posting for public display of any poster, handbill, or other writing constitutes or includes an invitation to collectively engage in an act prohibited by this regulation, specific language of the conversation or written material will be considered. In the case of individual conversations, determinations will be sensitive to protection of First Amendment rights of free speech.

(d) In making the decision that a military member of the Air Force is an "active" member of the organization in question, membership must be more than merely nominal or passive. Normally a person can be considered an active member if he or she engages in certain kinds of conduct for the organization. This conduct includes sollicita-

tion or collection of dues, membership recruitment, distribution of literature, service as an officer of the organization, or frequent attendance at meetings or activities of the organization.

(e) In deciding that a military member knows about the prohibited conduct engaged in by the organization, such knowledge may be inferred if the notice specified in §888g.7(b)(4) has been properly posted.

(f) In deciding that a military member intends to promote the prohibited conduct engaged in by the organization, his or her conduct and/or participation in the organizational activities which constitute active membership will be considered.

**§888g.11 Air Force installations where provisions of this part have been invoked by the Secretary of the Air Force. [Reserved]**

**§888g.12 Organizations determined by the Secretary of the Air Force to present a clear danger to Air Force discipline, loyalty or obedience to lawful orders. [Reserved]**

**§888g.13 Reporting format.**

Priority Message

To: Intermediate Commanders and Majcom.  
Info: HQ USAF/DPXX/JACM.  
Subject: Military Union Incident, RCS HAF-DPX(AR) 7701.

A. Name of installation.

B. Type of incident (request or attempt for negotiation or collective bargaining, strike or other concerted action, solicitation or request for recruitment, distribution of literature, active membership, or other prohibited activity).

C. Name(s) of individual(s) or organization.

D. Narrative statement of incident.

E. Brief summary of constitution, bylaws, statement of purpose submitted by the individual or organization, or other information and the source to provide sufficient data for SECAF determination.

F. Summary of commander's action.

NOTE 1: Information and data gathered on persons or organizations not affiliated with the Department of Defense will be in accordance with AFR 124-13.

NOTE 2: During periods when minimize is imposed, commanders will consider the severity of the activity before approving electrical transmission.

§ 888g.14 Situational guidance for commanders.

R U L E	A	B	C	D
	If the incident concerns	and	then the installation commander	and
1	an individual or organization that claims to represent military members of the Air Force	the purpose is for negotiation or collective bargaining over terms or conditions of military service	advises the individual or organization that he or she is prohibited from negotiating or collectively bargaining over terms or conditions of military service	reports the incident IAW § 888g.13.
2	an individual or organization that requests permission to negotiate or collectively bargain on behalf of military members of the Air Force			denies the request and reports the incident IAW § 888g.13.
3	an individual or organization that attempts to negotiate or collectively bargain on behalf of military members of the Air Force			reports the incident IAW § 888g.13.
4	an organization that claims to represent military members of the Air Force threatens a strike, slowdown, work stoppage or other collective job-related action, or picket			advises the organization and all military personnel that they are prohibited from engaging in strikes, slowdowns, work stoppages, or other collective job-related actions, or picketing
5	an organization that claims to represent military members of the Air Force engages in a strike, slowdown, work stoppage or other collective job-related action, or picket	the organization and military members have been advised that such activity by military personnel is prohibited	takes necessary action to return to normal operation	takes disciplinary action, when appropriate, against military members of the Air Force who engaged in prohibited activity, and reports incident IAW § 888g.13.
6	an individual or organization that pickets for the purpose of causing or coercing military members of the Air Force to engage in a strike, slowdown, work stoppage or other collective job related action		takes necessary action to stop such activity on base	
7	an individual or organization that requests permission to conduct a demonstration, meeting or protest, or engage in speech-making, picketing or leafleting, or other such activity	the purpose is to solicit military members of the Air Force to join an organization that participates, or is substantially likely to participate, in negotiation or collective bargaining, strikes or other concerted actions	denies the individual or organization access to the base and/or denies permission to conduct such activities	reports the incident IAW § 888g.13.
8		the organization proposes or holds itself out as proposing to engage in negotiation or collective bargaining on behalf of military members of the Air Force		

R U L E	A	B	C	D
	If the incident concerns	and	then the installation commander	and
9	an individual or organization that attempts to recruit military members of the Air Force on base for any organization	permission has not been requested	directs individuals or organizations to cease and desist and removes violators from the base	reports the incident IAW § 888g.13.
10		permission was previously requested but denied		takes disciplinary action, when appropriate, and reports incident IAW § 888g.13.
11	an individual or organization that conducts recruiting of military personnel for any organization and the method is by such techniques as individual contacts or posting of any poster, handbill or other writing for public display	such contact or posting constitutes or includes an invitation to engage in negotiation or collective bargaining, or a strike or other concerted action	denies access to the base or removes violators and prohibits further contact, posting or distribution of such material pending determination by SECAF (see note)	reports the incident IAW § 888g.13.
12		SECAF makes determination that the organization poses a clear danger to discipline, loyalty, or obedience to lawful orders		posts the notice required by paragraph 5b(4).
13	an individual or organization that attempts on-base distribution of literature	permission has not been requested	halts distribution and reviews the literature to determine whether it constitutes a clear danger to discipline, loyalty or morale IAW AFR 35-15.	reports the incident IAW § 888g.13.
14		the commander decides the material does not constitute a clear danger to discipline, loyalty or morale	permits distribution.	
15		the commander decides the material does constitute a clear danger to discipline, loyalty or morale	prohibits further distribution and advises distributor to cease and desist	
16		permission to distribute was previously denied	halts further distribution, confiscates available literature, and removes violators from the base	
17	an individual or organization that distributes literature soliciting membership or promoting an organization which purports or proposes to represent military members in negotiation or collective bargaining	distribution is through the US Mail	takes no action	

R U L E	A	B	C	D
	If the incident concerns	and	then the installation commander	and
18	a military member who asks about the legality of joining a union or other organization		advises member active membership is prohibited in organizations that violate AFR 30-24 when the member knows the organization engages in prohibited conduct and the member intends to promote such conduct	further advises member that it is permissible to belong to an organization which engages in representational activities with respect to terms or conditions of off-duty employment.
19	a military member who joins a labor organization for representation not related to off-duty employment	SECAF has not made a determination that the organization presents a clear danger to discipline, loyalty or obedience to lawful orders	gathers information on subject organization IAW AFR 124-13	reports the information IAW § 888g.13 (see NOTE).
20		SECAF has made determination that the organization poses a clear danger and enters it on atch 3	posts notice IAW § 888g. 7(b) (4).	
21		SECAF has made determination and Commander decides member knows determination has been made and is active participant in the organization's activities	takes disciplinary or administrative action, when appropriate,	reports the incident IAW § 888g.13.
22	a military member who already belongs to a labor organization for representation not related to off-duty employment	SECAF has not made a determination that the organization presents a clear danger to discipline, loyalty or obedience to lawful orders	gathers information on subject organization IAW AFR 124-13	reports the information IAW § 888g.13 (see NOTE).
23		SECAF has made determination that the organization poses a clear danger and enters it on atch 3	posts notice IAW § 888g. 7(b) (4).	
24		SECAF has made determination and Commander decides member knows determination has been made and is active participant in the organization's activities	takes disciplinary or administrative action, when appropriate	reports the incident IAW § 888g.13.

NOTE: SECAF will make determination whether such individual or organization presents a clear danger to discipline, loyalty, or obedience to lawful orders of the Air Force. When SECAF makes affirmative determination and enters it on § 888g.12, INSTALLATION commander posts notice IAW § 888g. 7 (b) (4).