



Public Buildings Service

September 2, 2022

MEMORANDUM FOR: REGIONAL COMMISSIONERS
PUBLIC BUILDINGS SERVICE

FROM: STUART BURNS 
ASSISTANT COMMISSIONER
OFFICE OF FACILITIES MANAGEMENT (PM)

SUBJECT: Operational Guidance Regarding Union Organizer Access to
On-site Contractor Employees on GSA-Controlled Property

[Executive Order 14025](#) on *Worker Organizing and Empowerment* (April 26, 2021) established the White House Task Force on Worker Organizing and Empowerment (“the Task Force”). The Task Force recommended that four agencies, including the U.S. General Services Administration (“GSA”), should eliminate barriers to union organizers being able to meet with federal contractor employees on federal property about the benefits of organizing a union. Requests by union organizers to meet with Federal contractor employees in space occupied by the legislative or judicial branches are beyond the scope of the order and should be declined by GSA because executive orders do not apply to the legislative or judicial branches of the Federal Government.

Sections 102-74.410 and 102-74.415 of title 41 of the [Code of Federal Regulations](#) generally prohibit all persons on Federal property from soliciting, as well as posting, affixing or distributing materials such as pamphlets, handbills and flyers. There are several exceptions to these prohibitions, however, including the solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Pub. L. 95-454). The Task Force instructed GSA’s Office of Government-wide Policy and the Office of Management and Budget to consider revising the Federal Management Regulation to clarify that union organizer access to private sector employees of Federal contractors working in Federal Government facilities is not covered or restricted by the general prohibition on soliciting and posting, displaying and distributing materials on property under the jurisdiction, custody or control of GSA (“GSA-controlled property”), provided that the activity does not interfere with access to the public areas of the facility, disrupt official Government business, interfere with approved uses of the property by occupant agencies, other tenants or by the public, or damage the property.

The Task Force recommendation for GSA is focused on *eliminating barriers to access to facilities*. To that end, GSA does not anticipate a significant operational or cost impact at the

facility level, as existing processes for organizations to apply for a permit for use of space in public buildings and grounds may be used.

Union organizing events or activities conducted on federally owned GSA-controlled property by a labor organization that qualifies for an exemption from taxation under 26 U.S.C. § 501(c)(5) (a “501(c)(5) organization”) may be approved on a case-by-case basis by the GSA Facility Manager or other regionally designated approving official, after consultation with the Office of the General Counsel. The 501(c)(5) organization must make a formal request to conduct the activity by submitting an [APPLICATION/PERMIT FOR USE OF SPACE IN PUBLIC BUILDINGS AND GROUNDS](#) (GSA Form 3453). Any application for a permit to engage in union organizing activities submitted by an entity other than a 501(c)(5) organization will need to undergo additional review by the Office of the General Counsel.

The [Internal Standard Operating Procedure](#) is also provided for use.

All local facility-specific and agency-specific access and security procedures will apply to the activity, as well as all other [Rules and Regulations Governing Conduct on Federal Property](#) and the contract terms and conditions relating to the government contractor and its employees and subcontractors.

Should you have any questions regarding this memorandum, please contact Patrick Fee, Director, Facilities Operation, PBS Office of Facilities Management, at patrick.fee@gsa.gov.