

CHANGES TO WORKING CONDITIONS

Are you thinking about a workplace change? Maybe, thinking about a move of employees that requires a physical move from one cubicle to another? How about a reorganization? Changing work or lunch hours?

According to the Federal Service Labor-Management Relations Statute, often referred to in the Labor Relations arena as the Statute, management has the right to make changes that are necessary to better accomplish its mission, or to use its resources more efficiently. For example, it may decide - as is often done - that a different organizational structure would work better. And as a result, make many changes at the work site.

It is imperative to Fort Leonard Wood's partnership initiative for you to remember that Unions have the right under the Statute, to represent employees in matters that pertain to changes in working conditions. This covers the establishment or change of personnel policies, practices, and working conditions.

Even though management has the legal right to make a change, in most cases the Union is still entitled to negotiate on related items -- such as the timing of the change, and what will be done to deal with any adverse impact on affected employees. If you are considering a physical move of employees, the Union may be interested in such things as:

1. Employees will be required to move only their personal effects and not required to move government furniture, files, equipment or supplies.
2. Office down time will be administrative leave and employees will not sign for leave during the down time.
3. All work suspense will be extended to match the down time of the move and reorganization of the work area.

Unfortunately, these issues are often overlooked or misunderstood by supervisors and managers, resulting in unnecessary unfair labor practice (ULP) charges. The key to avoiding such problems is in knowing how to spot and deal with change situations correctly.

Here are 3 key questions to ask before making a workplace change:

1. *Is this an actual change to a current rule, policy or way of performing work?* Or is it merely the exercise of an existing rule, policy or method? Adopting a new way of assigning overtime work, would be a change. Assigning an employee to work overtime under the current policy, however, would not be a change but it must be assigned in compliance with the appropriate collective bargaining agreement (CBA).

2. *Who will the intended change affect or apply to?* If it will apply to or have impact upon employees in a bargaining unit, their Union will have the right to be involved. If the intended change will only affect persons not included in the bargaining unit, there is no obligation to inform or bargain with the Union.

3. *Will the change significantly affect employee's working conditions?* The Federal Labor Relations Authority deems some minor changes significant. So if in doubt, it is usually better to assume the impact is significant, and notify the Union *BEFORE* making a change.

If the answer to all three questions is "YES", it is a change that will apply to or affect bargaining unit employees, and it will have a significant impact on their working conditions -- here's what you need to do to avoid problems:

(Remember: Any change to working conditions that impacts positions covered by a CBA must be reported to the Union. The consideration here is not whether the employee is a dues paying member of a Union, but whether or not the position is covered by the CBA. If the Bargaining Unit Status (BUS) code on the employee's SF-50, block #27, is properly coded 8888 or 7777, a collective bargaining unit does not cover the position. Employees that are supervisors, leaders, managers, or employees not covered by a bargaining unit (All employees of the MP School and employees of the Chemical School other than Wage Grade employees of the 58th Trans are not covered by a bargaining unit) should usually be coded 8888 or 7777. Employees that are coded 3410, 3420, 3390 or 3380 are in positions that are covered by CBAs.)

DO's

1. *Notify the Labor Relations Officer*, who will notify the Union(s) for you of the intended change -- *BEFORE* you implement it. It is best and in the spirit of the installation partnership with the Union(s) to invite them to participate in the initial planning stages.

2. *Specify what changes are intended*, and when you intend to make them. Outline such things as the purpose, intent, budget impact and mission need for the change.

3. *Meet and negotiate* with the union if it requests to do so - usually with the assistance of a CPAC representative.

4. Upon reaching agreement or if you hear nothing in response to your notification of intended change, go ahead and *make the specific changes on the announced or agreed-upon date*.

DON'TS

1. Don't assume there is no obligation to notify the Union because an intended change involves the exercise of a management right.

2. Don't assume there is no obligation to notify the Union because an intended change does not seem significant. (Better to be safe than sorry.)

3. Don't notify the Union at the last minute, then make the change before it has had a reasonable amount of time to study the issue and decide whether to request negotiations.
4. Don't notify the Union and, then meet to negotiate, but implement the change before reaching agreement or arriving at a clear impasse.
5. Don't make the change without notification in hopes the Union won't notice.

Contact the installation Labor Relations Specialist at 6-0295, who is available to provide guidance and assistance to managers and supervisors in meeting the challenges encountered in the labor-management relation's area.