

FEDERAL SERVICE IMPASSES PANEL

DECISIONS AND ORDERS/OPINIONS AND DECISIONS

JANUARY 2007 - DECEMBER 2007

1. Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution, Herlong, California and Local 1217, American Federation of Government Employees, AFL-CIO, Case No. 06 FSIP 89 (January 4, 2007)

Issue: Establishment of 4/10 CWS in Facilities Services Department.

2. Department of Justice, Federal Bureau of Prisons, U.S. Penitentiary, Victorville, California and Local 3969, American Federation of Government Employees, AFL-CIO, Case No. 06 FSIP 101 (January 11, 2007)

Issue: Implementation of 6-month pilot CWS for Unit Management employees.

3. Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution Englewood, Littleton, Colorado and Local 709, American Federation of Government Employees, AFL-CIO, Case No. 06 FSIP 119 (January 11, 2007)

Issue: Establishment of 5-4/9 CWS in Unicor.

4. Department of the Air Force, Air Force Reserve Command, March Air Reserve Base, California and Local 3854, American Federation of Government Employees, AFL-CIO, Case No. 07 FSIP 31 (February 23, 2007)

Issue: Termination of 5-4/9 CWS in the 452 Maintenance Group.

5. Department of Health and Human Services, Food and Drug Administration, Arkansas Regional Laboratory Jefferson, Arkansas and National Treasury Employees Union, Case No. 06 FSIP 128 (March 26, 2007)

Issues: AWS-related issues including whether the parties AWS agreement should require employees to obtain prior supervisory approval to work more than 10 hours per day or after 6 p.m. and on weekends.

6. Department of Transportation, Saint Lawrence Seaway Development Corporation, Massena, New York and Local 1968, AFGE, AFL-CIO, Case No. 07 FSIP 27 (March 26, 2007)

Issue: Should management be entitled temporarily to shut down the entire shift swap program for abuse by as few as one employee.

7. Department of Commerce, Patent and Trademark Office, Alexandria, Virginia and Patent Office Professional Association, Case No. 06 FSIP 109 (March 27, 2007)

Issue: Should the parties' ground rules for a successor agreement include a severability clause.

8. Department of the Air Force, Air Education and Training Command, Tyndall AFB, Florida and Local 3240, AFGE, AFL-CIO, Case No. 07 FSIP 5 (March 27, 2007)

Issue: Relocation of two linen rooms in Building 1379.

9. Department of the Treasury, Internal Revenue Service, Washington, D.C. and National Treasury Employees Union, Case No. 06 FSIP 66 (April 4, 2007)

Issue: The length of time that tax-related letters of reprimand should be retained in an employee's personnel file.

10. Department of the Army, Communications-Electronic Research, Development & Engineering Center, Fort Monmouth, New Jersey and Local 476, NFFE, Federal District 1, IAMAW, AFL-CIO, Case No. 06 FSIP 127 (April 9, 2007)

Issue: Implementation of a personnel demonstration project for a 2-year trial period.

11. Department of Justice, Federal Bureau of Prisons, U.S. Penitentiary, Beaumont, Texas and Local 1010, AFGE, AFL-CIO, Case No. 07 FSIP 33 (April 9, 2007)

Issue: Termination of the 4/10 CWS in the Unicor factory.

12. Department of Agriculture, Farm Services and Risk Management Agencies, Washington, DC and Local 3925, AFSCME, AFL-CIO, Case No. 07 FSIP 20 (April 10, 2007)

Issues: Should employees be permitted to earn credit hours without supervisory approval.

13. Department of Agriculture, Risk Management Agency, Kansas City, Missouri and Local 858, NFFE, Federal District 1, IAM&AW, AFL-CIO, Case No. 07 FSIP 9 (May 15, 2007)

Issues: The time frames for exchanging proposals for a new CBA and when contract bargaining should begin; official time and assurances against reprisal for serving as Union representatives during the bargaining process; and the full disclosure during negotiations of the rationale for proposals.

14. Department of the Air Force, Air Force Materiel Command, Wright-Patterson AFB, Ohio and Local F-88, IAFF, AFL-CIO, Case No. 07 FSIP 36 (May 21, 2007)

Issue: Whether the Employer should continue to provide bottled drinking water for employees.

15. Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution Schuylkill, Minersville, Pennsylvania and Local 3020, AFGE, AFL-CIO, Case No. 07 FSIP 66 (May 30, 2007)

Issue: Termination of the 4/10 CWS in the Education Department

16. Department of Homeland Security, Bureau of Customs and Border Protection, Washington, D.C. and National Border Patrol Council, AFGE, AFL-CIO, Case No. 07 FSIP 34 (May 31, 2007)

Issues: Procedures and appropriate arrangements for implementing new training requirements for Border Protection Agents.

17. Department of the Air Force, Luke Air Force Base, Luke AFB, Arizona and Local 1547, AFGE, AFL-CIO, Case No. 07 FSIP 26 (June 1, 2007)

Issues: Whether the Employer should be required to provide the Union with RIF retention registers that include the names of non-bargaining unit employees and whether bargaining-unit employees should be offered vacant National Security Personnel System (NSPS) positions for which they are qualified in lieu of separation.

18. Veterans Affairs Department, VA San Diego Health Care System, San Diego, California and Local R12-228, NAGE, SEIU, Case No. 07 FSIP 48 (June 26, 2007)

Issue: Designated outdoor smoking areas.

19. Social Security Administration, Baltimore, Maryland and Council 220, AFGE, AFL-CIO, Case No. 07 FSIP 38 (July 6, 2007)

Issues: Implementation of a new hardship reassignment policy, including whether the Employer should be required to seek Union concurrence on all hardship reassignment requests.

20. Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution, Phoenix, Arizona and Local 3954, AFGE, AFL-CIO, Case No. 07 FSIP 69 (July 6, 2007)

Issue: Termination of the 4/10 CWS for the bus crew.

21. Department of the Army, Army Medical Materiel Agency, Fort Detrick, Maryland and Local 1923, AFGE, AFL-CIO, Case No. 07 FSIP 23 (August 24, 2007)

Issues: Excused absence for physical fitness activities; use of Union office as workstation; and procedures for filling details and temporary positions.

22. Court Services and Offender Supervision Agency, Washington, D.C. and Local 727, AFGE, AFL-CIO, Case No. 07 FSIP 76 (October 11, 2007)

Issues: Exemptions from late night shift requirement; implementation date of the requirement; and a reopener provision.

23. Department of Justice, Federal Bureau of Prisons, Federal Correctional Complex, Yazoo City, Mississippi and Local 1013, AFGE, AFL-CIO, Case No. 07 FSIP 102 (October 11, 2007)

Issue: Establishment of 4/10 CWS in Unicor Facility.

24. Department of the Treasury, Internal Revenue Service, Washington, D.C. and NTEU, Case No. 07 FSIP 35 (October 25, 2007)

Issues: Implementation of retention incentive, recruitment incentive, and student loan repayment programs, including who should receive payments under the programs; the titles of the programs; whether the programs should be established as 1-year "pilots"; and information provided to the Union.

25. Department of Defense, Department of Defense Education Activity, Domestic Dependent Elementary and Secondary Schools, Peachtree City, Georgia and FEA-Stateside Region, NEA, Case No. 07 FSIP 62 (October 25, 2007)

Issues: Tobacco-free school campuses; payment of certification/licensure expenses; the use of performance appraisals during reductions-in-force; exceptions to the practice of progressive discipline; contacting Union representatives prior investigations of employees; filing of institutional grievances; grievance form; and duration of the collective bargaining agreement.

26. Social Security Administration, Office of Disability Adjudication and Review, Falls Church, Virginia and Council 215, AFGE, AFL-CIO, Case No. 07 FSIP 107 (November 21, 2007)

Issue: Mandatory use of Findings Integrated Templates for decision writers.

27. Department of Army, Army Dental Activity, Fort Carson, Colorado and Local 1345, AFGE, AFL-CIO, Case No. 07 FSIP 114 (November 21, 2007)

Issue: Termination of 5-4/9 CWS in the Fort Carson Dental Activity.

28. General Services Administration, Northwest/Arctic Region, Auburn, Washington and Council 236, AFGE, AFL-CIO, Case No. 07 FSIP 105 (November 19, 2007)

Issue: Excused absence for physical fitness activities.

29. Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, D.C. and National Treasury Employees Union, Case No. 07 FSIP 82 (December 13, 2007) Arbitrator's Opinion and Decision

Issues: Category under which Legal Instrument Examiners (LIEs) should be permitted to participate in telework; and what accommodations, if any, the Employer should provide participating LIEs regarding access to work-related materials at an alternative worksite.