



PANEL DECISIONS

JANUARY 2008 – DECEMBER 2008

SUCCESSOR COLLECTIVE
BARGAINING AGREEMENTS

DON, NSSC, SUPSHIP Gulf Coast,
Pascagoula, MS and Local R5-
315, NAGE, SEIU, Case No. 08
FSIP 79 (December 22, 2008)

Issues: Privacy rights;
facilities; insecticides;
counseling sessions;
contractors; "Plan of the
Week"; Executive Steering
Committee.

DOI, Bureau of Land
Management, Sacramento, CA and
Local 2152, NFFE, Federal
District 1, IAMAW, Case No. 08
FSIP 20 (May 12, 2008)

Issues: Travel and per diem
expenses for mid-term
negotiations; filling of
positions

OFFICIAL TIME

DOI, National Park Service,
Northeast Region, Boston, MA
and Local 3432, AFGE, AFL-CIO,
Case No. 08 FSIP 67 (November
26, 2008)

Issues: Number of Union
representatives and amount
of official time for the
Union President.

DVA, VA Medical Center, Miami,
FL and Florida Nurses
Association, UAN, ANA, Case
No. 08 FSIP 59 (August 19,
2008)

Issue: Allotment of
official time to local
Union representatives

The Library of Congress,
Washington, D.C. and Local
2910, AFSCME, AFL-CIO, Case
No. 07 FSIP 111 (January 15,
2008)

Issue: Level of
specificity when
reporting official
time

TELEWORK

Dept. of Justice, Bureau of
Alcohol, Tobacco, Firearms and
Explosives, Washington, DC and
NTEU, Case No. 07 FSIP 82
(December 13, 2007) O&D

**Issue: Telework category and
accommodations for
Legal Instrument
Examiners**

DRESS CODE POLICY

DVA, South Texas Veterans
Healthcare System, San
Antonio, TX and Local 3511,
AFGE, AFL-CIO, Case No. 08
FSIP 81 (October 23, 2008)

Issues: Wearing shorts and jogging
suits; electronic devices;
duration of MOA.

DHS, U.S. Citizenship and
Immigration Services, Region
3, New York, NY and Local
1917, AFGE, AFL-CIO, Case No.
08 FSIP 34 (July 3, 2008)

Issues: Wearing of sneakers and
denim on casual dress day.

OFFICE RENOVATIONS AND
RELOCATIONS

DHHS, NIH, NIEHS, Research
Triangle Park, NC and Local
2923, AFGE, AFL-CIO, Case
No. 08 FSIP 108 (December
22, 2008)

Issues: Office size and type;
selection criteria and
process; future moves; break
rooms; telework; facilities
committee; after-hours
access.

FAA, Southwest Regional
Office, Fort Worth, TX and
NATCA, AFL-CIO, Case No. 08
FSIP 43 (August 19, 2008)

Issues: window cubicles for
employees in their new space on
the 5th floor; amenities for the
break room.

EPA, Region 10, Oregon

Operations Office,

Portland, OR and Local

1110, AFGE, Case No. 08

FSIP 9 (February 29, 2008)

O&D

Issues: private offices v.
cubicles; office size;
natural lighting; effect of
pillars; modification of work
areas

HUD, New Orleans HUD
Office, New Orleans, LA and
Local 3475, AFGE, Case No.
08 FSIP 7 (February 26,
2008) O&D

Issues: scope of negs.; Union
office space, equipment and
parking; accommodations for
disabled; improvements to
temp. space during
renovations

FRINGE BENEFITS

DHS, Bureau of Customs and
Border Protection, Washington,
DC and NTEU, Case No. 07 FSIP
92 (April 11, 2008)

Issues: Percentage of basic
pay under FLAP; MOU
or MOU and CBP FLAP
Directive?

DON, Navy Exchange,
Norfolk, VA and Local 53,
AFGE, AFL-CIO, Case No. 08
FSIP 74 (October 23, 2008)

Issue: Whether certain unit employees issued uniforms should be allowed to launder them on duty time.

PROMOTIONS

NASA, Goddard Space Flight
Center, Wallops Island, VA and
Local 2755, AFGE, AFL-CIO,
Case No. 08 104 (December 22,
2008)

Issue: Should employees in non-professional positions be given information on promotions based on accretion of duties?

UNION RIGHTS

NASA, Goddard Space Flight
Center, Wallops Island, VA and
Local 2755, AFGE, AFL-CIO,
Case No. 08 FSIP 21 & 27
(April 24, 2008)

Issue: How long should a
PIP meeting be
postponed to allow
the Union to be
present?

GROUND RULES

DOA, USACOE, Northwestern
Division, Portland, OR and
Local R3-77, UPTO, Case No. 08
FSIP 106 (December 22, 2008)

Issues: Site and schedule of negotiations; official time for preparation; the payment of Union travel and *per diem*; official time and travel and *per diem* to attend impasse hearings.

Pension Benefit Guaranty
Corporation, Washington, D.C.
and Local R3-77, NAGE, SEIU,
Case No. 08 FSIP 63 (August
22, 2008)

Issues: indemnification from
liability for articles
implemented; when proposals
should be exchanged; bargaining
schedule; number of team
members; recording of
negotiating sessions; suspension
of negs. until data or
negotiability disputes or ULP
charges are resolved.

Dept. of HUD, Region 9, San
Francisco, CA and Local 1450,
NFFE, Federal District 1,
IAMAW, AFL-CIO, Case No. 08
FSIP 47 (July 3, 2008)

Issues: (1) travel and *per diem* expenses; (2) the starting time for Monday bargaining sessions (3) site; and (4) official time for Union negotiators.

USDA, Farm Service Agency,
Kansas City, MO and Chapter
264, NTEU, Case No. 08 FSIP 80
(October 29, 2008)

Issues: selection of technical advisors/subject matter experts; the time frame for the submission of the Union's proposals to management; impasse procedures.

Dept. of the Treasury,
Internal Revenue Service,
Washington, DC and NTEU, Case
No. 07 FSIP 10 (June 16, 2008)

Issues: specified dates for the exchange of proposals and start of bargaining; bargaining schedule; impasse resolution procedures; the payment of travel and *per diem* expenses; procedures following non-ratification; procedures following negotiability; effective date and duration of ground rules agreement.

DHS, Bureau of Customs and
Border Protection, Washington,
DC and NTEU, Case No. 07 FSIP
108 (March 4, 2008)

Issues: Official time for reps. to meet with team; assistance from 3rd party neutral; travel & per diem; ratification and challenge to Panel; implementation of prior CBA during negs.; duration

TERMINATION AND
ESTABLISHMENT OF
ALTERNATIVE WORK
SCHEDULES

DOJ, Federal Bureau of
Prisons, FCI, Talladega, AL
and Local 3844, AFGE, AFL-CIO,
Case No. 08 FSIP 68 (August
19, 2008)

Issue: whether a 5-4/9 CWS for
the Food Service Warehouse
Material Handler Foreman would
cause adverse agency impact
(Act).

DON, U.S. Marine Corps, Marine
Corps Logistics Base, Barstow,
CA and Local 1482, AFGE, AFL-
CIO, Case No. 08 FSIP 41 (June
25, 2008)

Issue: Implementation of
4/10 CWS in
Maintenance Center
Barstow (Act)

PERFORMANCE APPRAISAL

SYSTEM

DOC, Patent and Trademark
Office, Alexandria, VA and
Chapter 245, NTEU, Case No. 07
FSIP 89 & 91 (May 30, 2008)

Issues: (1) reducing policies to writing; (2) the duration of the training period; (3) transfer of from one quarter to another; (4) adjustments to production requirements; (5) the transition phase between the training period and full production; (6) carry over of errors from current PAP to new PAP; and (7) documentation of "excellent" work.

WORK ASSIGNMENTS

NLRB, Office of General
Counsel, Washington, D.C. and
NLRBU, Case No. 07 FSIP 90
(January 16, 2008)

Issues: preamble; type of U.S.
flag to be displayed; excess
baggage charges; establishment
of Agency weight standards prior
to implementation; special
accommodations; linking of MOU
to OM Memo; non-waiver clause;
duration

SMOKING POLICY

DHHS, CDCP, NIOSH, Morgantown,
WV and Local 3430, AFGE, AFL-
CIO, Case No. 08 FSIP 15
(February 12, 2008)

Issue: prohibition on tobacco
use on Employer's premises

PERMISSIVE SUBJECTS OF
BARGAINING

DVA, VA Medical Center,
Minneapolis, MN and Local
3669, AFGE, AFL-CIO, Case No.
08 FSIP 72 (August 22, 2008)

Issue: the ratio of nurses to patients in telemetry units where IV drip medications are administered.

IMPLEMENTATION OF NEW TECHNOLOGY

DOC, Patent and Trademark
Office, Alexandria, VA and
POPA, Case No. 08 FSIP 78
(November 26, 2008)

Issues: compensation for
eRed Folder system
supplemental learning time;
training procedures;
accounting for lost or extra
work; crediting work
products; tracking of cases;
recommending deployment
improvements.