

DFAS & AFGE Council 171 Negotiations

Preparation Session

New!

Monday, October 27, 2008 thru Thursday, October 29, 2008

Chief Negotiators: Audrey Eckhart and Frank Rock

Team Members: Troy Marshall, Jimmie Wattley, Sherman Patton, Mike McCall, Mark Durinski, Victor Davis, Rosa Scarborough, and Zippore Early.

Ed Abounader joined the team on Wednesday, 29 Oct 08

Comp Time for Traveling to and from Negotiations. Collateral duties could encompass travel on official time. The law prohibits paying comp time for non-agency related business. (Research and provide additional documentation).

IBB Process Review (review of the slides)

- Member facilitating will be shared
- Dissemination of interest between parties – the working group could combine the interest and provide a draft to the Negotiating teams

Commitment Statement: (consensus)

American Federation of Government Employee (AFGE) and Defense Finance Accounting Service (DFAS)

Commitment Statement

We the DFAS Labor Management Negotiating Team value each other, all employees and DFAS and AFGE as entities, and we are committed to the process of Interest Based Bargaining and building a relationship of mutual trust and cooperation. To be successful, we are committed to being open and forthright, and to working creatively through consensus to meet the collective interests of all parties, which include the DFAS, AFGE and all employees.

Ground Rules :

- Corrections and additions based on previous discussion approved.
- Working Group – provided supporting documentation supporting the past practice (travel orders and letter)

Interests were as follows:

- research and development of interest (research support)
- *interest based working groups (allows for us to call upon different individuals based on the subject at hand)*
- *Cost - Production - Customer Service*

- Propose a total of 64 hr per person to participate on the working group for that particular session (mixture of both council member and working group) with 336 hrs for C171 and 320 hrs for the working group
- One representative from each site
- Support reasonable time and accommodation for preparation (Frank and Audrey will determine what reasonable would be for the matter at hand)

The Working Group And Negotiating Teams (consensus) ✓

The Parties agree the working groups will be required. Chief Negotiators will determine the issues, size of the group, deliverables, and official time allocated for the working group and the negotiating team for each session.

REPLACE 4A & B.

Bargaining Schedule

Take the break now and restart again in January 09

Utilize the break for preparation

Travel Day 20 Jan, Work 21 – 30 Jan 09, Travel Day 31 Jan 09

Start @ 8:30 and conclude upon agreement of Chief Negotiators

The Parties agree that DFAS –IN will serve as the primary negotiating site. Alternate negotiating sites may be identified, subject to the approval of the Chief Negotiators.

The parties agree negotiations shall begin within 90 days after agreement of the ground rules unless extended by mutual agreement of the Chief Negotiators.

Negotiations will conclude each day upon mutual agreement of Chief Negotiators.

The parties agree that negotiations will be held in two (2) weeks interval with no more than two weeks between negotiation sessions until negotiations are completed unless mutually agreed upon by the Chief Negotiators.

During Negotiation and in the event of change in law, rule and regulation the parties agree that the Chief Negotiators may re-open affected articles (reference 9P)

- Standard Across the Agency, Precise Language (Clear),
- The Agency will provide notification to all employees that the contract is managed electronically, where it will be found and ensure access. This does not preclude that we will not provide hard copy when needed.
- Things to consider BRAC, NSPS?, ensure flexibility

- Contract Articles that have been put on the shelf until negotiations have been completed on the item. DFAS OGC will have reviewed and provided input prior to the Union receiving it. Request that those that are ready be presented to the Union on 30 Oct 08
 1. DFAS Leave Regulation Draft (status update)
 2. Workplace Violence Policy (ready)
 3. Adverse Actions Policy (status update)
 4. Merit Promotion (status update)
 5. Telework (ready)

Issues & Concerns Dissemination (consensus)

Use the issues & concerns sheet (IBB) for each item – exchange the information prior to reconvening with the understanding we are only listing concerns not positions. Have preliminary discussion to gather ideas and information, determine if a SME is needed. Using a staggered methodology.

Identify the links between articles

Permissive Subjects: Competitive Areas

LIM Guide: Added the 5 statements that the Union provided. Restate the first paragraph. The supervisor will meet with the employee in order to identify deficiencies. Some LIMS are in the 7/9 and 7/11. There are some positions that can be exempt from the LIM program. There will be some developmental positions that will not be a part of the LIM program. Diane Benoit has taken over the program. Rotational / Non-rotational will be stated in the announcements.

Reasonable Accommodation: the links have been added on the web page

Mid-Term Changes: Discuss using IBB, timeframes and cost factors

Director Terry McKay visit - 28 Oct 08 @ 8:00am

Vision for DFAS - Contribute to the mission of DOD, support the war fighter. Foresee our work force shrinking with the implementation of the new system. Understand the system to know the capabilities, requirements of the system prior to turning it on. Developing a pretty detail MOA with the customer in order to better understand the expectation. We do approx. 60% of the government civilian pay.

Administrative Item – possibly end on Thursday, 30 Oct 08 with the Union remaining and working. Identify which articles and interest for the first session.

Alternate Dispute Resolution (ADR)

Agenda for Wednesday & Thursday - (1) Finalize Goals, (2) Identify and/or finalize Interest for Articles 2-5, (3) Identify / Interest in Articles for session one, (4) Review / Summary of Accomplishments

Contract Negotiation Goals

- Standardize practices across the agency (what we develop applies to all – one contract for all sites) with the understanding that local supplementation due to particularized needs may be necessary.

Example: core hours begin at 9:30a (Attain information by site to assist in making the determination) GSA owned/operated sites, Security, Weather.

The Agency is working on their SLA's with the customer to assist in resolving concerns

Provide all DFAS employees and management a standardized contract that facilitates the current and future DFAS mission, support to customer, enhancing flexibility as well as employee morale and quality of life.

The contract will contain meaningful precise language that is concise and easily understood and communicated by all.

Readily available and accessible to all DFAS employees

(consensus)

- Precise Language
- Shorten
- Meaningful Language
- Contract for all employees
- Easy Access
- Simple
- Alternative method of delivery
- Support for transformation of organization
- Flexibility

Supplies: Copier and Printer will be provided by Sherman and Audrey at this point, with investigation of different onsite set up.

Discussed the issuance of Blackberries and/or Laptop as feasible – review options. Explore a community laptop.

- Remain as is in the MUMA with a Link
- More than the just the 5 USC
- Is the language really needed as it is in the MUMA
- Language is the foundation of the contract
- Lets the employee know where the language was derived from

- Remain as is
- If the language is removed
- Employees are informed of how & what

Retain the contractual language in hardcopy and add the link to the law for those individuals that would prefer to use it as it is more than just the 5 USC. No one other than the Council would know what the law states.

As it doesn't lengthen or shorten the contract it would have no impact and therefore could remain as a preamble -vs- article.

**ARTICLE 2
GOVERNING LAWS AND REGULATIONS**

SECTION 1 - GENERAL

SECTION 2 - DFAS REGULATIONS

No Change - Consensus (to leave the article as is)

ARTICLE 3

EMPLOYEE RIGHTS

SECTION 1 - GENERAL

Each employee has the right freely and without fear of penalty or reprisal to form, join, or assist the Union or to refrain from any such activity. The right to assist the Union extends to participation in the management of the Union and to acting in the capacity of a Union representative including presentations of its views to officials of the Agency, the Executive Branch, the Congress, or other appropriate authority. We agree to assure that employees are apprised of their rights under this Article and that no interference, restraint, coercion or discrimination is practiced to encourage or discourage membership in the Union.

SECTION 2 - EMPLOYEE RIGHT TO PARTICIPATE

Employees have the right to engage in collective bargaining with respect to conditions of employment through representatives of the Union.

SECTION 3 - EMPLOYEE NOTIFICATION OF WEINGARTEN RIGHTS

A. Employees have the right to representation under 5U.S.C., Section 7114 (a) (2) (B), which states:

"(B) any examination of an employee in the unit by a representative of the agency in connection with an investigation if-

"(i) the employee reasonably believes that the examination may result in disciplinary action against the employee; and

"(ii) the employee requests representation."

B. The Agency shall annually inform all members of the bargaining units of their rights, as set forth in this Article. (portal w/a link)

SECTION 4 - EMPLOYEE CONCERNS

A. Employees have the right and shall be encouraged to bring matters of personal concern regarding conditions of employment to the attention of the appropriate Agency or Union representatives at the lowest level capable of resolving the matter.

- B. To the extent possible, the Agency will assure privacy during an investigatory interview and confidentiality of investigative records.
- C. Any employee identified as a Union witness may request a Union representative when being interviewed by the Agency representatives.
- D. The Union shall be given the opportunity to be represented at formal meetings between the Agency and employees concerning grievances, personnel policies and practices, or other matters affecting general working conditions of employees.

Article 3 - Consensus - no change with the understanding that we may revisit the article at a later time.

Interest

- **Employee Rights** *Art 3*
 - A. Ensuring the employees know their Weingarten rights
 - B. Convenient
 - C. Eportal
 - D. Annual refresher (not enough) the employee understand 4(a)(d) more clarity
 - E. Other rights (envisioning the future).
- **Union Rights** *Art 4*
 - A. As is
 - B. The Law
 - C. Short / Concise clear
 - D. Weingarten rights
 - E. Defining the rights
- **Management Rights**
 - A. Sec. 5B E.O. 12871, revoked by Pres. Bush
 - B. The Law - as current

Options would be: training - Weingarten rights
 posting of information.
 Language of the Article/MUMA
 Bulletin Boards (agency / union)
 Eportal
 New Employee Briefings

Would we like to present additional conditions under which an employee may have representation or rights to.

Identify interest that may require research - share the information and prepare for additional discussion.

**ARTICLE 4
UNION RIGHTS AND DUTIES**

The following are some, but not all, of the Union's rights and duties as provided for in 5 U.S.C. Chapter 71.

SECTION 1 - REPRESENTATION RIGHTS

Section 7114 (a) (1) of 5 U.S.C. states:

"(a) (1) A labor organization which has been accorded exclusive recognition is the exclusive representative of the employees in the unit it represents and is entitled to act for, and negotiate collective bargaining agreements covering, all employees in the unit. An exclusive representative is responsible for representing the interests of all employees in the unit it represents without discrimination and without regard to labor organization membership.

SECTION 2 - FORMAL MEETINGS AND WEINGARTEN RIGHTS

Section 7114 (a) (2) of 5 U.S.C. states:

"(2) An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at-

"(A) any formal discussion between one or more representatives of the agency and one or more employees in the unit or their representatives concerning any grievance or any personnel policy or practices or other general condition of employment; or

"(B) any examination of an employee in the unit by a representative of the agency in connection with an investigation if-

"(i) the employee reasonably believes that the examination may result in disciplinary action against the employee; and

"(ii) the employee requests representation.

SECTION 3 - PRODUCTION OF DOCUMENTS AND DATA

Section 7114(b) (4) of 5 U.S.C. states:

"(b) The duty of an agency and an exclusive representative to negotiate in good faith under subsection (a) of this section shall include the obligation-- ...

(4) in the case of an agency, to furnish to the exclusive representative involved, or its authorized representative, upon request and, to the extent not prohibited by law, data-

"(A) which is normally maintained by the agency in the regular course of business;

"(B) which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining; and

"(C) which does not constitute guidance, advice, counsel, or training provided for management officials or supervisors, relating to collective bargaining... .

Issues:

- A. Particularized need not being concise or acceptable to management

Interest:

- A. Cost limitation / conserving resources (Sect 3)

- B. Other rights
- C. Privacy - confidentiality (Sect 3)
- D. Relevance (sect 3)

Some of this may only mean the definition of the law.

ARTICLE 5

MANAGEMENT RIGHTS

A. Section 7106 of 5 U.S.C. states:

"(a) Subject to subsection (b) of this section, nothing in this chapter shall affect the authority of any management official of any agency --

"(1) to determine the mission, budget, organization, number of employees, and internal security practices of the agency; and

"(2) in accordance with applicable laws --

"(A) to hire, assign, direct, layoff, and retain employees in the agency, or to suspend, remove, reduce in grade or pay, or take other disciplinary action against such employees;

"(B) to assign work, to make determinations with respect to contracting out, and to determine the personnel by which operations shall be conducted;

"(C) with respect to filling positions, to make selections for appointments from --

"(i) among properly ranked and certified candidates for promotion; or

"(ii) any other appropriate source; and

"(D) to take whatever actions may be necessary to carry out the agency mission during emergencies.

"(b) Nothing in this section shall preclude any agency and any labor organization from negotiating --

"(1) at the election of the agency, on the numbers, types, and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty, or on the technology, methods, and means of performing work;

"(2) procedures which management officials of the agency will observe in exercising any authority under this section; or

"(3) appropriate arrangements for employees adversely affected by the exercise of any authority under this section by such management officials."

~~B. See Executive Order 12871 as it pertains to 7106(b)1.~~

- B. To the extent possible, the Agency will assure privacy during an investigatory interview and confidentiality of investigative records.
- C. Any employee identified as a Union witness may request a Union representative when being interviewed by the Agency representatives.
- D. The Union shall be given the opportunity to be represented at formal meetings between the Agency and employees concerning grievances, personnel policies and practices, or other matters affecting general working conditions of employees.
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Interest

- A. Remove from contract**
- B. Not limit management's discretion**
- C. Compliance with case law**
- D. Clarify and train employees on management's rights**
- E. Other rights**

- What is the agency's position with regard to negotiating permissive issues? The Agency will leave it stated as the law says. What is Ms. McKay thoughts on this.

Establish a Training article - consensus

Reviewed by Chief Negotiators on 29 Oct 08

Recorded by Zippore Early