

United States of America  
BEFORE THE FEDERAL SERVICE IMPASSES PANEL

In the Matter of )

DEPARTMENT OF THE AIR FORCE )  
440th TACTICAL AIRLIFT WING )  
MILWAUKEE, WISCONSIN )

and )

LOCAL 2144, AMERICAN FEDERATION OF )  
GOVERNMENT EMPLOYEES, AFL-CIO )

Case No. 91 FSIP 87

DECISION AND ORDER

Local 2144, American Federation of Government Employees, AFL-CIO (Union), filed a request for assistance with the Federal Service Impasses Panel (Panel) to consider a negotiation impasse under section 7119 of the Federal Service Labor-Management Relations Statute (Statute) between it and the Department of the Air Force, 440th Tactical Airlift Wing, Milwaukee, Wisconsin (Employer).

After investigation of the request for assistance, the Panel determined that the dispute concerning the self-contained breathing apparatus (SCBA) drill be resolved on the basis of written submissions from the parties. After considering the entire record, the Panel would take whatever action it deemed appropriate to resolve the impasse. Written submissions were made pursuant to these procedures and the Panel has now considered the entire record.

BACKGROUND

The Employer provides maintenance support for Air Force flight and ground defense. The Union represents 400 bargaining-unit employees who work as airplane mechanics, clerks, contract specialists, and firefighters. Approximately 50 firefighters will be affected by the outcome of the dispute. The parties' negotiated agreement will expire on March 23, 1993.

The dispute arose during impact-and-implementation bargaining over the Employer's decision to shorten the time permitted for performing the drill. During negotiations the parties agreed that two announced and two unannounced drills would be conducted during the year. The drill consists of

donning a SCBA air pack, helmet, gloves, and hood, and beginning to breathe air. The equipment would be placed on the ground in front of the firefighter. A timing official would signal, "Go." Remedial training and a retest would be provided to those taking too long to perform the drill. How an employee performs on the drills (i.e., time score, straps positioned, snaps closed) is part of a critical element in employees' performance appraisals.

#### ISSUES AT IMPASSE

The aspects of the drill which remain in dispute include: (1) the maximum time for successful performance of the drill; (2) how the time scores will be weighed and used in assessing an employee's job performance; (3) the size of the time penalties to be given for errors, such as twisted and open snaps, made during the drill; and (4) the firefighter's signal to the timer that he is ready.

#### 1. The Employer's Position

The Employer proposes essentially that: (1) the SCBA drill be performed within 45 seconds; (2) the firefighter indicate readiness in a short, but reasonable, period of time, and then, the timing official call, "Go"; (3) each quarterly drill result be evaluated to determine the rating on that particular area of the overall yearly performance report; normally, the first drill score attained count, but a passing score also be credited once following the 2-week remedial training period; in "the other three quarters of the appraisal year, the first drill score, pass or fail, would count as the score"; the option to drop a failing score only be used once; (4) a 45-second score mean that an employee met the performance standard; a 31-second score that an employee surpassed the standard; and (5) in the case of errors, either a 5- or 10-second penalty be added, depending on their number.

In the Employer's view, these provisions would promote a level of preparedness which would improve response times and readiness in emergencies. Paring seconds from such times can save lives and property. It asserts that the requirement, used by firefighters at other facilities, is reasonable, especially in light of a June 25, 1990, Air Force regulation requiring a more stringent, 30-second drill. Furthermore, previously earned scores demonstrate that "an overwhelming majority of firefighters" at the facility were able to meet or exceed such standards. Moreover, a number achieved the 31-second "surpass" score. Such achievement fosters pride and esprit de corps so necessary in this high-risk occupation.

## 2. The Union's Position

The Union essentially proposes that: (1) the firefighter be permitted 60 seconds to perform the drill; (2) the firefighter indicate readiness, and the timing official call, "Go," but no wording be added with respect to the time period being short, but reasonable; (3) an employee's score on the four drills be expressed as an average to be considered in performance evaluations on the element; (4) if the averaged score falls between 45 and 60 seconds, it meet the performance standard; an averaged score of 44 seconds or less exceed the standard; and (5) a one-point penalty be charged for errors.

The Union asserts that a 60-second standard, used by many fire departments, is within an acceptable range according to experts in the field. The standard would encourage firefighters to attend to all details so vital for proper wearing of the SCBA, including securing an airtight seal of the face mask to keep out toxic chemicals. Thus, speed would not be emphasized at the expense of safety. As to performance aspects, the use of averaging might adjust for a poor score earned on an off-day. Under its proposal, a higher proportion of employees likely would /exceed/ the performance element. Furthermore, the part of its proposal regarding commencement of the drill would be easy to follow.

### CONCLUSIONS

Having considered the evidence and arguments in this case, we conclude, on balance, that the Employer's proposal provides a reasonable basis for resolving the dispute. We are persuaded that its provisions would better prepare firefighters to deal with the emergency situations they regularly encounter than the Union's. Also, as to performance aspects, use of individual scores should offer the Employer a clear picture of employees' performance on each drill while providing them with some accommodation by permitting one poor score resulting from a bad day to be dropped. Although the Union voices concerns about employees using short cuts and developing bad habits under a 45-second standard, the record indicates that such a standard is applied to firefighters' drills at other facilities, apparently without negative consequences. Moreover, figures presented by the Employer indicate that most firefighters already meet or exceed such standards. Finally, should experience indicate the need for adjustment of any aspect of the SCBA drill, such concerns can be raised in the future through the give-and-take of collective bargaining.

### ORDER

Pursuant to the authority vested in it by section 7119 of the Federal Service Labor-Management Relations Statute and

because of the failure of the parties to resolve their dispute during the course of proceedings instituted pursuant to section 2471.6(a)(2) of the Panel's regulations, the Federal Service Impasses Panel under section 2471.11(a) of its regulations hereby orders the following:

The parties shall adopt the Employer's proposal.

By direction of the Panel.



Linda A. Lafferty  
Executive Director

June 12, 1991  
Washington, D.C.