

United States of America

BEFORE THE FEDERAL SERVICE IMPASSES PANEL

In the Matter of)	
)	
DEPARTMENT OF THE ARMY)	
U.S. ARMY TRAINING CENTER)	
AND FORT JACKSON)	
FORT JACKSON, SOUTH CAROLINA)	
)	
and)	Case No. 91 FSIP 76
)	
LOCAL 1214, NATIONAL FEDERATION)	
OF FEDERAL EMPLOYEES)	

DECISION AND ORDER

Local 1214, National Federation of Federal Employees, (Union or NFFE), 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 Army, Fort Jackson, South Carolina (Employer).

After investigation of the request for assistance, the Panel determined that the case be resolved through an informal conference by telephone between the parties and Staff Associate Ellen J. Kolansky. The parties were advised that if no settlement were reached, Mrs. Kolansky would notify the Panel of the status of the dispute, including the parties' final offers, and her recommendations for resolving the matter. Following consideration of this information, the Panel would take whatever action it deemed appropriate to resolve the impasse including the issuance of a binding decision.

Mrs. Kolansky conducted the conference call on December 20, 1990; the parties were unable to reach agreement on the size of competitive areas for reductions in force (RIFs). During the conference call, however, the Union modified its position by making the application of its proposal prospective and limiting coverage to those activities located on the base and in which bargaining-unit employees work. The parties submitted their final offers on the issue along with written submissions in support of their proposals. Mrs. Kolansky reported to the Panel based on the record developed by the parties, and the Panel now has considered the entire record, including her recommendations for settlement.

BACKGROUND

The Employer is one of the Army's largest training installations, providing basic training for recruits. At Fort Jackson, the major command is Training and Doctrine Command (TRADOC). In addition, there are a number of tenant commands: the U.S. Army Systems Command (USAISC), the U.S. Army Troop Support Agency (the commissary), the U.S. Army Health Services Command (DENTAC and MEDDAC), and the Military Enlistment Processing Command (MEPCOM). The Union represents a bargaining unit of about 1,000 GS employees working for TRADOC and the five tenant activities listed above. Employees have support positions as clerks, typists, computer and management analysts, commissary workers, and nurses. The parties' collective bargaining agreement expires on May 12, 1991.

ISSUE AT IMPASSE

The sole issue in dispute concerns the size of the competitive area^{1/} for RIFs at Fort Jackson.^{2/}

1. The Union's Position

Essentially, the Union proposes that the competitive area for future RIFs be expanded to include all activities at Fort Jackson encompassed within the NFFE bargaining unit. The geographic boundary would be the Fort Jackson commuting area, and the competitive area would include all positions within those activities.

Currently, in accordance with the servicing agreements between Fort Jackson and the tenant activities, each is a separate competitive area for RIF purposes. Enlarging the competitive area would increase the retention options for the

^{1/} A competitive area is the geographical and organizational limit within which employees compete for job retention.

^{2/} A RIF affecting only TRADOC employees was to be implemented on January 13, 1991. RIF notices were sent to affected employees on November 7, 8, and 9, 1990. Approximately 212 positions were to be eliminated, but no employees were expected to "go out the gate." Between 9 and 75 employees were to be downgraded as a result of the RIF, however. USAISC and the Union negotiated over a RIF involving USAISC positions, but the same issue remains unresolved. That RIF, which affected seven positions, was to be implemented on February 23, 1991.

civilian work force. In its view, this is particularly important since that population is likely to be subject to further cuts with fewer vacancies to cushion the effects. In addition, it should result in the retention of more experienced employees. Moreover, the expanded competitive area then would match the current area of consideration for promotions and complement past efforts by the Employer in its "Faces-to-Spaces" program.^{3/} Finally, by modifying its proposal to apply it prospectively to those activities where NFFE has representation rights, it believes it has accommodated objections raised by the Employer concerning potential administrative disruptions and increased costs under its original proposal.

2. The Employer's Position

Under the Employer's proposal, for RIF purposes, each activity would be a separate competitive area, *i.e.*, the *status quo* would be maintained. It argues that this is consistent with the history, organizational structure, and integrity of the tenant activities which are administered by different commanders although serviced by one personnel office. At least four other bases surveyed also have separate competitive areas. In addition, restricting the effects of RIFs only to the activity requiring it would be fairer and lessen the disruptions to employees in other activities. For example, had the Union's proposal not been modified to make it prospective, the Employer calculates that its practical effect during the current RIF would have been to increase the number of employees affected from 1,248 to 1,950. Furthermore, whether the provision would benefit more senior employees is speculative since seniority is only one of several retention factors used to determine employees' bump or retreat rights.

Finally, the Employer asserts that its position is supported by the result in two previous Panel decisions^{4/} on

3/ The "Faces-to-Spaces" program attempted to place employees who would have been affected by the implementation of the "Most Efficient Organization" plan in vacancies in other activities to permit continued employment.

4/ Department of the Army, Letterkenny Army Depot Headquarters, U.S. Army Depot System Command, Chambersburg, Pennsylvania and Locals 1429 and 1442, National Federation of Federal Employees, Local F-170, International Association of Firefighters, and Local 358, International Brotherhood of Police Officers, Case No. 90 FSIP 176 (September 21, 1990) (Letterkenny), Panel Release No. 299 and United States Federal Trade Commission and Local 2211, American Federation of Government Employees, AFL-CIO, Case No. 90 FSIP 86 (November 20, 1990) (Federal Trade Commission), Panel Release No. 302.

this subject. In those cases, the Panel either preserved separate competitive areas (Letterkenny) or expanded such areas to include all employees at the agency's headquarters (Federal Trade Commission). It follows, the Employer reasons, that the Panel should preserve the integrity of TRADOC, its headquarters, as a separate competitive area.

CONCLUSION

Having considered the evidence and arguments in this case, we conclude that the parties should adopt the Union's proposal. We are persuaded that for this work force, expansion of the competitive area at Fort Jackson should serve to protect to the maximum extent possible the jobs of more experienced, senior bargaining-unit employees during any future RIF. Since current RIF regulations provide performance credit when determining employees' retention standing, the interests of the Employer in keeping more highly rated employees also should be served. Moreover, by recognizing the significance of seniority status, this measure is consistent with established principles of labor-management relations. Indeed, the Employer's previous actions demonstrate a concern for preserving opportunities for continued employment, for example, maintaining vacancies during the period prior to the RIF and the "Faces-to-Spaces" program. Furthermore, the adoption of the Union's proposal also would parallel the area of consideration for promotions, which is not restricted to particular activities.

The Employer claims that whether the change proposed by the Union would ensure job retention is speculative, while such expansion is certain to increase administrative burdens. We recognize that retention standing is determined by applying a number of factors in addition to seniority, but we believe that the Union's proposal should enhance opportunities for highly qualified senior employees in the event that further cutbacks occur. Such concerns, in our view, outweigh the increased administrative efforts generated by the expansion of the competitive area.

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 Union's proposal.

By direction of the Panel.

A handwritten signature in cursive script, appearing to read "Linda A. Lafferty".

Linda A. Lafferty
Executive Director

March 15, 1991
Washington, D.C.