



Tips and Tidbits
Issue #: 7-2008



15 July 2008

Question: Under what circumstances must the Union be notified when Management wishes to make changes in a work area/to internal department policy/work schedules, etc?

In instances where a change in personnel policy, practice or other general working condition of employment is concerned, whenever a formal discussion/meeting between one or more supervisors and one or more employees takes place, Management has an obligation to invite the Union*** to attend as it is the right of the Union to be present since these decisions may ultimately have an effect on other employees in the bargaining unit. Having a shop steward, who just happens to work in the office/activity/organization, attend the meeting does not necessarily meet this obligation unless the stewards' role is in the capacity of a steward and not an activity employee. Otherwise, the supervisor must invite the Union to the meeting; accordingly, the Union will designate whom it wants to act as its representative. Union participation includes raising questions, comments, and/or concerns; however, the Union *cannot* disrupt the meetings.

A formal discussion or meeting is determined by who will be in attendance and the subject of discussion or presentation. In addition, formal discussions include attendance by one or more representatives of the Agency (e.g., supervisor, management official, personnelists, or attorney); and, one or more bargaining unit employees or their representative(s). Staff meetings, office issues, "shop talk", giving directions on how work is to be performed, or performance discussions are not considered formal discussions.

Other factors to be considered when determining whether a meeting is formal are listed below. They need not all be present to designate a meeting as formal however.

- whether the individual who held the discussion is a first-level supervisor or is higher in the management hierarchy (the higher the level, the more a formal discussion is indicated);
- whether any other management representatives attended;
- where the individual meeting took place (i.e., in the supervisor's office, at each employee's desk, or elsewhere);
- how long the meeting lasted;
- how the meeting was called (i.e. with formal advance written notice or more spontaneously and informally);
- whether a formal agenda was established for the meeting;

- whether each employee's attendance was mandatory; and
- the manner in which the meeting was conducted (i.e., whether the employee's identity and comments were noted or transcribed.)

A discussion between Management and a grievant relating to a grievance is also considered a formal discussion as are formal EEO complaints. In these instances, even if the employee is representing him/herself in the negotiated grievance proceeding and does not want the Union to attend, the Union must still be invited.

Locally, the American Federation of Government Employees (AFGE), Local 54 represents General Schedule employees; the Federal Employees Metal Trades Union (FEMTC) represents Federal Wage Schedule (FWS) employees; and the Service Employees International (SEIU) represents Non-Appropriated Fund (NAF) employees.

Contact your Civilian Personnel Advisory Center Human Resource Specialist for additional information on determination as to whether a meeting is formal, assistance in contacting the appropriate union, or responding to questions.

***In instances where Management is contemplating a change to current policy, it is imperative that coordination with the Union, thru the CPAC, occur as well. This requirement does not preclude Management from having the Union present during formal discussions, but based on dialogue that may ensure as a result of this notification, Management may redefine their initial request, or opt not to pursue implementation. Ultimately an Unfair Labor Practice (UPL) may be avoided.

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