



**FEDERAL LABOR RELATIONS AUTHORITY
CUSTOMER SERVICE SURVEY REPORT OF RESULTS
June 1998**

I. INTRODUCTION

This report summarizes the results of a comprehensive Customer Satisfaction Survey in November 1997 to assess the effectiveness of each of the programs administered by the Federal Labor Relations Authority (FLRA or Agency): unfair labor practice proceedings, representation proceedings, negotiability appeals, exceptions to arbitration awards and collaborative and alternative dispute resolution programs. The overall objective of this survey was to ascertain customers' perceptions of the Agency's services and how these services can be improved to meet the customers' needs. The survey was designed to measure the following: customer satisfaction of the Agency's processes, impact of FLRA's decisions and the General Counsel's policies and guidelines, and the effectiveness of the work performed by FLRA.

The survey results are described both in narrative form and in statistical tables and are based on the respondents' perceptions of the effectiveness and quality of service. All of the comments by respondents to open-ended questions are provided and are summarized. The report also discusses initiatives being undertaken by FLRA to improve communication with customers and to provide more effective service. Since some readers may not be aware of all of the programs of FLRA, this report begins with a brief overview of the organization, functions, and responsibilities of the FLRA.

A. FLRA's Organization and Functions.

The Federal Labor Relations Authority is an independent agency that administers the labor-management relations program for 1.9 million non-Postal Service Federal employees worldwide, approximately 1.1 million of whom are exclusively represented in 2,200 bargaining units. It was established by the Civil Service Reform Act of 1978. It is charged with providing leadership in establishing policies and guidance relating to Federal sector labor-management relations and with resolving disputes under and ensuring compliance with Title VII of the Civil Service Reform Act of 1978, known as the Federal Service Labor-Management Relations Statute (Statute).

The FLRA represents the Federal government's consolidated approach to its labor-management relations. It is "three agencies consolidated in one," fulfilling its statutory responsibilities primarily through three independent operating components: the Authority, the Office of the General Counsel, and the Federal Service Impasses Panel. The Federal Services Impasses Panel had limited participation on the survey because it recently completed its own Customer Survey.

The FLRA also supports two other components, which were not included in this survey, both of which were established within the FLRA by the Foreign Service Act of 1980: the Foreign Service Impasse Disputes Panel and the Foreign Service Labor Relations Board.



Research Applications

1. The Authority. The Authority is a quasi-judicial body with three full-time Members who are appointed for 5-year terms by the President with the advice and consent of the Senate. One Member is appointed by the President to serve as Chair of the Authority and as the Chief Executive and Administrative Officer of the FLRA. The Chair also serves as a member of the National Partnership Council established by President Clinton to promote labor-management partnerships in the Federal service. The Authority adjudicates disputes arising under the Statute, deciding cases concerning the negotiability of collective bargaining agreement proposals, appeals concerning unfair labor practices and representation petitions, and exceptions to grievance arbitration awards. Consistent with its statutory charge to provide leadership in establishing policies and guidance to participants in the Federal labor-management relations program, the Authority also assists Federal agencies and unions in understanding their rights and responsibilities under the Statute, and helps them improve their relationships so they can collaboratively resolve more of their problems without adjudicatory intervention.

2. The Office of the General Counsel. The Office of the General Counsel (OGC) is the independent investigative and prosecutorial component of the FLRA. The General Counsel, who is appointed by the President with the advice and consent of the Senate for a 5-year term, is responsible for the management of the Office of the General Counsel, including the management of the FLRA's seven Regional Offices. The OGC investigates and, where appropriate, settles or prosecutes all unfair labor practice complaints filed with the FLRA, while actively encouraging the use of alternative dispute resolution at every step. The OGC reviews all appeals of a Regional Director's decision not to issue an unfair labor practice complaint and establishes policies and procedures for processing unfair labor practice charges. The General Counsel also manages and directs all OGC employee activities, including the Regional Directors' performance of their delegated responsibilities to process representation petitions and supervise representation elections.

3. FLRA's Regional Offices. The FLRA's Regional Offices investigate and, where appropriate, settle and prosecute unfair labor practice charges, while actively encouraging the use of alternative dispute resolution at every step; They ensure compliance with all unfair labor practice orders issued by the Authority, receive and process representation petitions, and provide facilitation, intervention, training and education services to the parties. The General Counsel reviews all appeals of the Regional Director's decisions not to issue an unfair labor practice complaint and establishes policies and procedures for processing unfair labor practice charges.

4. The Federal Service Impasses Panel. The Federal Service Impasses Panel (the Panel) resolves impasses between Federal agencies and unions representing Federal employees arising from negotiations over conditions of employment. If bargaining between the parties, followed by mediation assistance, proves unsuccessful, the Panel has the authority to recommend procedures and to take whatever action it deems necessary to resolve the impasse.

B. Program Responsibilities.

The FLRA is charged with providing leadership and guidance related to Federal sector labor-management relations and ensuring compliance with the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7101 - 7135 (the Statute). The Statute protects the rights of Federal employees to form, join or assist a union or to refrain from such activity freely and without fear of penalty or reprisal. The rights protected include engaging in collective bargaining over conditions of employment through representatives of the employees' own



choosing. The "who, what and how" of the different types of workplace issues addressed by the FLRA are summarized below. Informal methods to resolve the disputes are used at every step in the process.

1. Unfair Labor Practices. The Statute creates rights and obligations on the part of unions, management and employees in a workplace represented by a labor union. If either labor or management fail to perform their obligations to each other an unfair labor practice (ULP) charge may be filed. A ULP charge may also be filed if either labor or management interferes with the rights each has been given under the Statute. Employees may also protect their rights under the Statute by filing ULP charges against labor or management.

For those charges that are meritorious and have not been resolved at the preliminary stages of the process, the OGC issues a ULP complaint. The case is then prosecuted by the OGC in a trial before the FLRA's Administrative Law Judges, who are appointed by the Authority.

After the trial, the Administrative Law Judge (ALJ) decides whether a ULP was committed and issues a written decision and recommended order. An ALJ decision may be appealed to the Authority by any party. If an appeal is not filed with the Authority, the ALJ's decision becomes final. On appeal, the Authority may affirm, modify or reverse the ALJ's decision and recommended order in whole or in part. The Authority's decision may be appealed to the appropriate Federal Court of Appeals.

2. Representation Petitions. One of the significant issues in labor management relations is the right of employees to decide whether they wish to be represented by a labor union. The FLRA resolves a variety of issues related to questions of union representation of employees. Examples of these include: conducting elections to determine if the employees desire to be represented; making decisions about who can be in a bargaining unit; and determining the impact of reorganizations on the scope of existing bargaining units. To resolve these issues, an agency or union (or an individual in certain circumstances) may file representation petitions with the FLRA's Regional Offices.

After a petition is filed, the Regional Office notifies any union, agency or activity that may be affected by issues raised in the petition. The Regional Office then investigates the representation issues and any challenges to the petition. The Regional Office also conducts meetings with all of the parties to identify, narrow and resolve underlying representation matters and obtain election agreements in appropriate cases. A hearing is held when the parties are unable to agree or when certain issues require the Regional Director to make a decision consistent with the Statute. A Regional Director may issue a decision and order or a direction of election.

A Regional Director's decision and order may be appealed to the Authority. Authority review of representation cases is very limited. In those cases which are reviewed, the Authority may affirm, modify or reverse the Regional Director's decision and order in whole or in part. The Authority's decision is final and may not be appealed to any court.

3. Negotiability Appeals. During the collective bargaining process, when an agency and union do not reach agreement on issues either side wishes to negotiate, the Statute provides a mechanism to resolve their impasse. After the parties seek mediation assistance in an attempt to informally resolve the matter, they may seek assistance from the Federal Service Impasses Panel. Cases brought to the Panel involve, for example, impasses in negotiations over reorganization-



related proposals such as the selection procedures used to relocate employees and procedures available for employees to request reconsideration of transfers. Other impasses may involve negotiations over successorship and collective bargaining agreements concerning, for example, negotiated grievance procedures and arbitration provisions.

In addition to reaching impasses during the collective bargaining process, unions and agencies may disagree about whether the agency is required, or permitted, to negotiate over a particular bargaining proposal. Examples of these disputes include whether an agency has a duty to bargain over the work environment or reduction in force procedures. When an agency refuses to bargain over a proposal it claims is not negotiable, the union may file an appeal with the Authority. Only unions (not agencies or individuals) may file negotiability appeals with the Authority. After reviewing the case, the Authority issues a Decision and Order deciding whether the agency has a duty to bargain. The Authority's decision may be appealed to the appropriate Federal Court of Appeals.

4. Arbitration Appeals. The Statute requires that collective bargaining agreements between agencies and unions establish steps that a bargaining unit member can take to pursue a workplace grievance. When disputes can be pursued either through the negotiated grievance procedure or a statutory procedure, the Statute requires unit members to choose between the two.

The last step in the negotiated grievance process is binding arbitration, which is conducted by a private sector arbitrator whose services are paid for by the union and/or agency. Arbitration may be invoked by an agency or a union, but not an individual. Either an agency or a union (but not an individual) may appeal an arbitrator's decision by filing an "exception" to the arbitrator's award with the Authority. Arbitrators' awards reviewable by the Authority involve, for example, disputes over shift assignments or restrictions on the use of leave. Certain arbitrator awards, including those concerning unacceptable performance, reductions-in-grade and reductions-in-pay, are not reviewable by the Authority.

The Authority's review of an arbitrator's award is very limited. In those cases which are proper for review, the Authority may affirm, modify or reverse the Arbitrator's award in whole or in part. Unless an unfair labor practice is involved, the Authority's decision is final and binding and may not be appealed to any court.