



## VIII. AUTHORITY DECISIONS: OVERVIEW - PART E OF THE SURVEY

### A. Statistical Overview

Differences between the programs participated in are shown in the Table 39 as to the number of decisions read. All respondents were asked to give their perceptions about the quality of decisions rendered by the Authority. There are some minor written comments; see Appendix B for Question E3. To place these perceptions in perspective, questions about the number, kinds and use of decisions by respondents were asked. Of 1,358 respondents, 44% of respondents indicated they had read one to ten decisions that were issued in 1996/1997, 23% read between 11 and 25 decisions, and 33% read 26 or more decisions. See Table 39.

Table 40 shows the kinds of decisions read. 78% of respondents read ULP decisions, 35% read REP decisions, 47% read Negotiability decisions and 37% read ARB decisions. For the ULP decisions, of 554 agency respondents, 85% read them, of 537 union respondents, 86% read them, and of 96 individual respondents, 73% read them. For the Representation Petitions, of 231 agency respondents, 35% read them; of 248 union respondents, 40% read them; of 28 individual respondents, 21% read them. For the Negotiability Appeals, of 363 agency respondents, 56% read them; of 325 union respondents, 52% read them, and for the 21 individual respondents, 16% read them. Finally, for the ARB decisions, of 292 agency respondents, 45% read them; of 267 union respondents, 43% read them; and of 14 individual respondents, 11% read them.

Differences between programs participated in are shown in Table 41 as to the source of FLRA materials read. Respondents could read a published decision, summary published by the FLRA, and/or a summary from another source. More than half of all respondents read the published decision (65%) and 50% read the summary published by the FLRA. 70% of NEG program participants read the published decision and the summary published by the FLRA. Likewise, 77% of ARB participants read the published decision.

### B. Use of Authority Decisions

Authority decisions were reported to be used in a variety of ways. Respondents were asked to answer all ways they used Authority Decisions. 61% of respondents use decisions for research, 53% to resolve labor relations issues, 37% used decisions to draft proposals, 12% to prepare speeches, 38% to prepare legal arguments, and, 65% as guidance. 76% used the decisions for research for Unfair Labor Practice Charges, 84% used the decisions for research for Representation Petitions, 87% used the decisions for research on NEG; and, 89% used the decisions for ARB program. There were essentially little differences between agency and union respondents. However, individual respondents used the decisions far less in each of the categories. See Table 42 for more details.

*Comments. E4. Tell how you use Authority decisions.* (These are examples only. They do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.) (1) Training. (2) I share them with my Stewards. (3) To educate management. (4) To try to determine my rights. (5) To prepare grievances, appeals,



TABLE 39  
AUTHORITY DECISIONS -NUMBER DECISIONS READ

E1 Estimate the number of Authority Decisions that you read that were issued during 1996 and 1997.					
	<u>Number of Respondents</u>	<u>1-10</u>	<u>11-25</u>	<u>26-50</u>	<u>51 or more</u>
<b>All Respondents</b>	1,358	44%	23%	17%	16%
<b>Decisions Read</b>					
Unfair Labor Practice	1,296	42%	23%	18%	17%
Representation Petition	576	29%	20%	24%	27%
Negotiability Appeals	779	24%	25%	25%	26%
Exceptions to Arbitration Awards	623	20%	24%	26%	30%



TABLE 40  
AUTHORITY DECISIONS - KINDS OF DECISIONS READ

**E2.What kinds of Authority decisions did you read?**

	<u>Unfair Labor Practices</u>	<u>Representation Petitions</u>	<u>Negotiability Appeals</u>	<u>Exception to Arbitration Awards</u>
All Respondents (Base = 1,674)	1,301 78%	580 35%	783 47%	626 37%
<b>Role Represented before FLRA</b>				
Agency	554 85%	231 35%	363 56%	292 45%
Union	537 86%	248 40%	325 52%	267 43%
Individual	96 73%	28 21%	21 16%	14 11%
FLRA	42 98%	38 88%	37 86%	33 77%
Other	36 58%	16 26%	17 27%	8 13%



TABLE 41  
AUTHORITY DECISIONS - SOURCE

<b>E3. When you read an Authority decision, did you:</b>				
	<u>Read Published Decision</u>	<u>Read Summary</u>	<u>Read From Other Source</u>	<u>Other</u>
<b>All Respondents</b>	883 65%	843 50%	640 38%	97 6%
<b>Decision Read</b>				
Unfair Labor Practice Charges	848 65%	818 63%	622 48%	88 7%
Representation Petitions	401 69%	397 68%	313 54%	33 6%
Negotiability Appeals	546 70%	528 67%	459 59%	54 7%
Exceptions to Arbitration Awards	481 77%	418 67%	368 59%	44 7%

TABLE 42  
AUTHORITY DECISIONS - USE OF DECISION

<b>E4. Tell us how you use Authority decisions.</b>						
	<u>For Research</u>	<u>Resolve Labor Relations Issues</u>	<u>Draft Proposals</u>	<u>Prepare Speeches</u>	<u>Prepare Legal Arguments</u>	<u>As Guidance</u>
<b>All Respondents</b>	994 61%	874 53%	617 37%	191 12%	618 38%	1,240 65%
<b>Role Represented before FLRA</b>						
Agency	451 69%	413 63%	281 43%	79 12%	261 40%	654 74%
Union	443 71%	392 63%	302 48%	79 13%	301 48%	473 76%
Individual	41 31%	34 26%	169 12%	3 2%	20 15%	58 44%
FLRA	41 95%	27 63%	4 9%	29 67%	30 70%	27 63%
Other	18 29%	8 13%	3 5%	1 2%	6 10%	28 45%

and ULPs. (6) I try to win with past decisions because it is impossible to get a current decision.



(7) Teaching aids reference material. (8) To keep up with current charges.

C. Quality of Authority Decisions

Respondents provided perceptions about the quality of decisions rendered by the Authority. The respondents were very positive towards the quality of the decisions. However, they were more neutral towards the transferability of the decisions to other factual situations. They were more negative towards the timeliness of the decisions and whether they thought the decisions were unbiased. These data are described as follows. See Table 43.

The Authority’s decisions rendered during 1996 and 1997 are considered to be of very high quality. Of 1,322 respondents, 87% agreed with the statement, “Authority decisions issued in 1996 and 1997 described what the dispute was about,” 8% neither agreed nor disagreed, and 5% disagreed. Of 654 agency respondents, 91% agreed with the statement, of 625 union respondents, 86% agreed; and of 132 individual respondents, 71% agreed. Of 1,333 respondents, 60% agreed with the statement “Authority decisions issued in 1996 and 1997 are easily understood (even if I do not agree with them),” 21% neither agreed nor disagreed, and 19% disagreed. In terms of roles participated in, there were only minor differences. Of 1,322 respondents, 61% agreed with the statement “Authority decisions issued in 1996 and 1997 established useful guidelines for applying the law,” 20% neither agreed nor disagreed, and 19% disagreed. Again, in terms of roles participated in, there were only minor differences. Of 1,330 respondents, 69% agreed with the statement, “Authority decisions issued in 1996 and 1997 explained the reasons for the conclusions reached,” 17% neither agreed nor disagreed, and 14% disagreed. Of 654 agency respondents, 75% agreed with the statement; of 625 union respondents, 67% agreed, and of 132 individual respondents, 48% agreed.

Of 1,325 respondents, 44% agreed with the statement, “Authority decisions issued in 1996 and 1997 can be applied easily to other factual situations,” 32% neither agreed nor disagreed, and 24% disagreed. In terms of roles participated in, there were only minor differences. Of 1,273 respondents, only 27% agreed with the statement, “Authority decisions issued in 1996 and 1997 are timely,” 34% neither agreed nor disagreed, and 39% disagreed. In terms of roles participated in, there were only minor differences. Of 1,288 respondents, 36% agreed with the statement, “Authority decisions issued in 1996 and 1997 are unbiased, 35% neither agreed nor disagreed, and 29% disagreed. In terms of roles participated in, there were only minor differences. This latter point may be an area that FLRA would want to explore through the use of focus groups to learn more about why the majority of respondents did not feel the decisions were unbiased.

Importance of the content of decisions, also, was assessed within the context of perception of quality expressed by respondents. The agreements provide very useful information. There were little differences between the different roles participated in except for one question, mentioned below. Of 1,343 respondents, 91% agreed with the statement,

TABLE 43  
QUALITY OF AUTHORITY DECISIONS



	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
<b>E5a Authority decisions issued in 1996 and 1997: describe what the dispute is about.</b>				
<b>All Respondents</b>	1,322	87%	8%	5%
<b>Role Represented before FLRA</b>				
Agency	654	91%	6%	3%
Union	625	86%	10%	5%
Individual	132	71%	12%	16%
FLRA	43	98%	3%	0%
Other	62	87%	8%	5%
<b>E5b Authority decisions issued in 1996 and 1997: are easily understood (even if I do not agree with them).</b>				
<b>All Respondents</b>	1,333	60%	21%	19%
<b>Role Represented before FLRA</b>				
Agency	654	64%	21%	15%
Union	625	60%	21%	19%
Individual	132	52%	23%	25%
FLRA	43	34%	15%	51%
Other	62	60%	24%	16%
<b>E5c Authority decisions issued in 1996 and 1997: establish useful guidelines for applying the law.</b>				
<b>All Respondents</b>	1,322	61%	20%	19%
<b>Role Represented before FLRA</b>				
Agency	654	63%	20%	18%
Union	625	63%	18%	19%
Individual	132	43%	30%	28%
FLRA	43	49%	12%	39%
Other	62	72%	11%	17%



TABLE 43 Continued  
QUALITY OF AUTHORITY DECISIONS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
<b>E5d Authority decisions issued in 1996 and 1997: explain the reasons for the conclusions reached.</b>				
<b>All Respondents</b>	1,330	69%	17%	14%
<b>Role Represented before FLRA</b>				
Agency	654	75%	14%	11%
Union	625	67%	17%	16%
Individual	132	48%	27%	26%
FLRA	43	71%	10%	20%
Other	62	76%	11%	14%
<b>E5e Authority decisions issued in 1996 and 1997: can be applied easily to other factual situations.</b>				
<b>All Respondents</b>	1,325	44%	32%	24%
<b>Role Represented before FLRA</b>				
Agency	654	45%	33%	23%
Union	625	47%	31%	22%
Individual	132	39%	29%	32%
FLRA	43	20%	38%	43%
Other	62	46%	32%	22%
<b>E5f Authority decisions issued in 1996 and 1997: are timely.</b>				
<b>All Respondents</b>	1,273	27%	34%	39%
<b>Role Represented before FLRA</b>				
Agency	654	31%	40%	29%
Union	625	25%	31%	44%
Individual	132	28%	31%	42%
FLRA	43	3%	8%	90%
Other	62	32%	44%	24%



TABLE 43 Continued  
QUALITY OF AUTHORITY DECISIONS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
<b>E5g Authority decisions issued in 1996 and 1997: are unbiased.</b>				
<b>All Respondents</b>	1,288	36%	35%	29%
<b>Role Represented before FLRA</b>				
Agency	654	36%	36%	29%
Union	625	35%	38%	28%
Individual	132	27%	30%	43%
FLRA	43	59%	24%	17%
Other	62	47%	28%	25%

“it is important to me that the Authority’s decision includes a summary, 5% neither agreed nor disagreed, 4% disagreed. Of 1,340 respondents, 95% agreed with the statement, “it is important to me that the Authority’s decision outlines the key points of law,” 3% neither agreed nor disagreed, and 2% disagreed. Of 1,334 respondents, 82% agreed with the statement, “it is important to me that the Authority’s decision includes a step-by-step analysis, 15% neither agreed nor disagreed, and 3% disagreed. Of 654 agency respondents, 83% agreed with the statement, of 625 union respondents, 84% agreed, and of 132 individual respondents, 74% agreed. Of 1,333 respondents, 84% agreed with the statement, “it is important to me that the Authority’s decision establishes test(s) for applying the law,” 13% neither agreed nor disagreed, and 3% disagreed. Of 1,337 respondents, 89% agreed with the statement, “it is important to me that the Authority’s decision explains the relevance of cited cases,” 9% neither agreed nor disagreed, and 2% disagreed. See Table 44.

*Comments. E6. It is important to me that the Authority’s decision: (Several options provided, see survey.) Other, please specify: (These are examples only. They do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.)* (1) Be stated in clear language. (2) Are fair. (3) Be on time. (4) Does not depart from established case law. (5) Is timely. Does not restrict union rights more than the law requires. (6) Incorporate Constitutional and civil rights. (7) Are readily and easily obtainable. (8) The Authority enforces its rulings. (9) Are consistent.

*Comments. E7. If you have any comments you would like to share about the quality of the Authority’s decisions, please list these below.* (These are examples only. They do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.) (1) They are biased toward management. The Authority gives more merit to management’s input. (2) The FLRA continues to be pro-Union. Some of the reasoning in your decision defies reasons. Even the courts have so stated. (3) There are too



TABLE 44  
QUALITY OF AUTHORITY DECISIONS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
<b>E6a. It is important to me that the Authority’s decision: includes a summary.</b>				
<b>All Respondents</b>	1,343	91%	5%	4%
<b>Role Represented before FLRA</b>				
Agency	654	92%	5%	3%
Union	625	91%	6%	4%
Individual	132	96%	2%	2%
FLRA	43	63%	18%	18%
Other	62	87%	11%	3%
<b>E6b. It is important to me that the Authority’s decision: outlines the key points of law.</b>				
<b>All Respondents</b>	1,340	95%	3%	2%
<b>Role Represented before FLRA</b>				
Agency	654	95%	3%	2%
Union	625	95%	3%	2%
Individual	132	93%	5%	2%
FLRA	43	95%	3%	3%
Other	62	87%	11%	3%
<b>E6c. It is important to me that the Authority’s decision: includes a step-by-step analysis.</b>				
<b>All Respondents</b>	1,334	82%	15%	4%
<b>Role Represented before FLRA</b>				
Agency	654	83%	14%	3%
Union	625	84%	13%	4%
Individual	132	74%	24%	2%
FLRA	43	82%	15%	3%
Other	62	76%	18%	5%



TABLE 44 Continued  
QUALITY OF AUTHORITY DECISIONS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
<b>E6d. It is important to me that the Authority’s decision: establishes test(s) for applying the law.</b>				
<b>All Respondents</b>	1,333	84%	13%	3%
<b>Role Represented before FLRA</b>				
Agency	654	85%	12%	3%
Union	625	86%	11%	4%
Individual	132	78%	19%	3%
FLRA	43	85%	10%	5%
Other	62	82%	13%	5%
<b>E6e. It is important to me that the Authority’s decision: explains the relevance of cited cases.</b>				
<b>All Respondents</b>	1,337	89%	9%	2%
<b>Role Represented before FLRA</b>				
Agency	654	88%	10%	2%
Union	625	90%	7%	3%
Individual	132	87%	10%	3%
FLRA	43	90%	10%	0%
Other	62	92%	5%	3%

many FLRA regions. Decisions in one region are opposite on identical issues in another region. (4) I appreciate the quality of FLRA decisions. (5) The Authority’s decisions are not based on law, but cost, and this cannot result in quality decisions. (6) They are not uniform - each region seems to interpret this area of the statute differently. Many agents are poorly trained and have horrible people skills. (7) The decisions are too doctrinal. Are written for Court of Appeals and not for parties. (8) Complete history should be on your web site for search and consultation. (9) Their decisions have been right down the line by the letter of the law.