

United States of America
BEFORE THE FEDERAL SERVICE IMPASSES PANEL

In the Matter of)

DEPARTMENT OF VETERANS AFFAIRS)
VA MEDICAL CENTER)
MEMPHIS, TENNESSEE)

and)

Case No. 92 FSIP 07

LOCAL R5-66, NATIONAL ASSOCIATION)
OF GOVERNMENT EMPLOYEES, SEIU,)
AFL-CIO)

DECISION AND ORDER

Local R5-66, National Association of Government Employees, SEIU, AFL-CIO (Union), filed a request for assistance with the Federal Service Impasses Panel (Panel) to consider a negotiation impasse under the Federal Service Labor-Management Relations Statute (Statute), 5 U.S.C. § 7119, between it and the Department of Veterans Affairs, VA Medical Center, Memphis, Tennessee (Employer).

After investigation of the request for assistance, the Panel directed the parties to have an informal teleconference with Staff Associate Gladys M. Hernandez for the purpose of resolving their dispute over telephone service for the medical intensive care unit (ICU) arterial blood gas (ABG) laboratory on the fourth floor of the hospital. The parties were advised that if no settlement were reached, Ms. Hernandez would report to the Panel on the status of the dispute, including the parties' final offers and her recommendations for resolving the issue. After considering this information, the Panel would take whatever action it deemed appropriate to resolve the impasse, including the issuance of a binding decision.

Ms. Hernandez held a teleconference with the parties on May 19, 1992, but the parties were unable to reach a settlement. She has reported to the Panel based on the record developed by the parties, and it has considered the entire record in the case.

BACKGROUND

The Employer provides health care services to eligible veterans and their dependents. The Union represents approximately 1,200 non-professional General Schedule, Wage Grade, and P.L. 98-

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160 or "hybrid" employees.^{1/} GS employees work as health aides, nursing assistants, medical clerks, clerk-typists, and medical technicians. WG employees hold such jobs as plumber's and carpenter's helper, air conditioning repairman, plumber, carpenter, and laborer, among others. The respiratory therapy (RT) technicians are "hybrid" employees. These local parties are covered by a national labor agreement which expires in May 1995.

The dispute arose during impact-and-implementation bargaining over the now concluded relocation of the fourth floor ABG laboratory and equipment room within that same floor, because of construction related to the conversion of offices to patient rooms. Those who would be affected by the outcome of this dispute are the approximately 21 RT technicians who are assigned to work in that laboratory on a rotation basis. At its old location inside the medical ICU "suite," the laboratory was not equipped with a telephone. Communications between the RT technicians and nurses was through an intercommunication system connecting the laboratory with the nurses' station and face-to-face. The Employer expects to complete the installation of a new phone system at the hospital by the end of the summer of 1992.

ISSUE AT IMPASSE

The dispute centers on the level of telephone service to be provided to the fourth floor ABG laboratory until the new telephone system is installed.

POSITIONS OF THE PARTIES

1. The Union's Position

The Union proposes that the Employer install a single line telephone which would provide employees with "outside phone service without having to go through the telephone operator."^{2/} With the laboratory now located outside the medical ICU "suite" and, thus, without intercommunication with the nurses' station, the unavailability of a single line phone would interfere with patient care and employees' ability to respond to emergency situations. The ability to have direct access to an outside line "is necessary

1/ "Hybrid" employees' appointment, advancement, and pay are governed by Title 38 and all other employment matters by Title 5.

2/ It appears from the record that the Union intends this to be more than a temporary measure pending installation of the new telephone system. That is, the fourth floor laboratory would keep this same service with the new system.

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to protect employees['] privacy." The Employer's concern over employee abuses of the telephone's direct outside dial capability for personal business is misplaced. But if they do occur, those employees who commit them would be subject to discipline under the Employer's telephone policy, which restricts use of telephones to official business except in cases of emergency.^{3/}

2. The Employer's Position

The Employer proposes to temporarily bridge the telephone in the third floor ABG laboratory to that in the fourth floor ABG laboratory, which would give employees access to an outside line. Because "there are no single line telephone numbers available" in the existing telephone system, the bridge is the only solution to the matter at the present time. It is a temporary arrangement pending installation of the new telephone system.^{4/} Besides, "[b]ridges have existed in the past and this is not a significant change." For example, the telephones in the technicians' lounge and third floor ABG laboratory have been bridged for 5 years. The job duties of RT technicians, only one of whom is assigned to the fourth floor ABG laboratory during any one of three shifts, require them to spend less than 1 percent of their workhours there. The bridged telephone, therefore, "would provide them with ... what is necessary to communicate with hospital personnel." But if they are unable to communicate ABG test results to nurses by telephone, they always could hand-carry them to the nurses' station as they did before the relocation.^{5/} The bridge also would improve the chances that there would be someone around to respond to outside calls for RT technicians. Moreover, they always could be reached through the "main Respiratory Therapy Section."

Since most of the calls which RT technicians would have to place from the fourth floor laboratory would be internal ones, under the hospital's telephone service policy, it would be appropriate to equip the laboratory with a "restricted

^{3/} VA Policy Memorandum 136-10, dated May 17, 1991, paragraph 2.a.

^{4/} The Employer indicated to the Panel representative that, under the new telephone system, the "worst case scenario" would be that the laboratory would be equipped with a single line telephone with an operator-accessed outside line.

^{5/} During the Panel's initial investigation of this case, the Employer indicated that the laboratory now is located "down the hall" from its old location and the nurses' station. The Union stated that it is 50 to 75 yards away.

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telephone."^{6/} Nonetheless, the bridge would give them access to a direct dial outside line for use to conduct official business or in cases of personal emergencies because the telephone in the third floor laboratory is equipped with such a line.

CONCLUSIONS

We shall order the parties to adopt the Employer's proposal because the record does not evidence a need to install a telephone with an independent line in the fourth floor ABG laboratory. In reaching this conclusion, we take note that the one RT technician assigned to that laboratory at any given time spends less than 1 percent of his or her dutytime there. Also, the Union's contention that, with two ABG laboratories and the technicians' lounge sharing the same telephone line, patient care would be harmed is unsupported. In this regard, we agree with the Employer that the laboratory now is located in close proximity to the nurses' station. So, if someone already is on the line, the RT technician could personally carry the test results over quickly, as they sometimes did before the move. Nor does the record show that it is necessary for RT technicians to have a direct dial outside line to perform their duties. In this regard, we particularly note that (1) the RT technicians' job responsibilities do not require them to call anyone outside the confines of the hospital, and (2) other telephones with direct dial or operator-accessed outside lines are available for RT technicians' use in cases of personal emergencies. Also, with respect to the Union's privacy concern, it did not argue, much less offer evidence, that the hospital switchboard operators or supervisors are monitoring outside calls or have in the past. Nonetheless, since the telephone in the third floor laboratory has the capacity for direct dialing to the outside, the Employer's proposal provides for direct access to an outside line from the telephone in the fourth floor laboratory, albeit temporarily.

ORDER

Pursuant to the authority vested in it by the Federal Service Labor-Management Relations Statute, 5 U.S.C. § 7119, and because of the failure of the parties to resolve their dispute during the

^{6/} VA Policy Memorandum 136-10, dated May 17, 1991, paragraph 2.b. defines "restricted telephones" as follows:

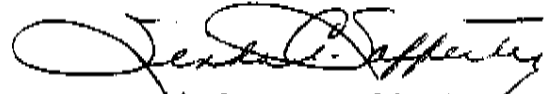
... those which can be used only for dialing stations within the medical center. These telephones are furnished for employees whose duties do not require making frequent outside calls. ...

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course of the proceedings instituted under the Panel's regulations, 5 C.F.R. § 2471.6(a)(2), the Federal Service Impasses Panel under § 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

August 17, 1992
Washington, D.C.