

United States of America
BEFORE THE FEDERAL SERVICE IMPASSES PANEL

In the Matter of)
)

DEPARTMENT OF THE ARMY)
U.S. ARMY MISSILE COMMAND)
REDSTONE ARSENAL, ALABAMA)

and)

Case No. 90 FSIP 249

LOCAL 1858, AMERICAN FEDERATION)
OF GOVERNMENT EMPLOYEES,)
AFL-CIO)

DECISION AND ORDER

Local 1858, American Federation of Government Employees, AFL-CIO (Union), 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, U.S. Army Missile Command, Redstone Arsenal, Alabama (Employer).

After investigation of the request for assistance, the Panel determined that the dispute concerning starting times for employees should be resolved through a telephone conference between Staff Associate Quenton I. White and the parties. If no settlement were reached, he was to notify the Panel of the status of the dispute, including the parties' final offers and his recommendation for resolving the impasse. After considering this information, the Panel would take whatever action it deemed appropriate to resolve the impasse.

Pursuant to the Panel's determination, Mr. White conferred with the parties on February 5, 1991; however, the parties were unable to reach agreement on the outstanding issue. Mr. White has reported to the Panel, and it has now considered the entire record.

BACKGROUND

The Employer is responsible for research and development of the Army's missile system. The Union represents 11 bargaining units which have a total of 8,000 employees. Two of these, consisting of 2,000 employees, are affected by this dispute. These units include the professional and nonprofessional employees of the U.S. Army Missile Command; U.S. Army Test Measurement and Diagnostic Equipment Support Group; Redstone Arsenal Support Activity; Information Systems Command; and the Commissary. Employees within these units occupy such positions as engineer, accountant, scientist (*i.e.*, mathematician, physicist, chemist, computer scientist), logistician, technical writer, forester, procurement analyst, supply clerk, computer operator, computer programmer, finance clerk, secretary, sales and stock clerk, and butcher. Although the parties' term agreement was to expire in 1981, they have agreed to extend it in each subsequent year.

This dispute arose during negotiations to modify the existing alternative work schedule (AWS). The parties have agreed to establish a 5-4/9 compressed schedule in addition to the 8-hour-day flexitour schedule which has been in effect since 1981.*/ They also have reached partial agreement over the starting times for employees under the 5-4/9 schedule, that is, those who reported to work between 8 and 9 a.m. while working the flexitour schedule may continue to do so even after converting to the 5-4/9 schedule.

ISSUE AT IMPASSE

The parties disagree over (1) other starting times for employees who select the 5-4/9 schedule; and (2) the starting times for employees who select the 5-4/9 but subsequently revert to an 8-hour-day flexitour schedule.

1. The Employer's Position

The Employer proposes that employees who choose the 5-4/9 compressed schedule may select fixed starting times between 7 and 8 a.m. Those who change from the 8-hour-day flexitour schedule to the 5-4/9 compressed schedule would also start work between 7 and 8 a.m., unless it could be demonstrated that prior to selecting such a schedule, they previously arrived between 8 and 9 a.m. while working the flexitour schedule. Any subsequent schedule changes would result in a uniform flexible

*/ Under the existing 8-hour-day flexitour schedule, employees have fixed starting times between 6:30 and 9 a.m.

starting time between 7 and 8 a.m. Employees must maintain each schedule for at least 3 months.

In order to accomplish its mission, the Employer relies on a significant amount of interaction among its organizational components which involves coordinating contract and procurement activity, furnishing supplies, testing equipment, and maintaining quality assurance. Since its proposal would make workhours more uniform, the opportunity for interface among components would be promoted. According to the Employer, the importance of interaction among employees was highlighted during the recent Middle East crisis. Although the conflict now has subsided, productivity would be impaired if employees are granted more expansive starting times. Contrary to the assertions of the Union, a narrower timeband for starting work would only minimally inconvenience employees since the majority already report to work between 7 and 8 a.m. Moreover, since the proposal has a "grandfather" provision, it would not disrupt the schedules of employees who are accustomed to arriving between 8 and 9 a.m. Finally, a narrower timeband requiring employees to report to work later should help lower energy costs by reducing the amount of time during which lights, heat, and air conditioning must be used.

2. The Union's Position

The Union proposes to permit employees who select a 5-4/9 schedule to report to work between 6:30 and 8 a.m.; however, employees who convert from the 8-hour-day flexitour schedule to the 5-4/9 compressed schedule could also report between 8 and 9 a.m. upon demonstrating that prior to selecting the 5-4/9 schedule they previously reported during that time. Employees must maintain the same schedule for a period of 3 to 6 months.

According to the Union, a wider timeband would accommodate employees who desire to arrive early in order to transport children to and from school or daycare, or attend to other personal matters without having to use leave. While a narrower band would exacerbate traffic congestion, a wider flexible timeband would alleviate potential problems. It contends that few, if any, one-of-a-kind jobs would be affected, nor would interface among employees be jeopardized.

CONCLUSIONS

Having considered the evidence and arguments, we find that the Employer's proposal, with certain modifications, offers a reasonable resolution of the dispute. We are persuaded that because of the nature of the Employer's mission, a significant amount of interface among employees is required. The Employer's proposal, more than the Union's, furthers this end. While it may appear that a wider starting timeband would

facilitate greater interface among employees, the Employer should be given deference, under the circumstances of this case, to determine which starting times maximize employee interaction in order best to accomplish its mission. Furthermore, adoption of its proposal should not severely inconvenience employees since there is only a 30-minute difference in starting times between the parties' proposals, and few employees would be affected by this change. Additionally, for those employees reporting to work between 8 and 9 a.m. while on the flexitour schedule and who opt to convert to the 5-4/9 AWS there will be no disruption to their schedules. The Union's proposal, on the other hand, emphasizes the personal convenience of employees without adequate consideration of the Employer's need to accomplish its mission-related objectives.

Because certain employees have been accustomed to a flexitour schedule since 1981, it is reasonable to conclude that only a few actually may opt to change to a 5-4/9 schedule; however, should they decide to experiment with a 5-4/9 schedule, employees should not be penalized for reverting to an 8-hour-day flexitour schedule, having maintained the compressed schedule for a minimum of 3 months. Accordingly, we shall modify the Employer's proposal to allow employees who decide to revert to an 8-hour-day flexitour schedule from a 5-4/9 AWS, a one-time option to report to work at the starting times previously established under the flexitour schedule prior to experimenting with a 5-4/9 plan. Since this is only a one-time option, work schedules should soon be stabilized.

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 Employer's proposal, as modified, to provide as follows:

Employees who choose to work the 5-4/9 compressed schedule may select fixed starting times between 7 and 8 a.m. Those employees who change from the 8-hour-day flexitour schedule to the 5-4/9 also would start work between 7 and 8 a.m. However, if it can be demonstrated that prior to switching to the 5-4/9 schedule, those employees arrived between 8 and 9 a.m. on a flexitour schedule, the practice may be continued. Employees must maintain each schedule for at least 3 months.

An employee who subsequently changes from a 5-4/9 schedule back to an 8-hour-day flexitour schedule, may report to work between 6:30 and 9 a.m., if those were the starting times under the flexitour schedule previously worked by the employee before experimenting with a 5-4/9 schedule. Retreating to a flexitour schedule with a 6:30 to 9 a.m. starting band is a one-time option.

By direction of the Panel.



Linda A. Lafferty
Executive Director

April 17, 1991
Washington, D.C.