

United States of America  
BEFORE THE FEDERAL SERVICE IMPASSES PANEL

In the Matter of

DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
PORTLAND DISTRICT OFFICE  
PORTLAND, OREGON

and

NATIONAL TREASURY EMPLOYEES UNION

Case No. 90 FSIP 151

DECISION AND ORDER

The National Treasury Employees Union (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 Treasury, Internal Revenue Service, Portland District Office, Portland, Oregon (Employer).

The Panel determined that the impasse concerning window coverings for private offices should be resolved on the basis of written submissions from the parties, with the Panel to take whatever action it deemed appropriate to resolve the dispute. Submissions were made pursuant to these procedures and the Panel has considered the entire record.

BACKGROUND

The Employer's mission is to administer the tax laws of the United States. The Union represents approximately 112,000 employees in a nationwide consolidated bargaining unit consisting of professionals and nonprofessionals in district, regional, and national offices. The Union and the Internal Revenue Service (IRS) are parties to a master collective-bargaining agreement which is in effect until June

1994. The dispute herein concerns approximately 15 of the 34 bargaining-unit employees which the Union represents in the Employer's Appeals Office located in Portland, Oregon. Those affected hold positions as Appeals Officers; their duties include meeting with taxpayers and their representatives to negotiate settlements over delinquent taxes.

In mid 1988, regional-level negotiations took place between the Union and the IRS Western Region concerning a series of office relocations which culminated in an agreement that relocation issues, including the installation of glass walls at new facilities, be negotiated at the local levels. On August 18, 1989, employees of the Portland District Appeals Office were moved to a new atrium-style building. At their prior location, Appeals Officers and other professional employees had private offices without glass walls or panels. At the new location, most of the private offices have at least one 2' x 9' glass panel in the interior wall, usually situated next to the door. Those offices with windows to the outside, as well as those which overlook the atrium, are equipped with mini-venetian blinds. The dispute herein arose when the parties reached impasse over whether similar blinds should be installed over the glass panels in private offices.

#### ISSUE AT IMPASSE

The parties disagree over whether there should be coverings over the glass panels in Appeals Officers' offices.

#### 1. The Union's Position

The Union proposes that "the Agency will install mini blinds on all interior glass walls in the office occupied by and/or designated for Appeals Officers in the Portland Appeals Office. These blinds will be installed on the inside of said offices so they can be operated by the occupant of the office."

In support of its proposal, the Union contends that the option of utilizing mini blinds would allow greater privacy in Appeals Officers' offices where almost all of their duties are performed, and settlement meetings sometimes are held with taxpayers; more privacy would place the taxpayer at ease in a tense situation. In most offices, glass panels create a direct view across the hallway into another Appeals Officer's office; also, there would be fewer distractions from hallway traffic which now is visible without blinds on glass panels. Allowing blinds would promote morale as employees would not feel as they currently do, that is, under surveillance in a "fish bowl" environment.

The majority of Appeals Officers surveyed, as well as those who occupy interior offices, prefer mini blinds. A light meter test of interior offices demonstrates that when the lights there were turned off, the light meter read zero despite the fact that exterior offices with glass panels were introducing some light. Thus, it is apparent that the natural light from offices with glass panels does nothing to illuminate interior offices. Furthermore, interference with the light flow into interior offices already is permitted by the Employer since exterior windows have mini blinds which could be shut, thereby cutting off light to interior offices and hallways. The work areas of support staff generally are not located across from the offices of the Appeals Officers; therefore, installing mini blinds would not impede light flow into support staff areas. Rather, the source of light for interior space is fluorescent lighting, not light coming through glass panels. Finally, the estimated cost for installation of mini blinds is relatively inexpensive, between \$600 and \$800.

## 2. The Employer's Position

According to the Employer, there should not be any mini blinds on glass panels. It maintains that uncovered glass panels are part of the architectural design to promote the utilization of as much natural light in the building as possible so that the offices would seem visually spatial. The infusion of natural light into the interior office space significantly improves the environment there. The office space was designed in accordance with an IRS policy to provide support staff work areas with direct access to some outside light. Changing this policy would require the agency to "retreat to the poor policy of (having) a large number of dark, dingy, tiny interior offices and areas where support staff toil under fluorescent light and never see the light of day." All recent relocations of facilities in the IRS Western Region, except for two where there were budgetary restrictions, have been to offices which have either glass panels or entire walls of glass.

Glass panels not only help conserve energy by introducing significant quantities of heat, but they also are more soundproof than walls, thereby providing greater audio privacy. Moreover, employees are less likely to be disrupted while on the telephone, in meetings, or working intently, if they can be observed by others through the glass panels. From a security standpoint, uncovered glass panels are preferable since taxpayers are less likely to become irate or disruptive if they know they may be observed from outside the meeting room.

Appeals Officers are free to rearrange their office furniture so they do not face the glass panel, thereby making them less observable to passersby. Furthermore, they are not as concerned about privacy as the Union claims since many work with their doors open which is far more distracting than being observed through glass panels. If Appeals Officers want more privacy during their meetings with taxpayers, they have the option of holding meetings in any of the four conference rooms which do not have glass panels and can provide total privacy.

#### CONCLUSIONS

After considering the evidence and arguments on the issue, we conclude that the parties should resolve their dispute on the basis of the Union's proposal. We note that the Employer does not dispute the results of the light meter test which indicates that having uncovered glass panels provides no additional illumination of the interior office area. Nor does the Employer dispute that the cost of installing mini blinds would be relatively inexpensive. In our view, having glass panels without the option of covering them diminishes the purpose of having a private office, that is, to minimize visual and sound distractions. The Employer's claim that glass is more soundproof than walls essentially is unsubstantiated.


Furthermore, the IRS "policy" promoting the installation of glass walls or panels does not make it mandatory; rather, the record reveals that a settlement agreement was entered into whereby it was specifically agreed to negotiate over the issue of glass panels in the Portland Appeals Office. Finally, no evidence has been offered to support the claim that having uncovered glass panels deters taxpayers from being disruptive; rather, there apparently have been no incidents of such conduct for many years.

#### 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 the proceedings instituted under 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 Union's proposal.

By direction of the Panel.

A handwritten signature in cursive script, appearing to read "Linda A. Lafferty". The signature is written in black ink and is positioned above the typed name and title.

Linda A. Lafferty  
Executive Director

April 2, 1991  
Washington, D.C.