

United States of America

BEFORE THE FEDERAL SERVICE IMPASSES PANEL

In the Matter of

ANNISTON ALABAMA ARMY DEPOT

And

AMERICAN FEDERATION OF GOVERNMENT  
EMPLOYEES, LOCAL 1945

Case No. 19 FSIP 044

**DECISION AND ORDER**

This request for assistance, filed by American Federation of Government Employees, Local 1945 (Union) under the Federal Service Labor Management Relations Statute (the Statute) on May 20, 2019, concerns a dispute over Tuition Assistance provided by the Anniston Army Depot (ANAD or Agency) to the bargaining unit employees. Anniston Army Depot is an Army facility responsible for the production and repair of ground combat vehicles, the overhaul of Small Arms Weapon Systems and the storage and disposal of chemical weapons. The depot is located in Bynum, Alabama.

**BACKGROUND, BARGAINING AND PROCEDURAL HISTORY**

The Union represents over 2600 bargaining unit employees. The unit is governed by a Collective Bargaining Agreement (CBA) that expired but continues to roll over annually. There is no provision in the CBA or in a separate Memorandum of Agreement that addresses tuition assistance. The parties have been operating consistent with the Anniston Army Depot Regulation 690-15 (May 10, 2010) regarding the provision of tuition assistance. That policy provides guidance for requesting and approving required training, as well as tuition reimbursement for continuing education and college courses. Under that policy, at management's discretion, the Agency is authorized to provide up to 100% tuition assistance, plus the cost of books. While

tuition assistance is not an entitlement under the guidance, management is authorized, at their discretion, to use the tuition assistance as an incentive to encourage self-development.

The Agency notified the Union that it would be making changes to its tuition assistance policy. In August 2018, the Union requested a briefing and an opportunity to bargain over the proposed changes. The parties negotiated through December 2018 both in-person and through the exchange of proposals. In December, the Agency declared that the parties were at impasse. In April 2019, the parties met with the assistance of the Federal Mediation and Conciliation Services (FMCS). The Mediator released the parties in May 2019. The Union filed this request for Panel assistance. On August 7, 2019, the Panel asserted jurisdiction over the matter. The Panel directed the parties to resolve the remaining issues through written submissions with an opportunity to submit rebuttal statements. Both parties provided their submissions timely. However, neither party provided their rebuttal statements timely.

### **ISSUE AND POSITION OF THE PARTIES**

The current policy provides for "up to 100%, including books" reimbursement. The historic data for the program shows that the Agency granted up to 100% of tuition assistance, including books. Both parties submitted documentation indicating that between FY17 and FY19 (as of May 2019), the Agency reimbursed nearly \$58,000.00, including book reimbursement of approximately \$2,000.00. The vast majority of those reimbursements were at 100% (only 4 out of close to 60 reimbursements were at 50%).

#### **Agency Position**

The Agency proposed a flat 75% reimbursement rate, with no reimbursement for books. The Agency is seeking to: 1) reduce the overall cost of the program, 2) require that employees receiving reimbursement be personally invested (at least in part) in their educational endeavor, and 3) eliminate the % variance in reimbursements by proposing a flat reimbursement rate. Additionally, under the DOD Instruction 1322, which addresses tuition assistance for active soldiers and guardsman, tuition assistance funds cannot to be used for the purchase of books. The Agency wants parity with the solders and guardsman and, as such proposes to no longer provide reimbursement for books (except for Pathways employees). Under the Agency proposal, the Agency would save \$14,000.00 in its reimbursement program.

#### **Union Position**

The Union opposed the Agency's proposal. The Union argued that the past practice has been to provide 100% tuition assistance and 100% books reimbursement,

with a few limited exceptions (4 instances where the Agency reimbursed less than 100%). The Union was willing to accept the elimination of reimbursement for books if, in its proposal, the Agency provides for 100% flat rate reimbursement. The Union believes this will eliminate the disparity in the approvals, where some employees have received 100% reimbursement while others have been approved for less than 100%, with no explanation. The Panel determined that the Union's proposal would cost the agency approximately \$250 more for the 100% tuition reimbursements, but at the same time would save the Agency approximately \$2K for the cost of books: a program total of approximately \$18K a year.

### PANEL DECISION

The Panel has determined that it will order the adoption of the Agency proposal – 75% reimbursement, no reimbursement for books. The Agency provides legitimate reasons for wanting to make the proposed changes. First, while both parties offer a means to reduce the overall cost to the program, the Agency's proposal is slightly more aggressive, while still serving as an incentive for employees to seek college education growth beyond what is minimally required to perform successfully in their current position.

Second, because this proposed change applies to employees seeking reimbursement to college education that is not required for their current position, but instead is to support and encourage their own personal growth beyond their current position, it is not unreasonable to expect the employee to share the cost of that investment with the Agency, and ultimately the taxpayers. The Union's proposal would require the Agency, and ultimately the taxpayers, to bear the full burden, with little guarantee, other than a service agreement, that the Agency will receive some tangible benefit from the employee's personal educational growth.

Third, while both parties' proposals address the variance in reimbursements, the Agency's proposal is more cost effective (75% vs 100% reimbursement). Fourth, the Agency seeks parity with active soldiers and guardsmen who aren't allowed to get book reimbursement. Anniston Army Depot is an Army facility that supports the soldiers and guardsman by supporting the production and repair of ground combat vehicles, the overhaul of Small Arms Weapon Systems and the storage and disposal of chemical weapons. The Union provided no reason or support for providing the employees with a reimbursement that is not otherwise available to the active soldiers they support.

**ORDER**

Pursuant to the authority vested in the Federal Service Impasses Panel under 5 U.S.C. §7119, the Panel hereby orders the parties to adopt the provision as stated above.

A handwritten signature in black ink, appearing to read 'M.A. Carter', with a horizontal line extending to the right.

Mark A. Carter  
FSIP Chairman

September 18, 2019  
Washington, D.C.