

FEDERAL SERVICE IMPASSES PANEL

Minute of Panel Action

November 25, 2019

On November 12, 2019, President Donald J. Trump issued a Memorandum for the Federal Labor Relations Authority ("FLRA"). In that memorandum, he concurrently delegated to the FLRA the power under 5 U.S.C. 7119(c) (3) to remove the Chairman of the Federal Service Impasses Panel ("Panel") and any member of the Panel appointed by the President under 5 U.S.C. 7119(c) (2).

By its express terms, the President's memorandum was not intended to create any new rights or benefits. Nonetheless, out of an abundance of caution, and in view of ongoing and potential litigation and the need to remove any question regarding the validity of its orders, the Panel now confirms, adopts and ratifies *nunc pro tunc* the following orders:

1. Final Decisions and Orders issued by the Panel between September 2017 and November 2019

Date Issued	Case Number	Case Parties
9/6/2017	17049	VA and AFGE
9/12/2017	17031	Portsmouth Naval Shipyard and IFPTE
10/6/2017	17077	Air Force and AFGE
10/26/2017	17032	VA and AFGE
10/30/2017	17050	Texas National Guard and ACT
12/15/2017	17047	NLRB and NLRBU
12/15/2017	17054	DOD Schools and AFGE
1/2/2018	17060	USDA and AFSCME
2/1/2018	17091	NLRB and NLRBU
2/1/2018	17086	SSA and AFGE
2/7/2018	17088	Pentagon Force Protection Agency and FOP, Pentagon Labor Committee
3/20/2018	18004	BBG and AFGE
4/6/2018	18017	NLRB and NLRBU
5/3/2018	18003	Kentucky National Guard and ACT
5/4/2018	18038	CBP and NTEU
5/7/2018	18014	VA and AFGE
6/5/2018	18034	DLA and AFGE
6/28/2018	18030	Navy Supply Systems Command and AFGE
7/10/2018	18032	USDA and AFGE
7/11/2018	18026	Comp of Currency and NTEU
7/12/2018	18042	VA and NNU
7/31/2018	18058	Army, Womack Army Medical Center and AFGE

8/3/2018	18036	OPM and AFGE
11/14/2018	18060	OWCP and National Council of Field Labor Locals
11/16/2018	18069	DODEA and FEA – Stateside
11/16/2018	18062	DODEA and Antilles Consolidated Educ Assoc
11/19/2018	18061	DODEA and Antilles Consolidated Educ Assoc
11/20/2018	18059	Passport Services and NFFE
12/14/2018	18073	DODEA and NEA Stateside
12/20/2018	19003	Army Ft Rucker and AFGE
2/13/2019	18081	PBGC and IUPEDJ
2/14/2019	18075	HUD and AFGE
2/15/2019	18079	SSA and AFGE
2/19/2019	19001	DODFA and FEA
3/29/2019	18091	BEP and Plate Printers, Graphic Artist, and Graphic Communications
4/1/2019	18077	DHS and NTEU
4/4/2019	19010	AF Sheppards and AFGE
4/9/2019	18080	DODEA and AFGE
5/1/2019	19017	DOE and IBEW
5/1/2019	19025	Army Womack and AFGE
5/29/2019	19019	SSA and AFGE
5/30/2019	19008	DHS ICE and AFGF
5/30/2019	19036	DLA and AFGE
7/23/2019	19014	Comp of Currency and NTEU
8/6/2019	19032	USDA Fed Grain Inspection Service and AFGE
9/4/2019	19024	US Department of Veterans Affairs and NFFE
9/18/2019	19044	Anniston Alabama Army Depot and AFGE, Local 1945
9/26/2019	19046	Georgia Army National Guard and ACT
11/14/2019	19023	SSA, OHO and NTEU Chapter 224
11/14/2019	19028	USAF, Seymour Johnson AFB and NAIL, Local 7
11/14/2019	19038	Pension Benefit Guaranty Corporation and Independent Union of Pension Employees for Democracy and Justice
11/14/2019	19043	USDOT, FTA and AFGE, Local 3313
11/14/2019	19049	USAF, 434th Air Reserve Wing Grissom AFB and AFGE, Local 3524
11/14/2019	19053	US Army, Brooke Army Medical Center FT Sam Houston, TX and AFGE, AFL-CIO, Local 103
11/14/2019	19058	FCC and NTEU
11/14/2019	19059	US Army, Brooke Army Medical Center FT Sam Houston, TX and AFGE, Local 1004
11/18/2019	19031	US Dept of Health and Human Services and AFGE, Local 3601

2. Final Panel Determinations to Decline Jurisdiction on a matter, issued by the Panel between September 2017 and November 2019.

Date Issued	Case No	Case Parties
9/11/2017	17055	NAVFAC and TVFEMTC
9/11/2017	19065	Smithsonian Instl and AFGE, Local 2463
9/11/2017	17075	VA, San Diego and AFGE, Local 2297
9/11/2017	17067	HUD and AFGE, Local 3972
9/12/2017	17038	NTEU, Ch 83 and IRS
9/12/2017	17050	Texas Army National Guard and ACT
9/12/2017	17073	APHIS and NAAGE
9/12/2017	17083	Navy Fleet Readiness Center East and AFGE, Local 451
9/13/2017	17030	NLRB and NLRBU
9/15/2017	17062	Naval Undersea Warfare Center and FUSE, NAGE
12/13/2017	17087	SSA and AFGE, Local 3694
12/18/2017	17093	VA and AFGE, Local 96
12/19/2017	18008	CBP and NTEU
3/1/2018	18012	CBP and NTEU, Ch 150
4/3/2018	18027	SSA and AALJ
4/4/2018	18020	USAF, 375th Wing and NAIL, Local 19
4/5/2018	18025	NFFE, Local 1429 and Army, Letterkenny Depot
4/12/2018	18039	Army Corp of Engineers and IBEW, Local 2219
6/5/2018	18037	Dept of Int, NPS and AFGE, Local 2058
6/5/2018	18045	Dept of Int, NPS and AFGE, Local 2058
6/28/2018	18057	Kentucky National Guard and ACT, Ch 83 and Ch 60
9/13/2018	18068	Norfolk Naval Shipyard and NFFE, Local 919
9/14/2018	18056	SSA and AFGE, Local 3302
11/15/2018	18077	HHS, SSA and NTEU
11/28/2018	19006	SSA and AALJ
11/28/2018	18090	USAF, 375th Wing and NAIL, Local 19
12/12/2018	18084	USAF and AFGE, Local 2228
12/12/2018	18088	NLRB and NLRBU
2/19/2019	18092	VA and AFGE
4/3/2019	19017	IBLW, Local 1002 and SW Power Admin
4/10/2019	19004	USDA, OGC and AFGE, Local 1106
4/25/2019	19014	OCC and NTEU
5/10/2019	19021	HHS, NIH and AFGE, Local 2419
8/7/2019	19034	SSA and AALJ
9/20/2019	19050	SSA and AFGE Local 2452
11/14/2019	19065	Brooke Army Medical Center and AFGE Local 1004
11/11/2019	19064	Naval Air Station, Ft Worth and AFGE, Local 1364

In taking this action, the Panel Chairman and Members have independently evaluated and applied their considered judgment to each of the above-listed orders, and believe them to be correct and in accordance with law.

Approved:

Mark A. Carter, Chairman


Date

Karen M. Czarnecki, Member

Date

Robert J. Gilson, Member

Date



Maxford Nelsen, Member

12/2/2019

Date

Andrea Fischer Newman, Member

Date

David R. Osborne, Member

Date

Jonathan Riches, Member

Date

F. Vincent Vernuccio, Member

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Dec. 2, 2019

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David R. Osborne, Member

Date

Jonathan Riches

Jonathan Riches, Member

12/2/2019

Date

F. Vincent Vernuccio, Member

Date

Saddler, Rose

From: Jonathan Riches <jriches@goldwaterinstitute.org>
Sent: Monday, December 2, 2019 1:10 PM
To: Moseley, Kimberly; Carter, Mark; Andrea Fischer Newman; David Osborne; F. Vincent Vernuccio; Karen Czarnecki; Karen Czarnecki; Maxford Nelsen; Bob Gilson
Cc: Carter, Mark; Saddler, Rose; Newman, Andrea; Osborne, David; Vernuccio, Vincent; Czarnecki, Karen; Nelsen, Maxford; bgilson@flra.gov; Riches, Jonathan
Subject: RE: Ratification of FSIP Actions - document to sign
Attachments: SBIZHUB_45419120211110.pdf

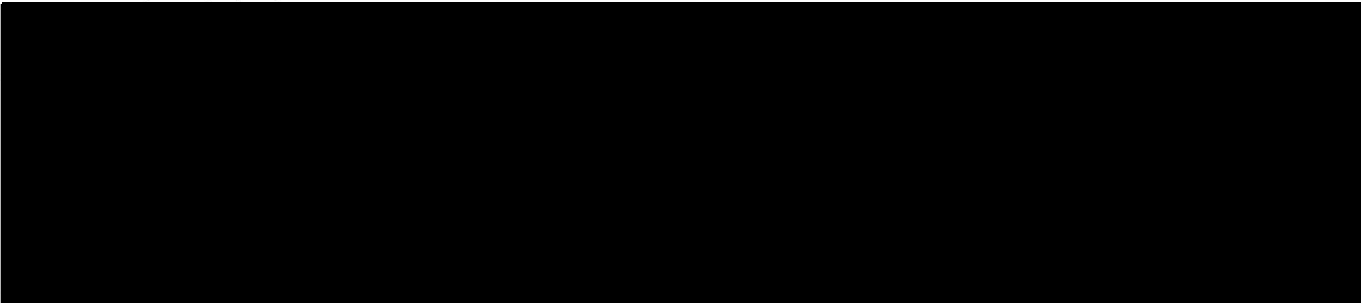
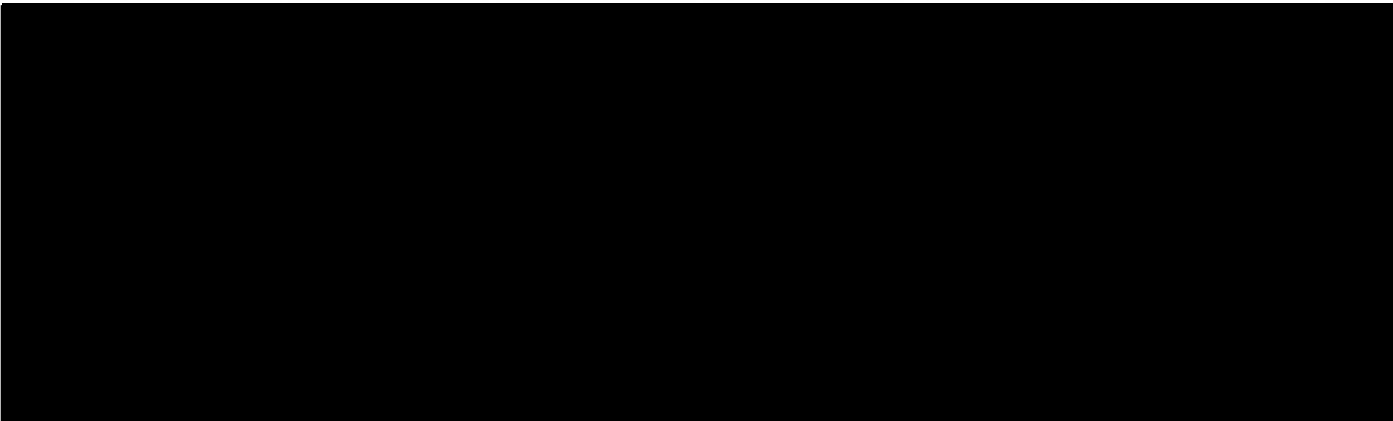
Hi Mark and Kimberly,

Please see attached.

I did not review cases involving the Department of the Navy or HHS.

Regards,

Jon Riches
FSIP Member



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Karen M. Czarnacki

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12/2/19

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F. Vincent Vernuccio, Member

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Robert J. Gilson, Member


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Maxford Nelsen, Member

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Andrea Fischer Newman, Member

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David R. Osborne, Member

11/29/19
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Jonathan Riches, Member

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F. Vincent Vernuccio, Member

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David R. Osborne, Member

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Jonathan Riches, Member

Date

Bob Verucchio

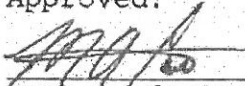
F. Vincent Vernuccio, Member

Date

11-29-19

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Approved:



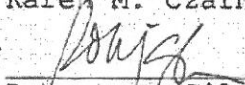
Mark A. Carter, Chairman

November 28, 2019

Date

Karen M. Czarnecki, Member

Date

* 

Robert J. Gilson, Member

11/29/2019

Date

Maxford Nelsen, Member

Date

Andrea Fischer Newman, Member

Date

David R. Osborne, Member

Date

Jonathan Riches, Member

Date

F. Vincent Vernuccio, Member

Date

* AS AMENDED BY ATTACHED LETTER DATED 11/29/2019

Robert J. Gilson, Member
Federal Service Impasses Panel
1400 K Street, N.W. Suite 200
Washington DC 20424-0001

November 29, 2019

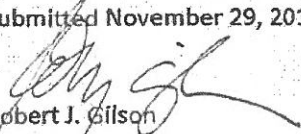
Mark A. Carter, Chairman
Federal Service Impasses Panel
1400 K Street, N.W. Suite 200
Washington DC 20424-0001

Dear Mr. Carter,

This is in response to your request that Federal Service Impasses Panel (Panel) members review the Panel's jurisdictional rulings as well as Decisions and Orders beginning in 2017 as specified in the Panel Minute dated November 25, 2019 (attached). I have carefully reviewed each of these cases and respond as follows:

1. With regard to the Panel Decisions and Orders in case numbers 18 FSIP 081 and 19 FSIP 038, during the period 2011 until 2016, I was intermittently employed (there were gaps in the negotiations lasting for up to a year) as the Chief Negotiator for the renegotiation of an expired agreement at the Pension Benefit Guarantee Corporation. I also provided technical assistance and training in labor relations for the Agency during this period. I recall providing advice on the case addressing the office move and while I do not recall advising on the other matter, I cannot rule out that I may have answered questions related to those negotiations. Therefore, I believe an appearance of a conflict of interest may be perceived by my concurrence with the Panel determinations in these two cases and recuse myself from voting on these cases.
2. Regarding the Decisions and Orders other than those addressed in Number 1. and specified in the Panel Minute of November 25, 2019, above, I concur with the Panel determinations.
3. With regard to Jurisdictional determination in case numbers 18 FSIP 037 and 18 FSIP 045, I was employed during the time period of the matter before the Panel as the Chief Negotiator for the Northeast region of the U.S. National Park Service. While I had no direct involvement in these cases, I believe an appearance of a conflict of interest may be perceived since the Park in question falls within the management authority of the Northeast region. Therefore, I believe an appearance of a conflict of interest may be perceived by my concurrence with the Panel determinations and recuse myself from voting on these two cases.
4. Regarding the jurisdictional determinations in the cases other than those addressed in Number 3., and specified in the Panel Minute of November 25, 2019, above, I concur with the Panel determinations.

Submitted November 29, 2019.


Robert J. Gilson
Member