

Federal Labor Relations Authority Office of the General Counsel

*Office Moves and the Duty to
Bargain*



Office Space

“involve matters at the very heart of the traditional meaning of ‘conditions of employment’; few policies and practices could be considered more central to an employee's working conditions than those relating to job safety and office environment.”

Library of Cong. v. FLRA, 699 F.2d 1280, 1286 (D.C. Cir. 1983).

Office Space

Employees' and management's interests in office space "present the sort of questions collective bargaining is intended to resolve."

U.S. Dep't of HHS, SSA, Balt., Md., 36 FLRA 655, 668 (1990).

Scope of Bargaining

Three Categories

- Mandatory
 - Those subjects the parties are required to negotiate.
- Permissive
 - Those subjects the parties may mutually agree to bargain but are not required to bargain.
- Prohibited
 - Those subjects that the parties are not permitted to bargain.

Prohibited Subjects

- No duty to bargain over matters:
 - Specifically provided for by Federal statute;
 - Inconsistent with law or Government-wide rule or regulation;
 - Inconsistent with an agency rule or regulation for which a compelling need exists;
 - Relating to the conditions of employment of employees in a different bargaining unit.

Role of Federal Property Management Regulations

GSA's Federal Property Management Regulations (FPMR), as codified at title 41 of the Code of Federal Regulations, generally constitute "Government-wide regulations" within the meaning of section 7117(a) of the Statute.

NTEU, Chapter 6, 3 FLRA 748 (1980).

Management Rights – 5 U.S.C. § 7106(a)

- to hire, assign, direct, layoff, and retain employees in the agency, or to suspend, remove, reduce in grade or pay, or take other disciplinary action against such employees;
- to determine the mission, budget, organization, number of employees, and internal security practices of the agency;
- to assign work, to make determinations with respect to contracting out, and to determine the personnel by which agency operations shall be conducted;
- to make selections for appointments;
- to take whatever actions may be necessary to carry out the agency mission during emergencies.

Exceptions to Management Rights

5 U.S.C. § 7106(b)(1):

- Numbers, types and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty.
- Technology, methods, and means of performing work.
- *Permissive: an agency may bargain over these matters.*

Exceptions to Management Rights

Procedures and Appropriate Arrangements

- 5 U.S.C. § 7106(b)(2): The “procedures which management officials of the agency will observe in exercising” any management rights under 7106.
- 5 U.S.C. § 7106(b)(3): “Appropriate arrangements for employees adversely affected by the exercise of” any management right under 7106.
- Procedures and appropriate arrangements are *mandatory* subjects. Referred to as “impact and implementation” bargaining.

Duty to Bargain

While an agency's decision to move its offices is not negotiable, the agency has a duty to bargain over negotiable proposals regarding:

- the procedures to be used to implement the move
- any appropriate arrangements for adversely affected employees.

EPA, 25 FLRA 787, 789 (1987); SSA, Office of Hearings & Appeals, Region II, N.Y.C., N.Y., 19 FLRA 328, 328 (1985); Dep't of Treasury, IRS, Dallas Dist., 19 FLRA 979, 980 (1985); see also NFFE Local 7, 53 FLRA 1435 (1998).

What Parties Need to Ask about Changes in Office Space

- Are the effects of the change more than *de minimis* (i.e., more than trivial)?
- Have the parties already bargained over the change (covered-by defense)?
- Did the union waive its right to bargain over the change?

PBGC, 59 FLRA 48, 50-51 (2003).

The De Minimis Doctrine

In assessing whether the effect of a change is more than *de minimis*, the Authority looks to the nature and extent of either the effect, or the reasonably foreseeable effect, of the change.

Dep't of the Air Force, Air Force Materiel Command, Space & Missile Sys. Ctr., Kirtland AFB, 64 FLRA 166, 173 (2009).

De Minimis?

- *SSA, Balt., Md.*, 21 FLRA 546, 548-49 (1986) (permanent relocation of an entire office staff to a building four or five blocks away).
- *EPA*, 25 FLRA at 789-90 (relocation of twelve employees to a new office, where the new location, even though relatively close to the old location, had smaller offices, reduced storage space for documents and files, and was noisier).
- *Dep't of Air Force, Air Force Logistics Command, Sacramento Air Logistics Center, McClellan AFB*, 35 FLRA 217, 219 (1990) (office move of a division of employees, where new building was less insulated, colder, and noisier than prior building).
- *PBGC*, 59 FLRA at 51-52 (office relocation of two employees to smaller, interior offices).

“Covered-By” Defense

- Prong 1: Is the subject matter of the change “expressly contained” in the collective bargaining agreement? (i.e., a reasonable reader would conclude that the contract provision settles the matter in dispute). If not, then:
- Prong 2: Is the subject matter of the change “inseparably bound up with,” and plainly an aspect of, a subject covered by the agreement? (i.e., subject matter is so commonly considered to be an aspect of matters contained in the CBA article that the negotiations are presumed to have foreclosed further bargaining.)

SSA, Balt., Md., 66 FLRA 569, 572-573 (2012); *U.S. Customs Serv., Customs Mgmt. Ctr., Miami, Fla.*, 56 FLRA 809 (2000); *U.S. Dep’t of HHS, SSA, Balt., Md.*, 47 FLRA 1004 (1993).

Agency's Responsibilities

- Provide union reasonable notice and opportunity to request bargaining.
- If the union requests bargaining, respond.
- Bargain to the extent required by the Statute.
- Generally, maintain the *status quo* until the bargaining process is completed.
- Cooperate with Federal Service Impasses Panel, if requested by union, prior to implementation.

U.S. DOD, Def. Commissary Agency, Peterson Air Force Base, Colo. Springs, Colo., 61 FLRA 688 (2006); U.S. INS, Wash., D.C., 55 FLRA 69 (1999).

Union's Responsibilities

- Timely request to bargain.
- Submit negotiable and responsive proposals.
- Bargain in good faith.
- Timely request FSIP assistance if impasse is reached.

U.S. Dep't of Labor, Wash., D.C., 60 FLRA 68, 70 (2004).

Are the Union's Proposals Negotiable?

- An agency may implement a change if *all* proposals on the table at the time of implementation are non-negotiable, and it has otherwise bargained in good faith.
- The agency must, however, respond to the union's request to bargain over the proposals, even if all the proposals are non-negotiable.
- If the agency chooses to implement under these circumstances, then it acts at its peril. If *any* proposals are determined to be negotiable, then the agency has committed a ULP.

U.S. DOJ, INS, Wash., D.C., 56 FLRA 351 (2000); *Fed. Bureau of Prisons, FCI, Bastrop, Tex.*, 55 FLRA 848 (1999).

When Does the Duty to Bargain Arise?

The duty to bargain over an office move arises once the agency has made a “final decision” to relocate. This occurs when “agreement [has] been reached on all matters essential to make a final commitment to move.”

Dep't of HHS, SSA, Region I, Boston, Mass., 47 FLRA 322, 324 (1993); *Dep't of HHS, SSA, Balt., Md.*, 41 FLRA 339, 340 n.* (1991).

Status Quo Ante Relief

The Authority has granted *status quo ante* relief in cases involving office moves arising from agency reorganizations and realignments.

- *PBGC, 59 FLRA at 54* (ordering agency to return two employees to offices they occupied prior to realignment).
- *Dep't of the Air Force, Air Force Materiel Command, Space & Missile Sys. Ctr., Kirtland AFB, 64 FLRA at 176* (ordering that employees who were moved to different offices during reorganization and realignment be returned to their former work locations).

Status Quo Ante Relief

The Authority also applied the factors set forth in *FCI*, 8 FLRA 604 (1982) to *reject* a request for *status quo ante* relief in an office move case.

- *SSA, Balt., Md.*, 21 FLRA at 549, 570 (finding that the agency's attempts to stop or delay the move were unsuccessful because GSA was prepared to evict it from the old offices).

Prospective Bargaining

In addition to traditional posting and cease and desist orders, the Authority has typically ordered the agency to engage in prospective bargaining over the impact and implementation of office moves that had already occurred when the decision was issued.

- *SSA, Balt.*, 21 FLRA at 549; *Dep't of Treasury, IRS, Dallas Dist.*, 19 FLRA at 983; *see also EPA*, 25 FLRA at 791 (prospective bargaining order best effectuates purposes and policies of the Statute because it allows the parties the flexibility to bargain freely about how the relocation “may have affected employees and the opportunity to agree to retroactive application of the agreement”).

Retroactive Relief

The Authority has also awarded other forms of retroactive relief in certain cases involving office reallocations and redesigns.

- *Dep't of HHS, Region IV, Office of Civil Rights, Atlanta, Ga.*, 46 FLRA 396, 398-99 (1992) (ordering agency to “return the office configuration as closely as possible in its reduced state to the previous configuration” and to “continue negotiations on the reconstruction until the matter is ultimately resolved”)
- *FAA, Nw. Mountain Region, Renton, Wash.*, 51 FLRA 35, 37 (1995) (concluding that a retroactive bargaining order will “effectuate the purposes and policies of the Statute by ensuring the substitution of any design features negotiated by the parties or imposed by the Panel”).

Federal Labor Relations Authority Authority Component

The Scope of Bargaining Related to Office Moves



Scope of Bargaining: Overview

- The Move
- Common Areas
- Office Equipment
- Workstations, Floorplans, Seating Areas/Assignments, Offices
- Commuting, Parking
- Amenities

The Move

- Reasonable Administrative Leave

AFGE, Local 2879, 49 FLRA 1074, 1077-79 (1994)
(Provision 1) (finding negotiable provision to grant reasonable amounts of administrative leave, as necessary, in connection with an office move).

Common Areas

- **Handicap-Accessible Entrances**

AFGE, Local 644, 27 FLRA 375 (1987) (Proposal 6) (finding negotiable proposal to provide a means for handicapped persons to enter the office).

- **Location of Loading/Unloading Area**

AFGE, Local 644, 27 FLRA 375, 377-78 (1987)

(Proposal 2) (finding negotiable proposal to place loading/unloading areas as close to building as possible).

Common Areas

- Meeting Areas

AFGE, Local 12, 27 FLRA 363, 369-71 (1987) (Proposal 3d)
(finding negotiable proposal that all meeting areas will be equally accessible to all employees).

- Access to Windows

AFGE, Local 12, 27 FLRA 363, 369-71 (1987) (Proposal 3a)
(finding negotiable proposal that windows will not be blocked by private offices, and that conference rooms and private offices will be located internally) .

Common Areas

- **Lighting and Ventilation**

AFGE, Local 12, 27 FLRA 363, 369-71 (Proposal 3e) (1987)
(finding negotiable proposal that lighting and ventilation surveys will be conducted upon request for relocated offices).

- **Air Conditioning and Heat**

AFGE, Local 644, 27 FLRA 375, 382-84 (1987) (Proposal 7)
(finding negotiable proposal requiring suitable air conditioning and heat in all working areas).

Common Areas

- Space Heaters

AFGE, SSA Gen. Comm., 68 FLRA 407, 408-14 (2015)

(finding negotiable proposals that would require:

(1) notification to the union before removing a space heater and an attempt to remedy the heating/cooling issue or provide a replacement heater; (2) employees seeking to introduce new space heaters (as reasonable accommodation or other permissible purpose) will seek the building manager's approval, and the parties will jointly create a procedure to follow; and (3) the agency and the union to jointly establish a list of approved space heaters and update it annually).

Common Areas

- **Corridors, Fire and Other Safety Codes**

Library of Cong. v. FLRA, 699 F.2d 1280 (D.C. Cir. 1983), enforcing 7 FLRA 578 (1982) (Proposals XII and XIII) (finding negotiable proposals that: (1) all corridors conform to D.C. fire code and federal regulations; and (2) no employee shall be required to work in areas that violate National Fire Protection Association (NFPA) Life Safety Codes and another fire-safety report).

- **OSHA Inspections**

U.S. Dep't of the Treasury, IRS, Dallas Dist., 19 FLRA 979 (1985) (Proposal 7) (finding negotiable proposal to require agency to request safety inspections of new building).

Common Areas

Limitations:

- **Location of Library/Conference Room**
AFGE, Local 644, 21 FLRA 658, 661-63 (1986) (Proposal 5)
(finding proposal to relocate library/conference room and use that space for offices outside the scope of bargaining because agency established impermissible interference with management's right to determine its internal security practices).

Office Equipment

- **Printers, Copiers, Fax Machines**

NFFE, Fed. Dist. 1, Local 1998, IAMAW, 66 FLRA 124, 124-27 (2011)
(Proposal 1) (finding negotiable proposal to distribute printers, copiers, and fax machines evenly and liberally, and within 50 feet of each employee's desk).

- **Shredders**

NFFE, Fed. Dist. 1, Local 1998, IAMAW, 66 FLRA 124, 133-34 (2011)
(Proposal 7) (finding negotiable proposal to provide one shredder for every 12 employees and a shredder that is capable of shredding cardboard).

- **Sit/Stand Desks**

NFFE, Fed. Dist. 1, Local 1998, IAMAW, 66 FLRA 124, 134-35 (2011)
(Proposal 8) (finding negotiable proposal to make sit/stand desks available for employees with ergonomic issues).

Office Equipment

- **Access to Current Equipment**
U.S. Dep't of the Treasury, IRS, Dallas Dist., 19 FLRA 979 (1985) (Proposal 2) (finding negotiable proposal to continue to make equipment currently assigned to employees (credenzas) available after relocation).
- **Space, Equipment, Facilities Similar to Current**
U.S. Dep't of the Treasury, IRS, Dallas Dist., 19 FLRA 979 (1985) (Proposal 3) (finding negotiable proposal to provide proper space, equipment, and facilities similar to those currently provided).

Workstations, Floorplans, Seating Areas/Assignments, Offices

- **Acoustics of Seating Area**

NFFE, Fed. Dist. 1, Local 1998, IAMAW, 66 FLRA 124, 127-29 (2011) (Proposal 3) (finding negotiable proposal that would require agency to design counter workspaces so that employees are not required to raise their voices when talking to customers).

- **Seating to Minimize Distractions**

Library of Cong. v. FLRA, 699 F.2d 1280 (D.C. Cir. 1983), enforcing 7 FLRA 578 (1982) (Proposal XI) (finding negotiable proposal requiring that each employee in a particular unit be situated in a way to minimize distractions from telephone calls).

Workstations, Floorplans, Seating Areas/Assignments, Offices

- **Access to Windows**

AFGE, Local 12, AFL-CIO, 27 FLRA 363, 369-70 (1987)

(Proposal 3c) (finding negotiable proposal that employees will be given priority in allocating work spaces adjacent to windows) .

Workstations, Floorplans, Seating Areas/Assignments, Offices

- **Size/Square Footage**

NTEU, 43 FLRA 1442, 1447-54 (1992) (Proposal 9) (finding negotiable proposal to guarantee each employee a minimum of 100 square feet of office or work space in the event of any office renovations or moves)

NTEU, Chapter 83, 35 FLRA 398 (1990) (finding negotiable proposal requiring that affected employees will have at least 64 feet of contiguous work space).

- **Cubicle Size, Wall Space**

NFFE, Fed. Dist. 1, Local 1998, IAMAW, 66 FLRA 124 (2011) (Proposal 6) (finding negotiable proposal to require cubicles at least as large as, and with as much wall space as, cubicles at old location within the scope of bargaining).

Workstations, Floorplans, Seating Areas/Assignments, Offices

- Selection by Seniority

NTEU, Chapter 83, 64 FLRA 723 (2010) (finding negotiable proposal to allow employees to select from all available cubicles by seniority, without regard to workgroup assignment – as was done previously).

NTEU, 41 FLRA 1283 (1991) (finding negotiable proposal to allow employees to choose their own seating by seniority, from within the entire space allocated to three groups within the same division).

Workstations, Floorplans, Seating Areas/Assignments, Offices

Limitation:

- Selection by Seniority:

NTEU, Chapter 101, 58 FLRA 653 (2003) (finding proposal that employees will select their workstations by seniority from anywhere on the floor that is assigned to the employees' respective division to be outside the scope of bargaining because it affects management's right to determine its internal security practices).

Workstations, Floorplans, Seating Areas/Assignments, Offices

- **Assignment of Desks**

Dep't of the Treasury, IRS, Midwest Reg'l Office, Chi., Ill., 16 FLRA 141 (1984) (Proposal 1) (finding negotiable proposal concerning the procedure for assigning desks (e.g., by grade and seniority) at the new location, but not the agency's choice of its functional office space design).

- **Individual Offices**

AFGE, Local 644, AFL-CIO, 21 FLRA 658, 658-61 (1986) (Proposals 1 and 2) (finding negotiable proposals that: (1) new space will be structured to provide individual offices for each bargaining-unit employee; and (2) all employees will be provided with offices in accordance with what they have at the present time).

Workstations, Floorplans, Seating Areas/Assignments, Offices

- Office Doors

Library of Cong. v. FLRA, 699 F.2d 1280 (D.C. Cir. 1983), enforcing 7 FLRA 578 (1982) (Proposal XIV) (finding negotiable proposal requiring that, to ensure quiet and effective working conditions, each analyst's office will have a door).

- Partitions in Shared Offices

Library of Cong. v. FLRA, 699 F.2d 1280 (D.C. Cir. 1983), enforcing 7 FLRA 578 (1982) (Proposal XV) (finding negotiable proposal requiring that, to ensure quiet and effective working conditions, all two-person offices will have floor-to-ceiling partitions dividing the office).

Workstations, Floorplans, Seating Areas/Assignments, Offices

Limitations:

- Location of Workstations for Employees Who Interact with the Public:

AFGE, Local 1164, 66 FLRA 112 (2011) (finding proposal for floor plan that would provide hybrid workstations with privacy walls for interviewing customers outside the scope of bargaining because agency established that it impermissibly interferes with management's right to determine the methods and means of performing work, and proposal is not an appropriate arrangement).

AFGE, Local 1164, 65 FLRA 924, 925-26 (2011) (Proposal 3) (finding proposal for separate employee front-end interviewing areas, and an isolated back-end area for employee work stations to be outside the scope of bargaining where union conceded that it affects management's right to determine the methods and means of performing work).

Workstations, Floorplans, Seating Areas/Assignments, Offices

Limitations:

- **Reception Areas (Shields)**

AFGE, Local 3937, 66 FLRA 393, 397-400 (2011) (Proposal 4) (finding proposal to install polycarbonate shields at reception areas to be outside the scope of bargaining because it impermissibly interferes with management's right to determine its internal security practices, and proposal is not an appropriate arrangement).

- **Reception Areas (Barriers)**

U.S. Dep't of the Treasury, IRS, Dallas Dist., 19 FLRA 979 (1985) (Proposal 6) (finding proposal to require a barrier in front of the office to restrain the general public from entering the area to be outside the scope of bargaining because it affects management's right to determine the technology, methods, and means of performing work and is only negotiable at the agency's election).

Commuting, Parking

- Traffic (Pilot Flexitime)

AFGE, Local 644, AFL-CIO, 21 FLRA 658, 665-66 (1986)
(Proposal 14) (finding negotiable proposal to establish a pilot flexitime project because of traffic).

- Suitable Parking

AFGE, AFL-CIO, Local 644, 27 FLRA 375, 383-85 (1987)
(Proposal 8) (finding negotiable proposal to provide suitable parking for government and private automobiles).

Commuting, Parking

- **Free Parking (Employees)**

AFGE, Local 1458, 63 FLRA 469, 470-71 (2009) (Proposal 1) (finding negotiable proposal to provide free parking for all affected unit employees who do not receive a transit subsidy).

- **Free Parking (Union President)**

AFGE, Local 1458, 63 FLRA 469, 470-71 (2009) (Proposal 2) (finding negotiable proposal to provide the union president with free parking at the facility where the union's office is located).

- **Free Parking**

AFGE, Local 644, AFL-CIO, 21 FLRA 658, 658-61 (1986) (Proposals 6 and 11) (finding negotiable proposals that require: (1) free parking spaces (in one office); and (2) free parking spaces within walking distance of the building (in another office)).

Commuting, Parking

Limitation:

- Parking Reimbursement

NTEU, 30 FLRA 677, 677-79 (1987) (Proposal 1) (finding proposal that all employees moved from Rockville, MD to Washington, D.C. be reimbursed for their parking expenses to the extent that they exceed parking costs in Rockville outside the scope of bargaining because it is inconsistent with the Travel Expense Act and the Federal Travel Regulations).

Amenities

- Exercise Room

AFGE, Local 1458, 63 FLRA 469, 471-72 (2009) (Proposal 3) (finding negotiable proposal to provide an exercise room equipped with equipment and showers).

- Showers and Lockers

Library of Cong. v. FLRA, 699 F.2d 1280 (D.C. Cir. 1983), enforcing 7 FLRA 578 (1982) (Proposal XVI) (finding negotiable proposal that agency provide: (1) 10 showers for men and 10 showers for women in an area accessible from the rear loading areas; and (2) 60 lockers suitable for temporary clothing storage adjacent to the shower area).

Amenities

- Break Area

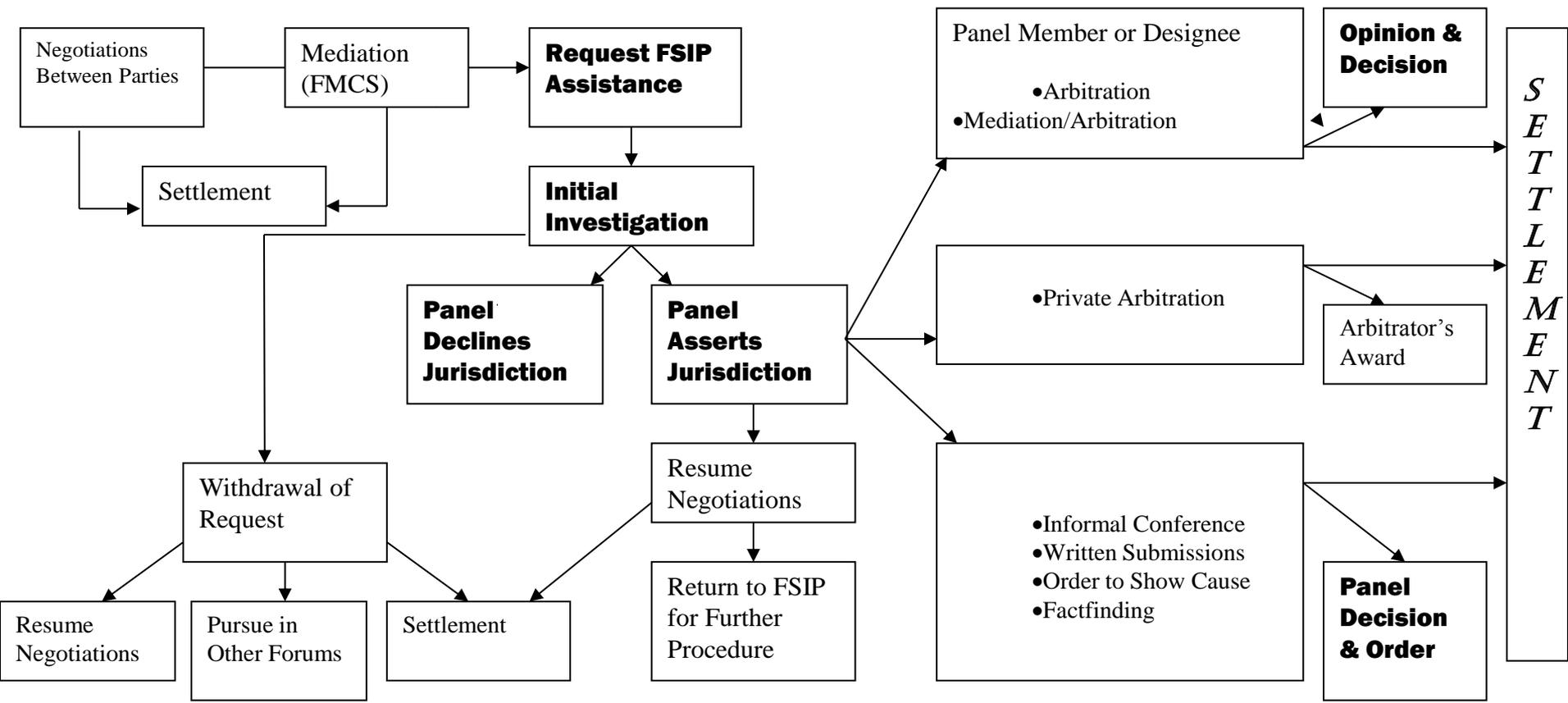
U.S. Dep't of the Treasury, IRS, Dallas Dist., 19 FLRA 979 (1985) (Proposal 8) (finding negotiable proposal to provide a coffee break area in the new office facilities that is similar to the one in the present facility).

- Provide or Pay for Daycare

NTEU, 30 FLRA 677, 681-83 (1987) (Proposal 3) (finding negotiable proposal requiring that agency either provide or pay for daycare for the children of all relocated employees requesting such services).

Federal Labor Relations Authority
Federal Service Impasses
Panel
Impasses Over Office Moves





Jurisdictional Issues:

(1) *Bargaining Obligation Disputes*

(2) *Negotiability Disputes*

Bargaining Obligation Dispute is defined in 5 C.F.R. § 2424.2(a) of the FLRA's regulations by examples–

- Proposal concerns a matter “covered by” a CBA
- Bargaining not required because effect of change is *de minimis*

DHHS, SSA, Balt., Md., 47 FLRA 1004
(1993) (*SSA*) is the most frequent FLRA decision relied on to provide guidance when bargaining obligation disputes, are raised.

Negotiability dispute is defined in 5 C.F.R. § 2424.2(c) of the FLRA's regulations as "a disagreement" between an agency and a union "concerning the legality of a proposal or provision."

Commander, Carswell Air Force Base, Tex., 31 FLRA 620 (1988) (Carswell) is the guidance the Panel follows when considering claims concerning *negotiability disputes*.

As with *SSA*, the Panel has applied *Carswell* in a way that preserves its discretion to decline or assert jurisdiction where a negotiability dispute is alleged, depending on the circumstances of the case.

Maintenance of the *Status Quo*
While a Case Is Pending
Before the Impasses Panel:

INS, 55 FLRA 69 (1999)

After *INS*, for there to be a violation of § 7116(a)(6), the Office of the General Counsel must establish that, by implementing a change in conditions of employment, the agency failed to cooperate with an impasse procedure or decision.

The FLRA left it “to the Panel to determine whether to adopt specific procedures concerning the maintenance of the *status quo*, or whether to issue such orders under particular circumstances.”

The Panel has decided to order employers to maintain the *status quo*, if at all, “under particular circumstances,” i.e., on a case-by-case basis, after the Panel’s staff has completed its initial investigation of the request.

The effect of a Panel order to maintain the *status quo* is to freeze a situation in place; primary concern is not to protect the rights of either party but to determine what is in the best interests of resolving the impasse fairly

Note: *INS* does not confer on the Panel the authority to order *status quo ante* remedies; remedies are available only in the ULP forum.

Recent Impasses over Office Moves:

*National Science Foundation, Arlington, Va., Case No. 14 FSIP 100 & 104 (October 23, 2014); med-arb with Member Wasserman; maintenance of *status quo**

Key Issues: Offices or cubicles for GS-12 employees; size of offices or cubicles for GS 11-12 employees; height of cubicle partitions; whether cubicle doors should be lockable; the number and size of shared meeting space; file and storage space.

*HUD, Region IX, S.F., Cal., Case No. 14 FSIP 71 (August 8, 2014); med-arb with Chairman Jacksteit; maintenance of *status quo**

Key Issues: Should the parties use the agency's physical space plan that incorporates space for 55 future employees, or the union's, which maintains key elements of current space - workstations at existing sizes (cubicles of 64 square feet and offices of 150 square feet), and places all management offices in interior locations.

DHHS, Region 8, Denver, Colo., Case No. 14 FSIP 64 (June 30, 2014); med-arb with Exec. Dir. Schimansky; maintenance of status quo

Key Issues: Should certain employees on the 11th floor have private offices and, if so, the size of the offices; should there be additional “phone booth” rooms on the 11th floor; should certain employees be permitted to reserve their own conference rooms without management’s involvement; height and composition of workstation panels.

Dep't of Educ., Kansas City Office, Kansas City, Mo., Case No. 13 FSIP 40 (May 1, 2013); med-arb with Member Malin

Key Issues: break rooms/amenities; vending machines; OCR bargaining unit employee workspace; workstation storage and counter surface; pink noise system.