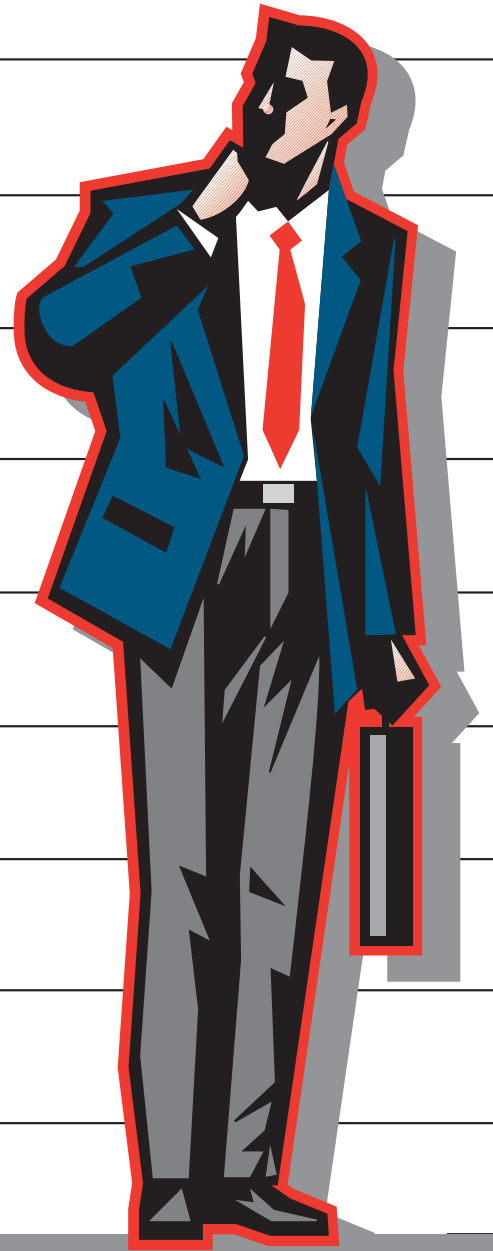
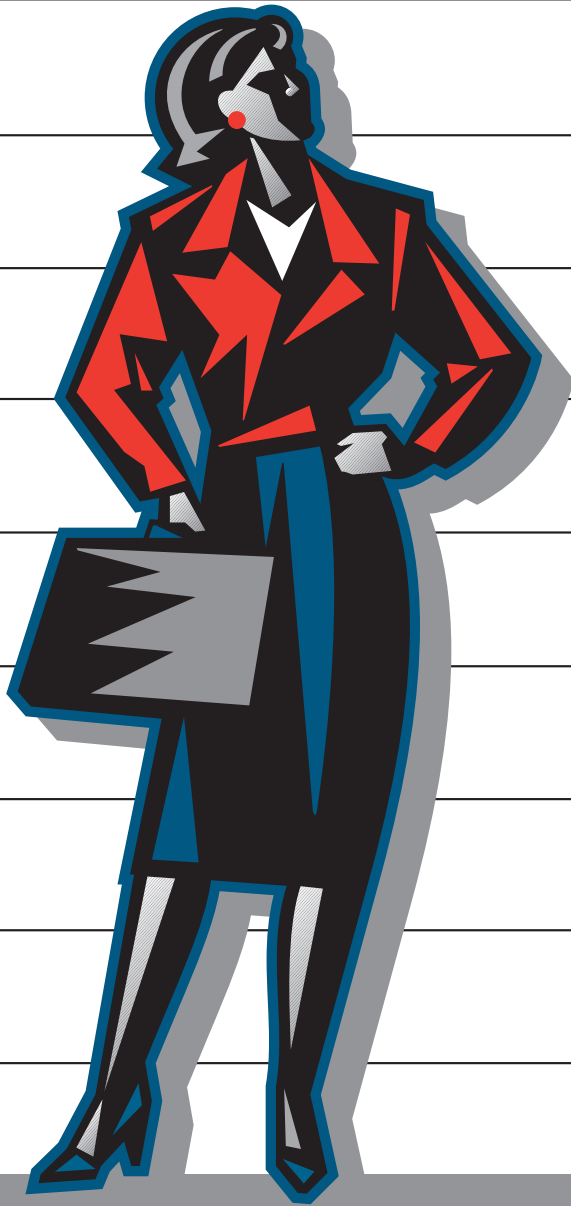


# Bargaining • Basics

## Chapter 1



# The • Bargaining • Book

# Bargaining Basics

I have used the term “bargaining basics” to describe the concepts and principles with which you must be familiar in order to be a successful negotiator. Bargaining basics directly influence all federal labor negotiations. Successfully representing your agency or your union requires you to be knowledgeable about the basic concepts of the federal program before participating in the dynamics of the bargaining process. After reading this chapter, you will know:

- How to define a bargaining unit.
- When a union becomes the representative of employees.
- Who is represented by a union.
- The categories of employees excluded from a bargaining unit.
- The difference between a unit member and a union member.

## The Bargaining Unit

The bargaining unit is a group of employees with common interests: A unit is:

- Designated by the Federal Labor Relations Authority (FLRA).
- Represented by a Union.

1. Mary Jamison is the Chief Negotiator for the management negotiating team. The union gives her team a proposal to exclude all wage grade employees from the bargaining unit. She knows that these employees have been included in the unit for a number of years. Should she agree to this proposal?

- A. Yes, but only if the management team believes that the wage grade employees have common interests with the remainder of the unit.
- B. No, because only the FLRA can alter the categories of employees that are in a bargaining unit.
- C. Yes, but only if the union will agree to a written understanding that the two parties (management and the union) have both agreed to the new unit description.

## ANSWER

1. The agency and the union do not have the authority under the labor relations statute to determine the categories of employees that are in or out of the bargaining unit. If they jointly determine that the unit should be changed by excluding the wage grade employees, either management or the union (or both) can file a petition with the Federal Labor Relations Authority to have the unit altered. It is also possible for the contract to contain contract articles applicable only to the wage grade employees when that is desirable.

In all probability, if both management and the union agree to certain unit exclusions, the agreement will never be challenged. However, any challenge that is filed by any affected party is almost certain to be resolved by retaining the unit structure until the FLRA has approved a change. Good judgment requires that such an informal arrangement not be agreed upon at the bargaining table.

*For these reasons, the correct answer to this question is B.*

## QUESTIONS

2. Prior to the start of the negotiations, the local union president, Sam McLean, collected the signatures of forty percent of all employees in an organization he would like the union local to represent. He presented these signatures to the personnel officer for the agency employing those who signed the petition and stated he would like to open contract negotiations in the next two weeks. What would an appropriate response from the personnel officer be?

### The Union

The union becomes the employees' representative after an election and certification by the FLRA. The union:

- Represents all unit employees.
- Must represent all employees equally.
- May negotiate an agreement with agency management.

A. Since the union collected the signatures of more than thirty percent of the bargaining unit, it is proper to begin negotiations. He should assemble a bargaining team to begin bargaining preparations.



**ANSWERS**

2. Management and the union cannot negotiate a labor agreement until an election has been conducted and the results have been certified by the Federal Labor Relations Authority (FLRA). While the union has met the requirements for submitting a petition for an election, it does not become the representative of the employees in the bargaining unit until certification by the FLRA. *The correct answer is C.*

3. The union has an obligation to represent all employees in the bargaining unit equally without regard to membership in the union. While on the surface this would appear to be a matter affecting only the internal business of the union, management also has an obligation to ensure that the provisions of the labor relations statute are met. In this case, an employee who was not a member of the union could file a valid complaint against both the agency and the union for restricting his right to union representation if the agency agreed to this proposal. *Therefore, the correct answer is C.*

## Bargaining Unit Exclusions

Some categories of employees are always excluded from a bargaining unit. These are:

- Management Officials
- Supervisors
- Confidential Employees
- Personnelists (other than clerical)
- Certain Employees Engaged in Security Work

### QUESTIONS

4. Sam McLean is the Chief Negotiator for the Union's bargaining team. One other member of his team wants to negotiate a contract provision covering the rights of all supervisors in the agency. The agency's team has refused to consider any proposal that covers supervisors. What action should Sam take now?

A. He should insist on the provision being included in the contract because it would be good for the morale of the supervisors.

B. He should explain to the team member who wants to negotiate the provision that the agreement can only cover employees in the bargaining unit and, since supervisors are not in the unit, the union does not have the right to represent them.

C. He should file a negotiability appeal or an unfair labor practice charge with the Federal Labor Relations Authority in order to preserve the rights of the union.

5. Mary Jamison's team has proposed that all secretaries working for a second level supervisor or higher be excluded from the coverage of the collective bargaining agreement. What should Sam's answer be?

A. The proposal should be rejected by the union because there is no basis for excluding all secretaries in the agency just because they work for a second level supervisor. Therefore, Sam should insist that all secretaries in the agency remain in the bargaining unit.

B. As all confidential employees are excluded from the bargaining unit, the agency's proposal is consistent with the law and must be accepted.

C. Sam should agree with the agency to exclude only those secretaries that have access to confidential labor relations information. He should not agree to exclude all secretaries above the second level of supervision as it would improperly take employees out of the bargaining unit.