

Summary of Comments on Labor_printable.pdf

This page contains no comments

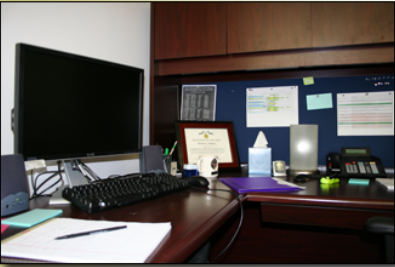


This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations



Lesson Welcome

Welcome to the lesson on labor relations. As a supervisor, you play a key role in labor relations management because on a daily basis it's the supervisor who administers the agreements set forth between the union and agency officials. Since you work so closely with employees in your workplace, you are able to quickly verify what is working well and what is not working well in implementing collective bargain agreements. The goal of labor relations is to establish cooperative, effective and efficient relationships between employees, union officials and management within the Department of Army.

Lesson Learning Outcomes

After completing this lesson, you will be able to:

- Identify the legal basis for labor relations
- Explain the collective bargaining process
- Examine the supervisor's role and the other key player's involved in labor relations and their rights and responsibilities.
- You will also be able to address the two types of complaints and the process involved with tackling complaints

Click the Next button to continue.

1 of 9

TDC

?

FAQ

Next

This page contains no comments

>>

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Supervisor Scenario



Click on Caitlyn to view options

Click the Next button to continue, or the Previous button to review.

2 of 9

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous Next

This page contains no comments

>>

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Supervisor Scenario

After Caitlyn asks for a union rep for your meeting, you ask her to come in to your office for a moment. How should you respond to Caitlyn's request?



Click image to see your options.

2 of 9

TDC ? FAQ

Previous Next

This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations


Scenario Response Options

The following are three options for how you, as a supervisor, could proceed.

You tell Caitlyn that won't be necessary because you think she's trying to buy time to figure out an excuse. It's clear that she was wrong for showing up late for work without notifying you. You'd rather get this personnel matter taken care of quickly. Besides you don't need the union interfering with you having a meeting with your employee.

You tell Caitlyn, yes, she is more than welcome to have a union representative present. You agree to adjust your schedule to accommodate a meeting with Caitlyn and a union representative. In the mean time, you consult with a Labor Management/ Employee Relations (LMER) Specialist for guidance on how this meeting should be conducted and what your options are.

You tell Caitlyn that yes, you don't mind if she has a union representative attend the meeting but only under one condition, & that is the union rep be there only as a witness. You'd prefer that he/she not speak during the meeting since you are the supervisor & know the history of Caitlyn's record of absences. Having an outsider present to ask questions during your meeting would be more of a hindrance & very little help in resolving the situation.

 Read the options carefully and think about the one that seems to be the best choice. Write your selection down on paper. Later we will review all three options and why each may or may not be the best choice. For now let's look at the lesson content

Click the Next button to continue, or the Previous button to review.

2 of 9


TBC ? FAQ

Previous Next

This page contains no comments

>>

Module 3: Labor and Employee RelationsLesson 3: Labor Relations



Overview

Throughout your career as a leader and supervisor, you will be faced with making decisions that can and often will affect the working conditions of your subordinates. Knowing how to best administer and manage working conditions is vital to moving your organization forward.

Several of the topics mentioned in this lesson are discussed elsewhere in this Supervisory Development Course; however this lesson will focus on what's most important for you to know about labor relations.

Click the **Next** button to continue, or the **Previous** button to review.

3 of 9

TDC ? FAQ

⏮ ⏪ ⏩ ⏭

PreviousNext

This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Legal Framework

Collective Bargaining

Key Players

Complaints

Labor Relations Elements

As a supervisor working for the Department of the Army, you may encounter a lot of uncertainties when dealing with employees. This lesson is not designed to provide you with every aspect of labor relations. It is designed to provide you with basic labor relations knowledge which will allow you to adhere to the law as you carry out your mission.

There are four key labor relation elements useful to you as a supervisor. The four elements are legal framework, collective bargaining, key players and complaints.

Click on each of the four elements for more information.

Click the Next button to continue, or the Previous button to review.

TDC ? FAQ

PreviousNext

4 of 9


The Federal Labor Management Relations Statute prescribes the rights and obligations for federal government employees. This statute also establishes procedures designed to meet requirements and needs of the Government.

Federal Labor Relations Authority (FLRA) is an independent agency of the United States government that governs labor relations between the federal government and its employees. The FLRA is charged with establishing policies and guidance relation to federal sector labor-management relations and with resolving disputes between federal agencies, federal unions and the employees they represent. In carrying out its functions, the FLRA interprets and implements the Federal Service Labor-Management Relations Statute.

Module 3: Labor and Employee Relations
Lesson 3: Labor Relations

Legal Framework

[Labor Relations Elements >](#)
Legal Framework 1 of 3



Legal Framework -- Overview

Labor- Management relations laws and regulations significantly affect the degree to which unions, management, and employees achieve their goals. If a supervisor fails to adhere to the Federal Service labor-Management Relations Statute, commonly referred to as the Statute, he or she may find they are the subject of an Unfair Labor Practice (ULP) charge or they may be the subject of a Grievance. To avoid third party litigation, you should familiarize yourself with:

- Federal Service Labor-Management Relations Statute - 5 USC 71 - <http://www.flra.gov/statute>
- Federal Labor Relations Authority (FLRA)
- Your local Collective Bargaining Agreement (CBA)
Note: Collective Bargaining will be covered separately

 *Mouse over the first two bullets for more information.*

Click the Next button to continue, or the Previous button to review.

TDC ? FAQ

Previous Next

This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Legal Framework

[Labor Relations Elements >](#)
Legal Framework 2 of 3



Legal Framework – The Law

Why is this so important? Congress felt that labor organizations and collective bargaining in the civil service are in the public interest. It protects employee rights, safeguards public interest, contributes to effective conduct of public business, facilitates and improves performance and improves the efficiency of government operations. We sometimes view unions and collective bargaining as a hassle, but consider this: without these tools, employees are mostly unprotected from unreasonable working conditions, unfair managers, or unstable duties.

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

Previous Next

This page contains no comments

[Module 3: Labor and Employee Relations](#)[Lesson 3: Labor Relations](#)

Legal Framework

[Labor Relations Elements >](#)
Legal Framework 3 of 3



Legal Framework – DoD Policy

Not only are there laws governing labor management but the Department of Defense (DoD) has also developed policies centered around it. DoD has endorsed the statute and provided further guidance on their expectations of the labor management relationship. The DoD Civilian Personnel Manual states that the Department of Defense will establish labor management relationships that focus on supporting and enhancing the national security mission and creating and maintaining a high performance workplace, which delivers the highest quality products and services to the American public at the lowest possible cost. DoD is committed to pursuing solutions that promote increased quality and productivity, customer service, mission accomplishment, efficiency, quality of work life, employee empowerment, organizational performance, and military readiness.

Establish labor-management relationships that enhance national security mission and maintain high performance workplace.

-- DoD Civilian Personnel Manual 1400.25M, Subchapter 711

Click the Next button to continue, or the Previous button to review.

TDC ? FAQ

Previous

This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Collective Bargaining

[Labor Relations Elements >](#)
Collective Bargaining 1 of 3

A photograph showing a person in a dark suit and tie, sitting at a dark wooden table, signing a document with a pen. The person's hands and the pen are visible on the document.

Collective Bargaining

A collective bargaining unit is formed as a result of labor unions and employers negotiating terms of employment. After the union and agency officials have negotiated terms, the outcome is then drafted into what is known as a collective bargaining agreement. Agency officials often use the abbreviation C.B.A. when referring to the term Collective Bargaining Agreement. A CBA is a written agreement between an employer and a labor union, usually for a definite term, defining conditions of employment, rights of employees and labor organizations, and procedures to be followed in settling disputes or handling issues that arise during the life of the agreement. CBAs are legally binding contract that both sides must adhere to.

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous Next

Conditions of employment is established through agency policies, collective bargaining agreements or unwritten workplace practices that develop over time -- rules and procedures that prescribe how employees are to behave or how they will be managed. An example of this kind of condition of employment would be making changes to employees working hours.


Working conditions includes other features and benefits of the employee's work environment. This can range from the size of an employee's work cubicle to the system for calculating employee incentive awards.

>>

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Collective Bargaining

[Labor Relations Elements >](#)
Collective Bargaining 2 of 3




Collective Bargaining – Conditions of Employment

"Conditions of employment" is a term used to refer to the physical, environmental and operational features affecting employees' daily work lives. As a supervisor you need to be aware that any workplace changes you plan to initiate that significantly impacts your organization must be negotiated with the union before it can be implemented. Review your local CBA, for the exact procedures you will need to adhere to.

There are two working meanings for the "conditions of employment" term:

- Personnel policies and practices
- Working conditions

 *Mouse over the bullets for more information.*

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

Previous Next

Bullet 1

A past practice is nothing more than the way things have been done. The following four factors will indicate that a past practice exists:
 The practice was clear and applied consistently
 The practice was not a special, one-time benefit or meant at the time as an exception to a general rule
 Both the union and management knew the practice existed and management agreed with the practice or, at least, allowed it to occur
 The practice existed for a substantial period of time and occurred repeatedly

Bullet 2


A past practice does not have to be written down in a collective bargaining agreement, but can arise on the basis of regular, repeated action, or inaction by management. Existing practices sanctioned by use and acceptance, which amount to terms and conditions of employment even though not specifically included in the collective bargaining agreement. Normally, management cannot discontinue an established and accepted past practice unilaterally if it is not contrary to law. Rather, it must give notice to the union of its intent to do so. If the union requests to address the change, management is mandated to meet with union to discuss the change. As a supervisor you need to be aware that any changes you plan to initiate must be negotiated with union before it can be implemented. Review your local CBA, for the exact actions you will need to take.

What is an example of a past practice? An example of a past practice would be: An organization that's been in existence for over 15 years allows the employee's family members to call in sick on their behalf. As a new supervisor, not knowing the past practice, you decide that you want to now make employees call you personally.

Module 3: Labor and Employee Relations
Lesson 3: Labor Relations

Collective Bargaining

Labor Relations Elements >
Collective Bargaining 3 of 3



Collective Bargaining – Past Practices

Past practices are:

- Nothing more than the way things have been done
- Does not have to be written down in a collective bargaining agreement

Click each statement for more information.

Click the Previous button to return.

TDC ? FAQ

Previous

This page contains no comments

>>

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Key Players

[Labor Relations Elements](#) >
Key Players 1 of 17

Supervisor

Human Resources

Management

Employee

Union

Key Players

Your local Human Resources office, union, employees and management officials all work together to ensure that working conditions are conducive to the needs of both the agency and those employed by the agency. Each key player has specific rights and responsibilities. Working together ensures the agency adheres to the law and that everyone's rights are respected.

Click the **Next** button to continue, or the **Previous** button to review.

TDC ? FAQ

Previous Next

This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Key Players

Employee

Labor Relations Elements >

Key Players 2 of 17

Form

Join

Assist

Represent

Union

Employee Rights

Employees have the right to form, join or participate in a labor organization and any of its activities? As a supervisor, its unlawful of you or agency officials to threaten, coerce, punish or penalize them for wanting to participate. Employees may also bargain collectively through the union on matters of employment. Employees have the option of running for office and holding positions within the union. Many employees act as Stewards, Local Presidents, regional and national Representatives.

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

Previous Next

This page contains no comments

>>


Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Key Players

Employee

[Labor Relations Elements >](#)
Key Players 3 of 17



Employees Included in Bargaining Unit

A bargaining unit is a group of employees with common interests represented by a labor union. The labor union represents the employees in their dealings with management. The criteria for unit determination are set forth in 5 USC 7112. Before an election is held, representatives from management, the union, and the Federal Labor Relations Authority meet to define the scope of a unit. For a unit to be considered appropriate, three criteria must be met. The unit must:

- Ensure a clear and identifiable community of interest among the unit employees
- Promote effective dealings with the agency
- Promote efficiency of the operations of the agency

Click the Next button to continue, or the Previous button to review.


TDC ? FAQ

Previous Next

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Key Players
Employee

[Labor Relations Elements >](#)
Key Players 4 of 17



Employees Excluded from Bargaining Unit

While most civilian personnel are covered under a collective bargaining agreement, there are a number of employees that are not covered. The Federal Service Labor-Management Relations Statute excludes a number of positions from joining or being represented by a union. Supervisors and management officials are ineligible, as are the following:

- Confidential employees; employees engaged in personnel work
- Employees engaged in national security work
- Employees involved in internal audit functions

The duties of a position dictate whether a person is included or excluded in a collective bargaining unit. If there is a disagreement whether the position should be included or excluded, the FLRA will make the final determination.

Click each bullet point for more information.

Click the Next button to continue, or the Previous button to review.

TDC ? FAQ

Previous Next

Bullet 1

A confidential employee are employees who assists and acts in a confidential capacity to an official who formulates or effectuates management policies in the field of labor relations and who has regular access to confidential labor relations material.

Examples of Confidential Employees:

Secretaries handling labor-management negotiations information
Support staff with access to grievances and grievance decisions before they are presented to the union
Attorneys, paralegals, or specialists who are privy to LR policies as they are developed

Bullet 2

National Security employees working in areas of intelligence, counterintelligence, investigation or security work which directly affects national security, are excluded because their line of work requires them to uncover such workplace issues as fraud, waste, and abuse. National security work does not include mere access to or use of sensitive information and material, rather, the material must directly affect national security. Individuals involved in internal audit functions are also excluded because their functions require them to uncover an employees' failure to comply with programs.

Examples of National Security employees are:

Personnel security specialists who grant access authorizations or clearances through interviewing, examination, and evaluation
Classified material systems custodian that maintains a classified material system
Security specialists that designs and audits security systems and procedures

Bullet 3

Internal Auditors are individuals engaged in investigation or audit functions wherein the nature of the investigation/audit might uncover fraud, waste, and abuse. An individual who audits agency programs or contracts that may uncover employees' failure to comply with programs is excluded. The investigators and/or auditors do not have to be directly investigating unit employees for the exclusion to apply. Whether or not the investigators/ auditors find violations of agency policies is not dispositive.

Examples of Internal Auditors are:

Auditors and investigators whose functions could uncover employee fraud, misuse of funds, or malfeasance

Comments from page 17 continued on next page

Any individual who audits and/or investigates particular types of employees to ensure that the employees are discharging their duties with honesty and integrity

>>

Module 3: Labor and Employee Relations


Lesson 3: Labor Relations

Key Players

Employee

Labor Relations Elements >

Key Players 4 of 17




Employees Excluded from Bargaining Unit

While most civilian personnel are covered under a collective bargaining agreement, there are a number of employees that are not covered. The Federal Service Labor-Management Relations Statute excludes a number of positions from joining or being represented by a union. Supervisors and management officials are ineligible, as are the following:

- Confidential employees; employees engaged in personnel work
- Employees engaged in national security work
- Employees involved in internal audit functions

The duties of a position dictate whether a person is included or excluded in a collective bargaining unit. If there is a disagreement whether the position should be included or excluded, the FLRA will make the final determination.


 *Click each bullet point for more information.*

Click the Next button to continue, or the Previous button to review.

TDC

?

FAQ



Previous

Next

This page contains no comments

>>

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Key Players

Union

[Labor Relations Elements >](#)
Key Players 5 of 17

Union Rights/Responsibility

Just as employees have rights, labor unions have rights and responsibilities too. Labor Unions have the statutory right to attend formal meetings, represent, negotiate, inform and request information on behalf of bargaining unit employees.

```
graph TD; Attend[Attend] --- Represent[Represent]; Represent --- Negotiate[Negotiate]; Negotiate --- Informed[Informed]; Informed --- Request[Request]; Request --- Attend;
```

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

Previous Next

Mandatory Rights (Prohibited Subjects of Bargaining)

According to The Federal Service Labor-Management Relations Statute 5 U.S.C 7106(a), mandatory rights permit management to:

- Determine the mission, budget, organization, number of employees and internal practices;
- hire, assign, direct, lay off and retain employees;
- suspend, remove, reduce grade or pay or take disciplinary actions;
- assign work, make contracting determinations;
- select and appoint employees from appropriate sources and
- take whatever actions necessary to carry out the mission during emergency situations.

Mandatory rights are management's prerogative and union cannot negotiate concerning these rights.

Despite the union having the right to negotiate over "mandatory" management rights, management must bargain with the union over how they will: assign, direct, layoff, suspend, remove, reduce grade and impose disciplinary actions on employees. Management must also negotiate over the procedures they will use in exercising these rights and the appropriate arrangements for employees affected by the exercise of such rights.

Permissive Rights

Under the Federal Service Labor-Management Relations Statute 5 U.S.C 7106 (b1), permissive rights, management may elect to bargain over:

- Technology, methods and means of performing work
- Numbers, types and grades of employees or positions to any organization subdivision

however management is not legally required to negotiate over these rights.

Once permissive rights are implemented under a collective bargaining agreement, those rights must be adhered to throughout the life of the agreement.

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Key Players Management

[Labor Relations Elements >](#)
Key Players 6 of 17

Management Rights/Responsibilities

Management rights is a term used to define certain areas in which agency officials have exclusive decision-making authority and can take actions that are not subject to the collective bargaining process. Management rights are broken up into two categories: mandatory and permissive.

Mandatory	Permissive
<ul style="list-style-type: none"> • Mission • Budget • Organization • Emergencies 	<ul style="list-style-type: none"> • Means/Methods • Numbers • Types • Grade

Click on each of the column headers for more information.

Click the Next button to continue, or the Previous button to review.

TDC ? FAQ

Previous Next

This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Key Players

Supervisor

[Labor Relations Elements >](#)

Key Players 7 of 17



Supervisor Rights/Responsibilities

One of your first priorities as a leader is treating your employees fairly, respectfully and with integrity. The best way to achieve this is to ensure you adhere to your agency's collective bargaining agreement and honor your subordinates rights under the collective bargaining agreement.

As a first line supervisor, you are in the best position to quickly determine difficulties in implementing the provisions of collective bargaining agreements. You are also able to determine which agreements are working particularly well and others that you find difficult to implement with your workforce. Its not uncommon for agency officials and union representatives to renegotiate agreements. In the event you run into problems implementing collective bargaining agreements, be sure to bring it the attention of upper management and to your servicing LMER Specialist.

Click the Next button to continue, or the Previous button to review.

TDC ? FAQ

Previous Next

This page contains no comments

>>

Module 3: Labor and Employee Relations


Lesson 3: Labor Relations

Key Players

Supervisor

[Labor Relations Elements >](#)

Key Players 8 of 17



Supervisor Responsibility

While most supervisors are not directly involved with negotiating labor relations contracts, knowing your role enhances your ability to effectively manage your team:

- Act as an information channel
- Notify upper management
- Establish good relationships
- Maintain allegiance
- Maintain cohesive working environment

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous Next

This page contains no comments

>>

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Key Players

Human Resources

[Labor Relations Elements >](#)

Key Players 9 of 17



Human Resources/LMER Responsibility

Human Resources role is to:

- Assist managers with interpretation of collective bargaining agreements
- Conduct term and midterm negotiations
- Act as point of contact for an formal workplace complaints. They will gather all information and prepare response to the complaints,
- Send official notices to the union if management requests to change a condition of employment
- Human resources also Conduct Labor Relations training

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous Next

This page contains no comments

>>

Module 3: Labor and Employee RelationsLesson 3: Labor Relations

Key Players

[Labor Relations Elements >](#)
Key Players 10 of 17



Key Players Must Communicate

Now that we've discussed the rights and responsibilities of each of the key players, in this section we will explain formal discussion, informal discussion and investigative interviews that managers may enter into with collective bargaining unit employees, covered by the statute. It is during these discussions or interviews, that union representation is required.

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

PreviousNext

This page contains no comments


>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Key Players

[Labor Relations Elements >](#)
Key Players 11 of 17



Formal Discussion Overview

Formal discussions are meetings between agency representatives and a bargaining unit employee to discuss grievances, personnel policy practices or general conditions of employment, not individual concerns. The purpose of a formal discussion is to give the union an opportunity to safeguard its own institutional interest and the interest of the employees in the bargaining unit.

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous Next


This page contains no comments

>>

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Key Players

[Labor Relations Elements](#) >
Key Players 12 of 17



Elements of a Formal Discussion

Elements defining formal discussions include:

- The people involved: One representative of the agency management and at least one bargaining unit employee.
- The subjects discussed: Personnel policy or practice, working conditions, grievances, etc.
- The nature of the meeting: Grievances are automatically formal!

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

Previous Next

This page contains no comments


>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Key Players

[Labor Relations Elements >](#)
Key Players 13 of 17



Formal Discussion Indicators

There are a number of indicators to determine if a meeting is formal. When setting up a meeting with your employee, ask yourself these questions:

- Will there be any management representatives present? If so, what type and how many?
- Is this meeting being planned in advance?
- Will minutes or notes be taken during this meeting?
- Has a location already been established?
- Is it mandatory that the employee attend the meeting?

If you answered yes to most of these questions, chances are this meeting can be considered formal.

Click the Next button to continue, or the Previous button to review.

TDC ? FAQ

Previous Next


This page contains no comments

>>

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Key Players

[Labor Relations Elements](#) >
Key Players 14 of 17



Management Responsibilities

It is your responsibility to:

- Inform union of meeting in advance
- Allow union's choice of representative to attend
- Allow union representative to participate in meeting equally with employees

Click the Next button to continue, or the Previous button to review.

TDC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous Next

This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Key
Players

[Labor Relations Elements >](#)
Key Players 15 of 17



Not All Discussions Are Formal

So does this mean every time you meet with an employee, you have to include the union?

There are times when you will have to meet with your employee and not have a union rep present. These types of meetings are considered day-to-day discussions. During day-to-day discussions, you are likely to discuss:

- Work assignments
- Performance appraisals
- Counseling on conduct
- Progress reviews
- Performance counseling

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous Next

This page contains no comments


>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Key
Players

[Labor Relations Elements >](#)
Key Players 16 of 17



Investigatory Interviews

When an employee is called to an investigatory interview and has reasonable belief that disciplinary action could result, the employee has the right to request union representation. This is referred to as "Weingarten Rights."

Not only do union reps have the right to be present at formal meetings, they also have the right to be present during investigative meetings. These investigative meetings often take place when an employee is facing possible disciplinary actions.

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous Next

This page contains no comments


>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Key Players

[Labor Relations Elements >](#)
Key Players 17 of 17



Management Options for Investigative Interviews

When a informal meeting takes a turn into a investigative meeting, as the supervisor you have three options, you could:

- Stop the interview and continue the interview with union present
- Terminate the interview and proceed to take appropriate actions based on information gathered to this point
- Continue the investigation
- by questioning other employees

Click the Previous button to return.

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous

This page contains no comments


>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Complaints

[Labor Relations Elements >](#)
Complaints 1 of 8



Complaints

Most employees are motivated to do their job and in the best interest of the mission. However, there will be times an employee becomes dissatisfied with working conditions, working relationships or status of employment. From time to time, employees will have issues that they would like to voice their concerns over. However, there will be times that trying to talk things through with you will not be enough for an employee. He or she may wish to seek resolution for their dissatisfaction by filing formal complaints. There are several categories of complaints, to include charges of formal grievances or unfair labor practices.

Click the Next button to continue, or the Previous button to review.

TDC ? FAQ

PreviousNext


This page contains no comments

>>

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Complaints

[Labor Relations Elements](#) >
Complaints 2 of 8



What is a Grievance

A grievance is simply a formal complaint that an employee, labor organization or agency files. Grievances are often filed as a result of conditions of employment or the collective bargaining agreement being violated. In addition, grievances may also allege a violate of law, rule or regulation and can concern any matter related to the employment of the employee. Similar to unfair labor charges, employees, union organization or agency can file a grievance. Also, labor unions can file a grievance on behalf of an employee

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous Next


This page contains no comments

>>

Module 3: Labor and Employee RelationsLesson 3: Labor Relations

Complaints

[Labor Relations Elements >](#)
Complaints 3 of 8



Grievance Examples

Some common grievances are:

- Discrimination/Poor treatment (lack of respect, dignity, common courtesy)
- Annual Appraisals/Evaluations
- Denial of annual leave or sick leave
- Termination/suspension of compressed work schedule
- Failure to provide advanced written notification to the Union of a change in working conditions
- Promotions
- Proposal to take performance-based action (e.g., demotion)
- Any violation of the collective bargaining agreement

For a full list consult http://www.flra.gov/statute_7121

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

PreviousNext

This page contains no comments


>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Complaints

[Labor Relations Elements >](#)
Complaints 4 of 8



Unfair Labor Practices

An unfair labor practice is any alleged violation of rights under the Title 5 of the US Code Chapter 71 of the Federal Service Labor-Management Relations Statute. The Federal Labor Relations Authority investigates claims of unfair labor practice and determines the consequences for the violation. If an employee, union organization or agency feels as if their rights have been violated, they have the option to file an unfair labor practice charge. Ninety five percent of unfair labor practice charges are filed by the union. Consult the Federal Service Labor Management Relations Statute for the full list of unfair labor practices for managers: http://www.flra.gov/statute_7116

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous Next

This page contains no comments

>>


Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Complaints

[Labor Relations Elements](#) >
Complaints 5 of 8

Unfair Labor Practices Charges

Management	Union
Interfere with employee rights	Interfere with employee rights
Encourage/discourage union membership	Reprise against union members to impede performance or productivity
Sponsor, control or assist a union	Cause an agency to discriminate against an employee
Discriminate against employees for participating in union activities	Discriminate against employee because of race, sex, religion, etc.
Failure to negotiate in good faith	Failure to negotiate in good faith
Failure to comply with any provisions of the LMR Statute	Failure to comply with any provisions of the LMR Statute

 NOTE: For a full list of unfair labor practice charges for management and union, consult http://www.flra.gov/statute_7116

Click the **Next** button to continue, or the **Previous** button to review.

TDC ? FAQ

Previous Next


This page contains no comments

>>

Module 3: Labor and Employee RelationsLesson 3: Labor Relations

Complaints

[Labor Relations Elements >](#)
Complaints 6 of 8



Examples of Common Unfair Labor Practices Supervisors Make

Some common unfair labor practices that supervisors make are:

- Changing working conditions without notification or bargaining
- Discontinuing a past practice without notification and bargaining, if requested by the union
- Engaging in "formal discussions" without notification or allowing a union rep to be present
- Failing to provide information to unions necessary to perform representation duties
- Bypassing the union

You should review the most common unfair labor practice situations supervisors find themselves in:
http://www.flra.gov/statute_7116

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

PreviousNext

This page contains no comments

>>

Module 3: Labor and Employee Relations Lesson 3: Labor Relations




Complaints

[Labor Relations Elements](#) >

Complaints 7 of 8

Ways to Avoid an Unfair Labor Practice or Grievance

To maintain an environment that's respectful, considerate and professional, here are a few key points to remember:

-  **DO** Treat all employees fairly and with dignity and respect
-  **DO** Know requirements of the Statute and CBA
-  **DON'T** Engage in formal discussions without notifying the Union
-  **DON'T** Change past practices without notifying the Union

Click the Next button to continue, or the Previous button to review.

TBC ? FAQ

Previous Next

This page contains no comments


>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations

Complaints

[Labor Relations Elements](#) >
Complaints 8 of 8



What Happens If You Fail to Comply

Consequences of failing to comply with the statutes and collective bargaining agreements can be:

- Unfair labor practice charges
- Grievances

Click the Previous button to return.

TBC ? FAQ

⏮ ⏪ ⏩ ⏭

Previous

This page contains no comments

>>

Module 3: Labor and Employee RelationsLesson 3: Labor Relations



Supervisor Scenario Revisited

Now that you have a better understanding of creating an engaging work environment, let's revisit the earlier scenario where you had lunch with Bob and Kenya and brought up the issue of creating a more engaging work environment.

Look at your notes. Which supervisory response did you select as the best choice?

Click the **Next** button to continue, or the **Previous** button to review.

5 of 9

TDC

?

FAQ

Previous

Next

This page contains no comments

The screenshot shows a web-based leadership application interface. At the top, there are two tabs: "Module 3: Labor and Employee Relations" and "Lesson 3: Labor Relations". Below the tabs, the title "Leadership Application" is centered. The main content area contains three feedback boxes. The first box, with a red background, states that a certain option is not a good choice because it violates an employee's rights to union representation. The second box, with a green background, identifies the best choice as promoting cooperation and involving the union representative. The third box, with a yellow background, explains why another option is not the best choice, noting that while including a union representative is good, not allowing participation is wrong. At the bottom, there is a navigation bar with icons for TOC, Help, FAQ, and a printer icon, along with "Previous" and "Next" buttons. A status bar at the very bottom indicates "6 of 9" and provides instructions to click the Next button to continue or the Previous button to review.

>>

Module 3: Labor and Employee Relations Lesson 3: Labor Relations

Leadership Application

NOT A GOOD CHOICE: This option is in violation of an employee's rights to have union representation during a formal meeting. This option can also lead to having a grievance or unfair labor charges filed against the agency. As a supervisor, your most effective means of maintaining discipline is through promotion of cooperation and sustaining a good working relationship....

THE BEST CHOICE: You know what it takes to be a supervisor that promotes cooperation with your employees. You realize that despite having to discipline an employee for misconduct, you want to maintain a cohesive environment with all key players. Your employee is well within her rights to have a union representative present and every effort should be made to involve the union rep....

NOT THE BEST CHOICE: It's good that you've agreed to include a union representative at the employee's request; however it's wrong not to allow the union representative to participate. Employees have rights that allow for union representation whenever an employee is the subject of disciplinary action. Although you may feel that the union's role during a meeting is only to....

Click the Next button to continue, or the Previous button to review.

6 of 9

TOC ? FAQ


Previous Next

This page contains no comments

>>


Module 3: Labor and Employee Relations


Lesson 3: Labor Relations



Additional Considerations to Research

- Does your agency have a collective bargaining agreement?
- Have you read your agency's collective bargaining agreement?
- Do you know who to contact for help with collective bargaining issues?
- Are you familiar with the progressive discipline process defined in the collective bargaining agreement?
- Have you developed a rapport with the local union representative?

 [Click here](#) to open a PDF file of this list. You can then print it and add it to your Supervisor Development Folder.



Remember you can always click the FAQ button and/or the REF button to help you find answers.

Click the Next button to continue, or the Previous button to review.

7 of 9

TDC

?

FAQ

Previous


Next

This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations




Lesson Takeaways

You have completed the Labor Relations lesson. As a supervisor, it's important that you:

- Familiarize yourself with the laws and statutes governing labor management.
- Locate your organizations collective bargaining agreement and abide by it.
- Know the rights and responsibilities of the labor relations key players.
- Ensure that you know the two categories of complaints.
- Develop a great working relationship with your Labor Management Specialist. They are there to assist you with all of your labor management questions or issues.
- Set clear expectations up front; treating your employees fairly and with dignity and respect can help alleviate many labor management issues that can arise.



 **Click image for Supervisor Reflections**

Do you have a thorough understanding of the Lesson Takeaways? Do you still need to do some reading about the Additional Considerations listed on the previous screen? If you feel confident about your knowledge of Labor Relations, proceed to the next lesson. If not, use the flyout menu to review, or use the Reference tool or FAQ tool to gain more knowledge.

Click the Next button to continue, or the Previous button to review.

TDC ? FAQ

PreviousNext


8 of 9

This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations



Reflections for a Supervisor

As a supervisor, consider the following...

- What is the negotiation process and how involved does an immediate supervisor need to be?
- Legal proceedings: What takes place when a grievance or unfair labor practice charge is filed?
- What do you need to be aware of when supervising employees who are not only union members but also act as union representatives.
- How should a supervisor handle an employee who is under investigation?

Do you have a thorough understanding of the Lesson takeaways? Do you still need to do some reading about the Additional Considerations listed on the previous screen? If you feel confident about your knowledge of Labor Relations, proceed to the next lesson. If not, use the flyout menu to review, or use the Reference tool or FAQ tool to gain more knowledge.

Click the Next button to continue, or the Previous button to review.

8 of 9

TDC ? FAQ


Previous Next

This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations



Reflections for a Supervisor

As a supervisor, consider the following... grievance or unfair labor practice charge is filed?

- What do you need to be aware of when supervising employees who are not only union members but also act as union representatives.
- How should a supervisor handle an employee who is under investigation?
- What is the progressive discipline process?
- What is the Table of Penalties?

Do you have a thorough understanding of the Lesson takeaways? Do you still need to do some reading about the Additional Considerations listed on the previous screen? If you feel confident about your knowledge of Labor Relations, proceed to the next lesson. If not, use the flyout menu to review, or use the Reference tool or FAQ tool to gain more knowledge.

Click the Next button to continue, or the Previous button to review.

8 of 9

TDC ? FAQ

Previous Next

This page contains no comments

>>

Module 3: Labor and Employee Relations

Lesson 3: Labor Relations



A certificate of completion for the Labor Relations lesson. The certificate is framed in a blue border and features a gold seal. The text on the certificate reads: 'CERTIFICATE OF Completion', 'THIS AWARD IS GIVEN TO', 'You', 'IN RECOGNITION OF SKILLS GAINED BY', 'PARTICIPATION IN THE AWARD MANAGEMENT', 'STAFF COLLEGE'S R.D.C. LESSON'.

Lesson Complete!

Congratulations!

You have completed the Labor Relations lesson. Remember, you can always come back to this lesson to review.

By clicking the Next button, you will be given the opportunity to provide us with feedback on the lesson you have just completed. Your input is important to us, and will help us keep our content and playability at the highest level possible.

Congratulations!

TDC ? FAQ

9 of 9

Previous Next