

Reorganization Procedure

I. Reorganization - The planned elimination, addition, or redistribution of functions or duties in an organization.

(A) See Conclusions and Order of 90 - FSIP - 147.

(B) Any downgrades or separations resulting from a reorganization will be processed in accordance with reduction in force procedures.

(C) A formal meeting between all unit members in the reorganization and management will take place at least three weeks prior to the reorganization. The meeting will describe the functional statements of the organization and outline the reorganization and procedure to be followed. Unit positions in the reorganization will be identified by grade, classification and position description number. Each unit member will be informed of the line of supervision for each position and who the supervisor will be. The complete proposed organizational chart will be distributed to all unit members. For each reorganization, a copy of each position description in the reorganization will be provided to each branch secretary. Beginning two days after the formal meeting, unit members will be provided access to position descriptions upon request. Notice of this access will be announced during the formal meeting. The Union will be invited to this meeting at least two working days before the meeting.

(D) NUWC will furnish to the Union organizational chart functional statements and manpower listings for the old and new organizations as soon as possible, but no more than five (5) working days after approval of the proposed organization.

(E) Bidding

See Conclusions and Order of 90 - FSIP - 147.

(F) The proposed reorganization will not be implemented until the bidding procedures have been completed.

II. Application of Agreement - The provisions of this agreement shall be followed in all reorganizations affecting unit members within NUWC DIVNPT. Should the Union request to negotiate a matter which concerns a specific reorganization and which is not covered by this agreement, management agrees to confer on these matters as long as the reorganization can proceed as proposed and any agreement reached can be implemented retroactively.

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Conclusions

Having considered the evidence and arguments in this case, we find that neither party's proposal would adequately resolve the dispute. In this regard, the Union's proposal would be unduly disruptive to the workplace by requiring all jobs in the "new" organization to be put up for bid whenever minor organizational changes are made. Moreover, allowing unlimited bidding would create serious administrative difficulties while keeping the workforce in a constant state of flux. The Employer's proposal, on the other hand, is needlessly restrictive in the application of the bidding procedures and would allow management too much discretion to reorganize the workforce without adequate deference to the rights of more senior employees.

In light of these deficiencies in each party's position, we conclude that a compromise position would provide the most effective means of resolving this dispute. In this regard, we believe that the parties should adopt the bidding procedures ordered by the Panel in Case No. 89 FSIP 234. Under those procedures, for each bargaining-unit position that continues to exist after any reorganization, the Employer would first solicit qualified volunteers for reassignment. Should the number of qualified volunteers exceed the number of reassignments, those with the most seniority would be selected. If, however, there should be an insufficient number of qualified volunteers, the excess positions would be filled based on inverse seniority. Positions that remain vacant as a result of reassignments under this procedure would be advertised as promotional opportunities. Furthermore, we shall order that these procedures be employed in the same manner as they were during the reorganization involved in the earlier instance, where they were effective.

Turning now to the circumstances under which these bidding procedures would not be activated, we note that the parties have agreed during their negotiations to adopt the definition of reorganization found in the Code of Federal Regulations as a point of reference for determining when the bidding procedures would become operational. It is the proposed exceptions to this definition which are in dispute. Again we are of the opinion that a compromise position should effectively balance the competing interests of the parties. To that end, we shall order, consistent with the agreed-to definition of reorganization, that the aforementioned bidding procedures shall not become operational when no personnel action is being taken and the effects of the reorganization on the employees are minimal. We are persuaded that this should ultimately result in a more equitable distribution of job opportunities without being overly burdensome to the Employer. Any disagreements that may arise as to when the effects of a reorganization on employees are minimal should be resolved through the negotiated grievance procedure.

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Order

Pursuant to the authority vested in it by section 7119 of the Federal Service Labor-Management Relations Statute and because of the failure of the parties to resolve their dispute during the course of proceedings instituted pursuant to section 2471.6(a)(2) of the Panel's regulations, the Federal Service Impasses Panel under section 2471.11(a) of its regulations hereby orders the following:

1. Bidding Procedures

The parties shall adopt the same selection procedures for filling vacancies after a reorganization as were ordered by the Panel in Case No. 89 FSIP 234. The procedures shall be implemented in the same manner as they were following the reorganization involved in that case.

2. Circumstances Under Which the Procedures Will Not Be Operational

The parties shall adopt the following compromise wording:

Consistent with the above definition of reorganization, the procedures in this agreement shall not apply when no personnel action is being taken and the effects of changes on the employees are minimal.

By direction of the Panel.