

## NWSEO Guidance on Office Teams

*Issued by NWSEO General Counsel, Richard Hirn July 1, 2004*

Federal law prohibits management from dealing directly with employees over conditions of employment (i.e., bypassing the union). "Conditions of employment" are personnel policies, practices, and matters, whether established by rule, regulation or otherwise, affecting working conditions.

Management does not unlawfully bypass the Union when it gathers factual information from bargaining unit employees to ensure the efficiency and effectiveness of its operations. However, bypass does occur when management seeks recommendations or proposals from bargaining unit employees on conditions of employment.

Article 8 of the Collective Bargaining Agreement places an additional restriction on management when seeking employee input. Article 8 requires NWS management and NWSEO to practice pre-decisional involvement. To foster such pre-decisional involvement, the CBA provides for the creation of Local Office Teams (LOTs) for local issues, Regional Labor Councils (RLCs) for regional issues and the National Labor Council (NLC) for national issues. The LOT, RLC, and NLC provide a forum for discussion, and in some cases, negotiation.

The Article 8 LOT/RLC/NLC process must be used to obtain pre-decisional input from NWSEO when management contemplates a change that materially affects either office operations or conditions of employment of bargaining unit employees, before management makes a final decision on the matter. Per Article 8, Section 2.a. membership on the LOT or RLC consists of the MIC/HIC/OIC, Center Director, Deputy Regional Director or Headquarters Division Chief and the corresponding NWSEO Steward, or their designees. Each side may call on experts who can offer opinions and answer questions on a topic of discussion. In addition, employees in the field office may attend the opening part of a LOT meeting and present their comments, opinions, and suggestions. (However, they may not stay during management and the union's deliberations). Each LOT or RLC (and the NLC) may create ad-hoc subcommittees or working groups to assist the council/team. Article 8, Section 2.C.2. states that *"only bargaining unit employees who are designated by the union may serve on the subcommittees or working groups, and such participation will be limited to union members."*

Office/Regional subcommittees, working groups or teams which include bargaining unit employees may be formed outside the Article 8 process to discuss issues that do not relate to either office operations or working conditions (for

example, technical issues). The management appointed team may not consider or discuss working conditions (such as scheduling) even if related to the technical issues they are charged to study.