

# **Labor relations obligations and collective bargaining**

## **1 .WHEN WILL THE UNIONS BE NOTIFIED?**

- Following notification to Congress on Feb. 20, unions will be notified of the notification to Congress.

## **2. WHAT IS MANAGEMENT’S LABOR OBLIGATION?**

- Management is obligated to provide advance notice of the furlough to any unions representing bargaining unit employees. The decision to furlough employees is a reserved management right in accordance with 5 USC 7106 (a) (2) (A). Thus, a union cannot negotiate over management’s decision to implement a furlough.
- The union, however, has the right to request to bargain the procedures and appropriate arrangements (commonly referred to impact and implementation bargaining) regarding how the agency will implement the furlough. Agencies are advised to check the terms of their applicable collective bargaining agreements to determine how the union notice is to be provided and the steps for engaging in impact and implementation bargaining. Additionally, the collective bargaining agreement may already contain provisions that govern the procedures for implementing a furlough and address the appropriate arrangements for employees adversely impacted by this management action. If the latter is true, further bargaining may not be necessary.

## **3. WHAT KIND OF TOPICS MAY A UNION BARGAIN OVER?**

- Generally, a union will wish to negotiate the procedures management will follow when implementing a furlough. For example, a union may wish to negotiate over how employees will be notified of the furlough (e.g., personal delivery, letter, email, etc.), how employees will be selected for furlough (e.g., by seniority, volunteers first, etc.), the content of the employee notice itself, as well as the timing and length of the notice.
- A union will also wish to negotiate appropriate arrangements for those bargaining unit employees who sustain an adverse impact as a result of management’s actions. For example, a union may wish to negotiate over how the days of the furlough are implemented (e.g., all at once or over a period of time) or prescribing the criteria management will consider in furloughing employees. Due to the stress and potential financial impact a furlough may cause, management may consider offering employees time to meet with a counselor from their local Employee Assistance Program to help them cope with the anxiety associated with this action.

## **4. HOW LONG SHOULD IMPACT AND IMPLEMENTATION BARGAINING TAKE?**

Unless the local collective bargaining agreement (CBA) provides for time-bound impact and implementation bargaining, activities should anticipate engaging in negotiations for a period of time. Additionally, if the local CBA does not contain ground rules, a union may submit

ground rules proposals (proposals on how negotiations will proceed) prior to engaging in bargaining over the furlough itself

**5. WHAT IF THE UNION SUBMITS PROPOSALS TO ADDRESS THE POSSIBILITY OF A FURLOUGH BEFORE ANY ACTUAL DECISION TO FURLOUGH HAS BEEN MADE? CAN WE REFUSE TO ACT ON THE PROPOSAL UNTIL MANAGEMENT MAKES A DECISION TO FURLOUGH?**

- If a union submits a proposal to bargain a matter not already covered in the collective bargaining agreement (e.g. furlough), management cannot refuse to bargain a union-initiated proposal. To do so would be an unfair labor practice.
- Additionally, with the tight timeframe for completing the bargaining process if sequestration were to occur, it would be in management's best interest to complete bargaining as soon as possible regardless of the source of the initial proposal.