

## **ARTICLE 11: REORGANIZATION AND CHANGES IN WORKING CONDITIONS**

### **REORGANIZATION**

- 11.1 The procedures outlined below are intended to increase communication between management and employees, reduce potential employee/management friction and improve employee morale while recognizing both management's and AFSA/FAS' rights.
- 11.2 In these procedures, the term “reorganization” is considered synonymous with the terms “realignment”, “organizational adjustment”, or other major workplace changes that are bargainable.
- 11.3 These procedures are intended to permit reorganization issues to be resolved at the lowest possible level, and in a more expeditious way than traditional bargaining.

### **OPEN COMMUNICATIONS**

- 11.4 The Administrator and Deputy Administrators will meet periodically (at least once a year) with AFSA/FAS. The intent is to establish dialogue on key factors affecting the Agency, including those that might lead to reorganizations. The Administrator and Deputy Administrators will also meet periodically with FAS employees in an “all employees” context to discuss these issues at the Agency and program area levels, respectively.

### **PRE-PROPOSAL STAGE**

- 11.5 As early as practicable, managers, employees, and union representatives are expected to discuss all pertinent available information including key factors which might warrant reorganization. Managers are encouraged to use team building techniques to formulate reorganization proposals.
- 11.6 Managers are encouraged to hold additional meetings with union representatives and affected employees as needed to formulate a written proposal.

### **PRE-DECISIONAL STAGE**

- 11.7 A pre-decisional written proposal is presented to union representatives and affected employees to evaluate.

- 11.8 Management announces and schedules at least five days in advance a pre-decisional employee-management meeting at the level affected by the proposal. At the same time, union representatives will be notified and included.
- 11.9 During the pre-decisional meeting, participants should establish a date by which comments on the pre-decisional package and meeting are to be received by management.
- 11.10 Management may respond to questions during the meeting or at the time it responds to further input received from AFSA/FAS or employees.

#### EVALUATION STAGE

- 11.11 Management presents complete formal reorganization proposal to AFSA/FAS and affected employees. This will include a background statement, which bargaining unit members are affected, old and proposed organizational charts (including grade and job series changes), physical location of employees, target dates for implementation, management's point of contact, and any other necessary documents.
- 11.12 Upon receipt, the union(s) have a 10 workday period to gather bargaining unit member input, request additional reasonable information, and/or respond to management.
- 11.13 Management shall meet all reasonable union requests for relevant additional information, and, if needed, the evaluation period may be extended by mutual consent for up to an additional 10 workdays.
- 11.14 Management may similarly respond to concerns of other affected employees.

#### DETERMINATION STAGE

- 11.15 After evaluating the reorganization plan, the union(s) responds to management with one of the following options:
  - a. Proceed with Plan: Management and the union(s) agree on plan as presented.
  - b. Proceed with Specified Changes: Modifications are worked out in writing by the union(s) and management and the reorganization proceeds.
  - c. Interest-based Bargaining Session: By mutual consent, the union(s) and management may request a facilitated session in an attempt to reach consensus rather than proceed to formal negotiations.

- d. Formal Negotiations: The union(s) and management revert to formal negotiations. Date is established by consensus.
- e. Stop Plan: Management and the union(s) agree by consensus to stop the reorganization procedures.

## IMPLEMENTATION

11.16 Management proceeds with implementation of the reorganization plan in accordance with existing personnel rules and labor relations law. The union(s) and management will discuss any additional changes proposed after implementation begins. By mutual consent, the union(s) and management may request a facilitated session to address significant additional changes to the reorganization plan.

## WORKPLACE CHANGES OTHER THAN REORGANIZATION

11.17 Changes, other than reorganization, involving bargaining unit member relocation and modification of work sites in the Washington, D.C., metropolitan area will be handled in accordance with procedures contained in this section. The steps and/or time frames outlined may be modified or waived by mutual consent of all parties, i.e., management and the union(s) affected by the change.

- a. At the earliest possible stage, the manager notifies relevant union(s) and the SPO of the need to schedule meetings/discussions with a bargaining unit member(s) on negotiable workplace change matters.
- b. A pre-decisional meeting is scheduled by the manager at a mutually convenient time for the union(s), affected bargaining unit member(s), and the SPO.
- c. At least two (2) workdays in advance of the pre-decisional meeting, a written pre-decisional information package is provided to the union(s) and the SPO. In the case of office moves, a current and proposed floor plan should be prepared that shows location of affected employees, equipment, etc. Other material relevant to the workplace change which may help clarify to the union(s) the impact of the change should also be provided, if available.
- d. The pre-decisional meeting is held which includes all affected bargaining unit members and the union(s). The affected bargaining unit members are provided with the latest written and verbal information about the change and are encouraged to provide verbal feedback to management on the plan during the meeting or afterwards through their respective union(s).

- e. During the meeting, the manager and the union(s) agree upon a deadline for timely submission of bargaining unit members' written comments/suggestions on the pre-decisional plan.
- f. After the meeting, bargaining unit members' written/verbal comments/suggestions will be channeled through the union(s) to the manager and the SPO.
- g. The manager decides how comments/suggestions are to be incorporated into management's final plan.
- h. Management submits its final plan to the union(s). The plan should include: detailed current and proposed floor plan with desk locations, before and after room square footage, and equipment placement; a statement on how employee comments are being addressed; and a copy of the MSD Project Plan with tentative action dates.
- i. The union(s) has 10 workdays after management submits the final plan to work with bargaining unit members and management to resolve differences between parties, if any. Within this time frame, the union(s) will decide whether to concur with the final plan or request formal negotiations. In either case, the union(s) will alert the manager and the SPO.
- j. Provided the union(s) concurs with the final plan, the manager will notify affected bargaining unit members and the union(s) five (5) workdays prior to implementation.
- k. If changes to agreed upon final plan are required, the manager will notify the union(s) and the SPO to assure the union(s) may negotiate on behalf of bargaining unit employees, if desired.

11.18 Changes, other than reorganization, involving bargaining unit member relocation and modification of work sites outside the Washington, D.C. metropolitan area will be handled in accordance with the procedures established by management and the work site.

#### CHANGES IN WORKING CONDITIONS

11.19 All other changes involving working conditions for bargaining unit members in the Washington, D.C. metropolitan area will be governed by the following:

- a. A proposed change affecting the conditions of employment of any bargaining unit member, e.g. changes in personnel practices, past practice, procedures, or

other matters affecting working conditions, will be submitted in writing by the Party proposing the change to the other Party. For management, the notice will be transmitted to the AFSA/FAS Vice President or, in his/her absence, to his/her designee. The notice will include the following:

1. A description of the change or proposed change;
  2. An explanation of how the change will/would be implemented; and,
  3. The date of implementation or proposed implementation, if one has been established.
- b. The receiving Party will respond to the notice of proposed change within 10 workdays of receipt of the notice. The receiving Party's response may include a request for information, briefing, and/or negotiation.
  - c. The proposing Party will respond to the receiving Party's request for information, briefing, and/or negotiation within 10 workdays of receipt of the request.
  - d. Requests for negotiation will be made within 10 workdays of receipt of information requested or completion of any briefing, and will be accompanied by proposals or counter proposals, as appropriate. Upon receipt of a request to negotiate, the proposing party is precluded from implementing its proposed action until final agreement has been reached. Management reserves the right to implement any action for employees not covered by this Agreement.
  - e. The Parties may mutually agree to extend the time limits described above.
  - f. If requested, the Parties will negotiate in good faith over all matters related to the proposed change consistent with law and this Agreement.
- 11.20 All other changes involving working conditions for bargaining unit members at post will be governed, to the extent possible, by this Agreement and the procedures established by the post.

#### IMPASSE PROCEDURES

- 11.21 Declaration of impasse may be made by either Party.
- 11.22 Neither Party may declare an impasse until: (1) in a single-issue negotiation, progress is not being made, or (2) during mid-term or end-of-term negotiations, all articles and

sections have been negotiated. The Parties agree that each will use their best good-faith efforts to avoid impasse.

- 11.23 In the event either Party declares an impasse in negotiations, the Collaboration and Alternative Dispute Resolution Program (CADR) of the Federal Labor Relations Authority shall be immediately requested to provide services and assistance to resolve the dispute.
- 11.24 If mediation services of the CADR do not result in resolution of the impasse, either Party may invoke the services of the Foreign Service Impasse Disputes Panel. Prior to taking such action, the Party seeking to invoke the services of the Foreign Service Impasse Disputes Panel will provide notice to the other Party of its intent to take such action
- 11.25 Either Party declaring a provision non-negotiable will provide to the other Party a statement of nonnegotiability and reasons therefore, without prejudice to later supplementation of the reasons.