Workplace Restructuring

Articles 11, 12, 13 and 28

Agenda

• Objectives
• Discussion Topics
  – Article 11, Contracting Out
  – Article 12, Details and Temporary Promotions
  – Article 13, Reassignment, Shift Changes and Relocations
  – Article 28, Reductions in Force
• Group Activity and Discussion
• Questions
• What's Next?

Objectives

• By the end of this lesson, you will be able to:
  – Demonstrate an understanding of articles related to workplace restructuring
  – Identify key changes in the articles
  – Describe key points related to details, temporary promotions and reassignments
Article 11 – Contracting Out

- The purpose of this article is to outline rights and responsibilities related to contracting out work that is performed by AFGE bargaining unit employees.

Article 12 – Details and Temporary Promotions

- The purpose of this article is to explain rights and responsibilities related to management’s right to effect details and temporary promotions.

Article 12, Section 1 General

- What is a “detail”?
  - Temporary assignment of an employee to a different position:
    - For a specified period of time
    - With the employee returning to their regular duties at the end of the detail
**Article 12, Section 1 General**

- **Management Responsibilities**
  - Document details longer than one week in OPF/eOPF
  - Analyze details outside duty station and allow duty time for travel as needed
- **Employee Responsibilities**
  - Document details of less than one week in eOPF

- Management will notify the local union president of all details:
  - No changes to conditions of employment
    - At least weekly
  - Changes to conditions of employment
    - Reasonable advance notice
      - If known far enough in advance, no later than 10 days prior to detail
    - Continue weekly
  - Management will notify the appropriate union official in advance if they detail a union rep away from the rep's duty station.

**Canvass qualified employees for volunteers**

- Volunteers = Opportunities
  - Detail all
- Volunteers > Opportunities
  - Detail in order of seniority
- Volunteers < Opportunities
  - Select in least seniority order
- No Volunteers
  - Select in least seniority order

Offering Details of 10 or More Days
**Article 12, Section 2**

**Temporary Promotions**

- Assignment of an employee to a higher grade level of work for more than 10 consecutive work days with the expectation that the employee will return to regularly assigned duties.

**Management Responsibilities**

- Initiate at earliest date
- Title 38 / Title 38 / Hybrids
- Title 38
- To Professional Standards Board
- Canvass workforce
- Competitive Promotion procedures (Article 23)
- Management Responsibilities
- Comply with government-wide regulations

**Article 12, Sections 1 and 2 Recap**

<table>
<thead>
<tr>
<th>Interval</th>
<th>Details</th>
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| ≤ 10 days | • Detail  
            • No change in pay |
| 11 to 60 days | • Detail  
                      • Temporary promotion |
| > 60 days | • Competitive promotion procedures |
Article 12, Section 5
Details for Medical Reasons

Employee Responsibilities:
Voluntarily request temporary reassignment along with medical certification of condition

Management Responsibilities:
Review the request, consider rules, regulations, and medical considerations, and accommodate the request if possible

Group Activity
Article 12 Knowledge Check

Who Has the Responsibility?
- Notify union president of all details
- Document details > 1 week
- Request temporary reassignment for medical reasons
- Initiate temporary promotion at earliest possible date
The purpose of this article is to explain rights and responsibilities related to voluntary or involuntary reassignments, including those that involve a shift change or a duty location change.

What is a Reassignment?

...a change of an employee from one position to another while serving continuously within the Department, without promotion or demotion.

Types of Reassignments

- Reassignments can be to a different:
  - Position
  - Shift
  - Building
  - Building and shift
  - Relief position on a continuing basis
  - Facility (different duty station)
<table>
<thead>
<tr>
<th>Not Reassignments under Article 13</th>
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<tbody>
<tr>
<td><strong>Title 38 Employees</strong></td>
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<tr>
<td>• Reassignments in connection with reductions in force</td>
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<td>• Reassignments related to issues of professional conduct or competence</td>
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<td><strong>All Employees</strong></td>
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<td>• Reassignments related to:</td>
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<tr>
<td>- Discipline</td>
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<td>- Investigations</td>
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<td>- Performance</td>
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<td>- Workers’ Compensation</td>
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<td>- Reductions in Force (RIF)</td>
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<td>- Reasonable Accommodation</td>
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</tbody>
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**How do you know Article 13 applies?**

1. **Is the Title 38 Employee Involved?**
   - Yes
   - No: Article 13, Section 1, General Rules (include your answer)
   - T/F, Any other appears, e.g., Article 13?

   - Discipline: Was the EF objectionable or inappropriate?
   - Investigations: Any EF investigation?
   - Performance: Was the EF performance-based?
   - Promotion: EF promotion potential?
   - Reductions in Force (RIF): EF RIF?
   - Reasonable Accommodation: EF RIF?

   - Yes, go to For EF RIF, Article 13, Section 1, General Rules (include your answer)
   - No: Article 13, Section 1, General Rules (include your answer)

**Article 13, Section 1 General Rules**

- All reassignments will be documented in the employee’s eOPF.
- Reassignments shall not be used as punishment, harassment or reprisal.
- Seniority is the criterion for selecting volunteers.
- Reassignment to positions that provide specialized experience or have known promotion potential must be made on a competitive basis.
- An employee whose duty station changes involuntarily not for cause or due to promotion is entitled to relocation expenses in accordance with regulations.
**Article 13, Section 2: Local Bargaining**

- Article 13 requires local negotiation on matters including:
  - Manner of posting of job notices for reassignment
  - Submitting voluntary requests
  - Consideration of requests
  - Notification of reassignments
- Article 47 explains local bargaining.

**Article 13, Section 3: Shift Change and Relocation**

- "Employees may request to relocate or change shifts with the same position, title, series, service and advancement potential.”
- There must be a vacancy.
- Seniority will be considered.
- Management reserves the right to make assignments that assure effective management of the work force.

**Article 13, Section 4: Voluntary Requests for Reassignment**

- To work a particular shift within a work area (e.g., days, evenings and nights)
- To work in a particular work location within the same shift (e.g., Building 4 second/pm shift)
- To work in a particular building or work unit (e.g., Building 5 or Building 4-SE)
- To be given relief assignments within the same shift on a continuing basis
- To be reassigned to another facility
Manager's Checklist for Voluntary Requests

- Does the reassignment need to be made on a competitive basis?
- Does the reassignment request meet all the requirements of this agreement?
- Is there a valid vacant position?
- Does the employee meet all the position's requirements?
- Is the employee performing at an acceptable level?
- What is this a reassignment for? Consider reassignments in this order:
  - Within the work area
  - Within the building and/or service
  - Within the duty station

Article 13
More on Voluntary Requests

- Employee reassignment requests will remain on file until the employee rescinds it or the request reassignment is effected.
- Employees who voluntarily request reassignment to a lower graded position are to be apprised in writing of the effect of such an action and other possible alternatives.
- An employee who believes management has not acted appropriately can file a grievance under the negotiated procedures.

Article 13, Section 5
Administrative/Involuntary Reassignments

- Notify the union 30 days in advance
  - If not possible, advise union of reason for shortened notice period
- Provide union with:
  - Reason for reassignment(s)
  - Number and type of positions affected
  - What's being done to minimize impact on employees
- If the union requests, engage in collective bargaining as appropriate
Article 13, Section 9
Reassignments for Medical Conditions

• Right to request reassignment due to medical condition
• Medical certification required
• May be subject to federal physician review
• If operationally feasible, reassignment granted:
  – Within employee's service/section
  – Commensurate with limitations/qualifications

Group Discussion
Reassignment Scenarios

Reassignment Scenario #1

• Two employees have engaged in verbal disputes on a number of occasions. Management decides to separate the employees by reassigning one to another shift.
• Under the Master Agreement what must management do to accomplish this?
Reassignment Scenario #2

• An employee who is in dietetics requests a reassignment to another shift to perform similar work based on her desire to pursue her degree.

• What are the considerations a manager must look at in considering the request?

Reassignment Scenario #3

• Two employees have requested reassignment to the same vacancy on another shift. There is no local agreement in place on reassignments.

• How does the manager handle the request?

Article 28 – Reduction In Force

• The purpose of this article is to:
  – Describe the exclusive procedures the Department will take in the event of a Reduction In Force, reorganization, or transfer of function
  – Protect the interests of employees while allowing the Department to exercise its rights and duties in carrying out the mission of the Department
  – RIFs will be handled in accordance with law and regulations
  – Title 38 employees get the same RIF rights as Title 5