

DW  
1/17/12

DMP  
1/17/12

# LIBRARY PROPOSAL

January 13, 2012

## ARTICLE XXI - SPACE MOVES AND EMPLOYEE RELOCATION

### Section 1. Office Space Allocation

The Library, within the limits of its legal authority and available resources, shall make all reasonable efforts to provide adequate space and facilities to the staff in order that the mission of the Library may be effectuated by having the staff perform as effectively as possible.

While nothing in this article shall affect the statutory right of the Library with respect to the relocation of employees, management in all CRS division/offices intends to follow the principles of consultative management (CM) in an attempt to reach a consensus on the criteria and procedures for assigning employees to particular work spaces. In the absence of consensus, the Assistant or Associate Director will develop the work space allocation procedure and explain to employees the rationale on which it is based. All past division/office agreements and/or understandings regarding the process for assigning office space are to be replaced by determinations made following the signing of this agreement. If no office allocation procedures exist, the group will attempt to reach consensus on a plan following the same guidelines.

Each division/office shall develop written procedures for assigning individual work space based on the guidelines set forth below. These procedures will become an appendix to this Agreement.

### PROCESS:

Working groups will be formed within each division and office to assist in developing division and office procedures. Working groups will consist of CREA representatives from the division/office and division/office managers and/or supervisors. The working groups will review their division's/office's existing procedures and may reach consensus to continue those procedures or make changes based on consensus. Consensus is reached when a single alternative is agreed upon and all those participating in the process can accept this alternative whether or not it is their preferred choice. If consensus cannot be reached among working group members, alternative procedures shall be recommended. The working group consensus plan or recommendations must be forwarded to Assistant and Associate Directors within 90 days from the date this Agreement is signed.

If a working group consensus is reached, it will be forwarded to the Assistant or Associate Director for consideration and approval. If the Associate or Assistant Director

does not approve the consensus plan, he/she shall send it back to the committee for reconsideration, with reasons why the plan was not accepted. If a working group consensus cannot be reached, the working group may forward, at its own initiative, alternative recommendations, which shall be fully considered and utilized, if determined feasible by the Assistant and Associate Directors, in developing the individual work space allocation procedure. The Assistant and Associate Directors will explain the approved procedure to division and office members and the rationale on which it is based, including any deviations from working group recommendations.

If the consensus recommendation is approved, management will utilize the space allocation procedure when it determines that space is available for bidding unless, consistent with management rights set forth in 5 USC 7106 of the Federal Service Labor-Management Relations Statute, the space is deemed unavailable for bidding. Management will explain its determination not to make specific office space available for bidding under the approved space allocation procedure. Management will not refuse to make space available for bidding under the space allocation procedure for arbitrary and capricious reasons.

Except to the extent that such a determination is made pursuant to an exercise of management rights under 5 U.S.C. Sec. 7106, no employee will be required to leave his/her current work space as a result of an amended or new procedure resulting from this process.

Amendments may be made to the procedures in the future. At the request of CRS management or CREA, when so requested, a special working group in any division or office will be formed in accordance with provisions of this section. Assistant and Associate Directors will similarly follow provisions of this Article in developing any amendment to the procedure.

## **GUIDELINES**

The guidelines noted below are to assist the working groups and the associate/assistant directors in developing procedures for assigning individual work spaces.

1. Division/office management may designate offices for the following positions: AD, DAD, section research managers, section heads, other managers and supervisors.

Offices for managers and supervisors, where management determines it is appropriate, must assure confidentiality for discussions and consultations with staff, sufficient space to accommodate comfortably interview-type meetings for such purposes as reviewing on-going work, hearing concerns and suggestions, and providing consultations on conduct and performance. In such cases, offices should normally have doors with locks and be of sufficient size to accommodate the special needs noted above.

2. Criteria based on time in-service or time-in-grade, must give full recognition for all time accrued while working in any division or office of CRS. However, this does not

preclude a division or office from granting recognition to those employees who have accrued time while working elsewhere in the Library or in other Federal government agencies.

3. To the extent possible and practicable, section/office staff members should occupy offices that are proximate.
4. For the Knowledge Services Group, proximity to analysts sharing issue areas may be considered to the extent possible and practicable.
5. Location of staff close to equipment areas can be a factor in office assignment.
6. No particular office type can be guaranteed to staff at particular grade levels.
7. When an office becomes vacant, management determines when the office becomes available for reassignment. Within 90 days from when the office becomes vacant, management will communicate to staff whether the office will be made available for bidding under the space allocation process.
8. Management will assign new staff in accordance with the division/office space plan.
9. Substantial medical requirements may supersede the points listed above.
10. The location of contractors may be addressed in each Division or Office plan.

## **Section 2. Employee Relocations**

No office assignments will be considered permanent. Bargaining unit staff will normally not be asked to move unless management, as a function of its management rights under 5 U.S.C. Sec. 7106, decides to do so. If exercised, management will explain its management right/s.

The Library shall notify the Association when it proposes to relocate any bargaining unit employee(s). For relocations of bargaining unit employees within a division/office management may notify either the Association or the division/office CREA designated representative(s) if one has been named. Management will determine which of the following approaches to use to resolve appropriate impact and implementation issues resulting from a proposed employee relocation:

- A. informal discussions with the Association (or with the division/office representative(s) if all employee relocations are within a division/office;
- B. consultative management (in which case CREA will be advised specifically in writing and invited to participate in all consultative management meetings held in connection with the possible relocations); or
- C. the statutory negotiations process.

If informal discussions or CM were selected but do not resolve the matter, management will determine whether it will use:

- A. the expedited mediation/arbitration process, or
- B. the statutory negotiations process.

If management has selected the expedited mediation/arbitration process, CREA will normally have up to fifteen workdays to prepare written proposals before bargaining commences, or up to twenty workdays if relocations are to involve more than 50 employees. Negotiations will be held for no more than ten workdays unless the Parties determine otherwise. If agreement is not reached on all items within ten workdays (unless the Parties mutually agree to a longer negotiation period) an arbitrator will be mutually selected by the parties from a previously compiled list. The duration of the mediation/arbitration sessions will not exceed five days unless otherwise agreed to by the Parties. The arbitrator shall issue an advisory opinion within ten days of the conclusion of the mediation/arbitration session.

Management agrees to pay the arbitrators fee.

Upon issuance of the advisory opinion, unless either Party files for FSIP assistance, the parties mutually agree to adopt the advisory opinion.

Pending resolution of the issues by the FSIP, should either Party have filed for Federal Service Impasses Panel ( FSIP) assistance, management may implement the advisory opinion.

Any changes resulting from the FSIP process shall be implemented as soon as possible.

If management has selected the statutory negotiation process (whether chosen initially or after informal discussions or CM), CREA will normally have up to fifteen workdays to prepare written proposals before bargaining commences, or up to twenty workdays if relocations are to involve more than 50 employees. Negotiations will be held for no more than ten workdays unless the Parties determine otherwise. The Parties shall bargain in good faith. If they are unable to reach agreement within ten workdays, either party may request the services of the Federal Mediation and Conciliation Service. If the FMCS mediator certifies that the Parties are at impasse, then either party may request the assistance of the Federal Service Impasses Panel. Implementation may not take place until the impasse is deemed resolved by the Panel, unless, under USC 7106 (a)(2)(D), it is necessary for management to take whatever actions may be necessary to carry out the agency mission during emergencies.

The Library agrees to include with the formal notice to bargain the following information:

- A. the reason for the impending action.
- B. the names of the employees affected.

- C. the contemplated areas of relocation.
- D. the contemplated date of relocation.