



**National Council of EPA Locals
Council #238
American Federation of Government Employees
AFL-CIO
Office of the Secretary
1200 Sixth Ave., M/S ETPA-083
Seattle, WA 98101**

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August 16, 2006

Mike Hamlin, Acting Director
Office of Labor Relations
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Mr. Hamlin:

Introduction

Pursuant to Article 43, Section 7 of the Master Collective Bargaining Agreement between the Environmental Protection Agency and American Federation of Government Employees (MCBA), the Union submits this Step 1 grievance of the parties. I am the representative for Council 238 for the purposes of this grievance and all correspondence should be directed to me.

Background

On March 16, 2006, Charles Orzechoskie, President, Council 238 submitted a Demand to Bargain to Rubin Moreno over the closing and major reorganization of the EPA Headquarters and Regional libraries.

Subsequent attempts by me as Chief Negotiator to initiate the negotiation process have been orally rebuffed by EPA management and EPA's Chief Negotiator, Dave Mick. Finally, on July 18, 2006, Dave Mick responded via email essentially continuing the same position that it is not appropriate to negotiate at the national level since the impacts will all be at the libraries in Headquarters and Regional Offices and those locations is where the negotiations should take place.

Issues

The issues of this grievance are as follows:

Σ Did the Agency breach Article 45, Section 1A. When it failed to negotiate with the union on

the changes to the Headquarters and Regional libraries resulting in a change in working conditions?

Σ Did the Agency breach Article 45, Section 1B, by failing to negotiate appropriate arrangements with the union over management's right to close or change the operations of the Headquarters and Regional libraries and the impact of that decision which creates an adverse impact on bargaining unit employees?

Σ Did the Agency violate 5 U.S.C. 7117(a)(1) and when it failed to bargain in good faith and/or appropriate arrangements for employees adversely affected by the exercise of any authority under [5 U.S.C. 7106(a)] by Agency officials?

Discussion of Issues of This Grievance

The Mick notice of July 18, 2006, asserted, that it was premature and not appropriate to negotiate at the National level since the impacts will be at the Headquarters and Regional Office libraries. The Mick notice in part:

1. "In regard to library-related events occurring at the Regional level (raised in the afore-referenced memorandum), the Union's concerns should be addressed to the Labor Relations Officer at that particular Regional office."
2. "The Headquarters library has not yet been closed nor have plans been finalized concerning its closure. Once such details have been determined, they will be shared with the Unions representing Headquarters bargaining unit employees for appropriate "impact and implementation" bargaining."
3. "Management has acted within its rights to form a library steering committee populated solely by non-bargaining unit employees. On behalf of this committee, OEI has actively sought consultative feedback from the Unions. As such, OEI has endeavored to maintain an interactive dialog with the Unions regarding library service changes as evidenced by: a) providing an initial briefing on a past labor/management teleconference; b) presentation at the recent National Partnership Council meeting; and c) submitting the draft "Framework" document for Union review and comment. OEI still remains open to discussion with the Unions on the "Framework" document."
4. "In regard to Council 238's demand that the Agency maintain a status quo posture with respect to library service changes, the Agency reiterates that it will, at the Regional level and at HQ (for the HQ library), bargain "impact and implementation" issues attendant to library service changes once local library service change plans are developed. These plans will be shared with the Unions once they are completed by Management."
5. "With respect to Council 238's request that the Agency "...cease its discussions of EPA library closures for FY 2007, and reinstate the \$2 million budget cut to the libraries", the Agency's response is that it does not view such a demand as appropriate for impact and implementation bargaining. In fact, this particular Union proposal would preclude the Agency from exercising its rights in taking any action whatsoever on the matter library service changes."

It is the Council's belief that since the parties have a negotiated national Master Collective Bargaining Agreement (MCBA), that the negotiations should be conducted between the Union and EPA nationally. The issue of closing or changing hours or other services of the EPA libraries is of national importance since the Agency is proposing to establish a network of Headquarters and Regional libraries to meet the needs of EPA staff and the public.

As a result of the proposed FY 2007 budget reductions, EPA Management has, for at least a year now, been developing a strategy to ensure that all EPA employees will continue to have access to our full library collection, and to core library services. After October 1, 2007, three Regions will no longer have a physical library at all. Library hours or core library services will be reduced in other Regions that keep their physical libraries open. Management has been insisting that it can effectively "do more with less," and continue to provide the same level of library services to all of EPA's staff members despite the reduction in the number of library contractor staff. The Council is not convinced that this is the case. Because reduction of library services would most definitely impact the workplace conditions for a number of EPA's scientists and other staff, the Council decided to issue a Demand to Bargain.

EPA Management has been developing its "doing more with less" strategy at a national level, and planning to have EPA staff (for instance, from Regions 5, 6 and 7) share resources with other offices (for instance, RTP and Cincinnati) represented by different Local Unions. This centralized library structure precludes any Local union from effectively bargaining for its Members. It would not be possible, for instance, for AFGE Local 1003 (Region 6) to bargain "locally" with Management in ORD-Cincinnati, in order to ensure that the EPA Region 6 employees (who will no longer have a physical library) will get the library services that they need. The Council continues to assert that the only way it can effectively bargain on behalf of its members regarding Library services is to do so within Management's national library strategy.

On June 1, 2006, EPA Headquarters prepared a DRAFT "EPA FY 2007 Library Plan: National Framework" (Framework). Throughout the Framework there are references to numerous studies and planning documents beginning in early 2003 to assist and provide consistency to EPA libraries on their options to support library services. In August 2005, a study was conducted to study the 2003 report and make national recommendations on how to maintain an effective Library Network in the event of a reduction to the library support budget. This is clearly a national issue when one considers the proposed scope in the Framework of establishing a coordinated library network and electronic delivery of services clearly indicates this issue is of national importance. Having such a Network will require close coordination between the Regions and Headquarters that will need national technical and financial support and leadership from EPA Headquarters to implement such a plan.

In conclusion, it is appropriate and required by the MCBA to negotiate nationally the proposed changes of library services as identified in the Framework

Remedies Sought

We request the Agency do the following to relieve this grievance:

1. Immediately initiate negotiations in good faith with the union over the procedures and appropriate arrangements concerning the implementation of the Agency closure plan or change in the operations of the Headquarters and Regional Office libraries.
2. Immediately release the final version of the "EPA FY 2007 Library Plan: National Framework," so that both the AFGE Council and the public can review it.
3. Stop implementing all activities under the draft Framework until the document is released in its final form.

I look forward to your positive response to the Union's complaint.

Sincerely,

Steven Roy, Secretary
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Seattle, WA 98101