

United States General Accounting Office

GAO

Briefing Report to the Honorable  
Jim Slattery, House of Representatives

January 1989

LABOR-  
MANAGEMENT  
RELATIONS

Efforts to Resolve  
Disputes at Fort  
Leavenworth, Kansas



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United States  
General Accounting Office

Kansas City Regional Office

Suite 600-Broadmoor Place  
5799 Broadmoor  
Mission, Kansas 66202-2400

B-219908

January 4, 1989

The Honorable Jim Slattery  
House of Representatives

Dear Mr. Slattery:

You asked us to evaluate the effectiveness of the Federal Labor Relations Authority (FLRA) in carrying out its responsibilities for investigating and resolving unfair labor practices at Fort Leavenworth, Kansas, a U.S. Army installation. Specifically, you wanted to know the following:

- From both a management and labor viewpoint, is FLRA effectively meeting its statutory responsibilities for resolving labor-management disputes in a timely manner?
- What problems, if any, is FLRA experiencing in meeting its statutory responsibilities?
- Whether any such problems are of only local concern requiring management improvements at the local level or whether any problems appear to be national in scope requiring fundamental management and/or statutory changes.

On September 27, 1988, we discussed the results of our work with your representative. As requested, we are furnishing this briefing report.

RESULTS IN BRIEF

FLRA met its statutory responsibilities. It did not experience significant problems investigating charges of unfair labor practices made at Fort Leavenworth. Both management and labor representatives at Fort Leavenworth said that FLRA had carried out its responsibilities and expressed no problem with its timeliness. It should be noted that while FLRA met its responsibilities, labor-management difficulties have persisted at Fort Leavenworth, and the number of unfair labor practice charges has increased over the last several years.

APPROACH

In response to your request, we reviewed Title VII, known as the Federal Service Labor-Management Relations Statute, of the Civil Service Reform Act of 1978 to determine FLRA's statutory responsibilities. We next obtained general information on such things as the number, nature, and disposition of unfair labor charges that were filed with FLRA by labor and management at Fort Leavenworth during the 45-month period from October 1, 1984, through June 30, 1988. We then determined whether FLRA had met its responsibilities by reviewing the case files for 102 charges of unfair labor practices made during the 12 months ended June 30, 1988 and discussing the charges with management and labor representatives at Fort Leavenworth. Our review focused on the process that FLRA followed in handling the charges, and we did not review the propriety of FLRA's decisions.

We reviewed case files and held discussions at FLRA's Denver Regional Office, which investigated unfair labor practice charges originating at Fort Leavenworth. We held interviews and briefings with Army management officials and with the President of the American Federation of Government Employees, Local 738, at Fort Leavenworth. We discussed the results of our work with the General Counsel and other FLRA officials in Denver and Washington, D.C. Our work, done between July and October 1988, was in accordance with generally accepted government auditing standards.

Because we found that FLRA was meeting its responsibilities at Fort Leavenworth, we did not review its activities nationally and, as a result, cannot comment on how FLRA carried out its responsibilities governmentwide. However, we are including information from a previous GAO evaluation showing that FLRA improved its case processing nationally. We are also including information from a congressional hearing showing that there are concerns about whether FLRA's statutory responsibilities are adequate. We did not pursue these concerns as part of this evaluation.

BACKGROUND

Title VII established FLRA as an independent and neutral third party responsible for resolving the government's labor-management disputes. FLRA's Office of General Counsel

(OGC), one of four major subunits,<sup>1</sup> is responsible for investigating charges of unfair labor practices filed by individuals, unions, or agencies. Charges are to be filed with OGC's regional offices, and procedures provide that, at any point in the process, the complainant may withdraw the charge. If the OGC investigation determines that there is no reasonable cause to believe that a violation of the act has occurred, the OGC regional director is to dismiss the charge.

If the charge has merit, the regional director is to attempt to reach a voluntary settlement to remedy the situation. If settlement efforts fail, the OGC is to issue a complaint and, depending on whether the facts in the case are in dispute or not, the case is to be sent to either the Authority or an Administrative Law Judge for a decision. Neither Title VII of the 1978 Act nor FLRA regulations impose time limits for processing charges filed with FLRA.

While we did not review FLRA's overall case management in this review, we earlier reported that data we reviewed generally indicated reductions in the agency's case backlog between fiscal years 1983 and 1985. We also reported that FLRA's processing time decreased in OGC and the Office of the Administrative Law Judges but generally increased in the Authority.<sup>2</sup>

Also, a congressional hearing on labor-management relations in the federal service held earlier this year surfaced a broad range of issues and concerns regarding Title VII, including the rights of management and labor under the act, the volume of complaints filed, and the time taken to resolve them. Witnesses included representatives from FLRA, the Office of Personnel Management, the Department of Defense, and the American Federation of Government Employees.<sup>3</sup>

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<sup>1</sup>FLRA's other subunits are the Authority, by law composed of three members and their staffs; the Office of Administrative Law Judges; and the Federal Service Impasses Panel.

<sup>2</sup>Federal Civilian Personnel: Federal Labor Relations Authority and Administrative Roles and Case Processing (GAO/GGD-86-57, Mar. 26, 1986).

<sup>3</sup>Title VII of Civil Service Reform Act of 1978, Hearing Before the Subcommittee on Civil Service of the Committee on Post Office and Civil Service, House of Representatives, 100th Congress, 2d Session, No. 100-62, June 8, 1988.

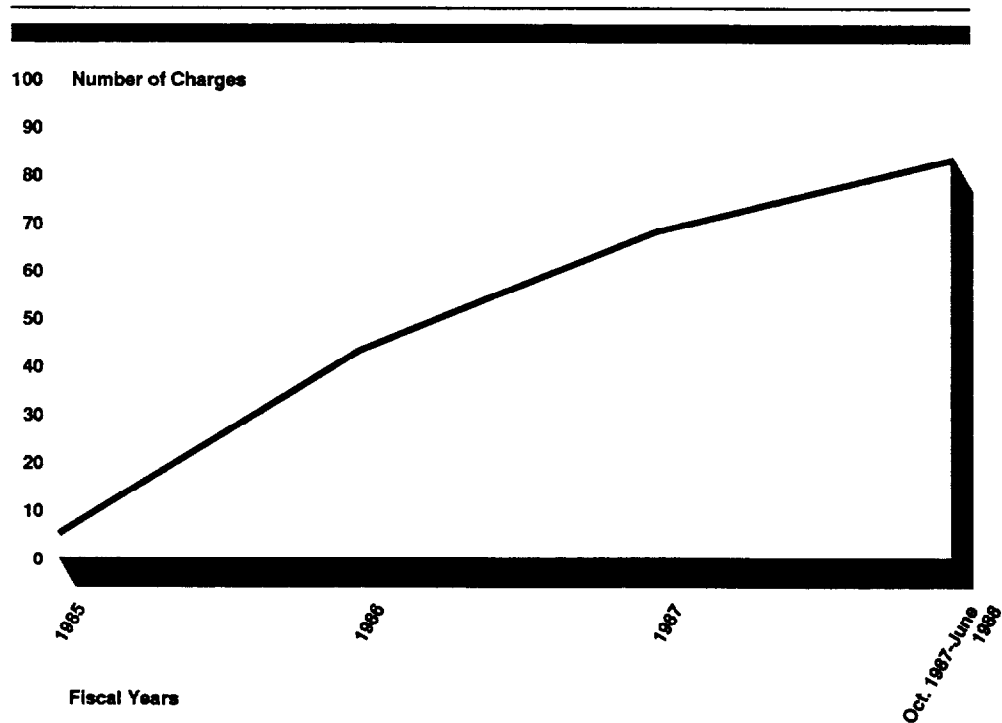
CHARGES OF UNFAIR LABOR PRACTICES INCREASED

While management-labor relations difficulties at Fort Leavenworth have existed for several years, the number of unfair labor practice charges, involving matters such as access to information, administrative support for the union, and employees' grievances, increased. After 4 years of unsuccessful contract negotiations, which began in September 1984, relations deteriorated to the point that, according to the President of Local 738, the union believed it had to submit a series of charges to FLRA alleging unfair labor practices to get management to act.

Our review of FLRA's records showed that a total of 199 unfair labor practice charges were levied against Fort Leavenworth management during the 45-month period spanning October 1984 through June 1988. The number increased from 5 in fiscal year 1985 to 83 during the first 9 months of fiscal year 1988, as shown in figure 1.

Figure 1:

Unfair Labor Practice Charges at Fort Leavenworth



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The 199 charges at Fort Leavenworth accounted for about 7 percent of all charges filed by the Army, whereas civilian employees at this installation represent less than 1 percent of the Army's total civilian employee population.

#### FLRA MET ITS RESPONSIBILITIES

FLRA received 102 charges of unfair labor practices from the union at Fort Leavenworth during the 12 months ended June 30, 1988. FLRA did not receive any charges from management at Fort Leavenworth during this period. After receiving the 102 charges, FLRA sent notification letters to the parties charged within 7 days and initiated investigations within 13 to 79 days. FLRA closed 90 percent of the cases in less than 90 days after receiving the charges. Overall, the range was from 9 to 152 days.

As of July 31, 1988, FLRA had completed action on 74 of the 102 charges. At that time, all but 1 of the remaining 28 charges had been in process fewer than 60 days from the date of receipt. One case, in process 116 days as of July 31, was closed on August 8, 1988, at which time FLRA dismissed the charge.

FLRA issued a formal complaint against Fort Leavenworth management for only 1 of the 74 charges, with action completed as of July 31, 1988. This one complaint was settled in November 1987 when Fort Leavenworth management agreed to provide the union with complete information used in ranking and rating candidates for job vacancies. FLRA dismissed 1 of the charges, and the union withdrew the remaining 72 after FLRA's investigations: 40 because the union generally could not substantiate the charges and 32 because union and management reached a resolution.

Both management and labor officials at Fort Leavenworth believed that FLRA had met its responsibilities for investigating unfair labor practices charges, facilitating voluntary settlements, and issuing complaints. They expressed no concern about FLRA's timeliness.

#### LOCAL VIEWS

In concluding our work, we discussed with Fort Leavenworth management officials the number and disposition of the unfair labor charges that the union had filed with FLRA. We explained that the U.S. Postal Service, which we were visiting as part of another review, had an agreement whereby the resolution of disputes had to be attempted first by the line supervisor and the union steward and then by a

designated management representative and a union official. This process had enabled that organization to resolve many of its own labor management disputes.

Fort Leavenworth management officials said that they had been unsuccessful in proposing an informal problem-solving process but that they would take additional steps to improve communication with the union. Also, when we completed our work at Fort Leavenworth on October 14, 1988, FLRA was providing on-site training in an attempt to improve management-labor relations.

The President of Local 738 at the time of our review said that the union's relations with management may now improve because Fort Leavenworth has a new commander. He said that while contract negotiations may soon be completed, he expected that management and the union will still have difficulties and suggested that FLRA should have the authority to punish persons found guilty of unfair labor practices, an authority that FLRA now lacks.<sup>4</sup>

FLRA COMMENTS

We discussed the results of our review with the General Counsel and other FLRA officials. They said that they agreed with our findings insofar as they relate to FLRA's responsibilities.

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As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution until 30 days from the date of this briefing report.

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<sup>4</sup>FLRA is not empowered to administer punitive measures under the Federal Service Labor-Management Statute. It is empowered to order (1) an agency to reinstate an employee with back pay, (2) parties to negotiate a collective bargaining agreement and require it to be given retroactive effect, (3) a party to cease and desist from an unfair labor practice, or (4) any combination of these three actions or such other action as will carry out the purposes of the statute.



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The major contributors to this briefing report are listed in the appendix.

Sincerely,

A handwritten signature in cursive script that reads "David L. Jones". The signature is written in black ink and is positioned above the typed name.

David L. Jones  
Regional Manager

MAJOR CONTRIBUTORS TO THIS REPORT

GENERAL GOVERNMENT DIVISION, WASHINGTON, D.C.

Bernard L. Ungar, Associate Director, (202) 275-5074  
James T. Campbell, Group Director

KANSAS CITY REGIONAL OFFICE

David L. Jones, Regional Manager  
Gary L. Billen, Assignment Manager  
Robert H. Beeler, Evaluator-in-Charge

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General Accounting Office  
Washington, D.C. 20548**

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