

Supervising and Managing Under a Labor Agreement and the Labor Statute

What is a collective bargaining agreement (CBA)?

An agreement negotiated between an organization's management and the union, which has been certified as the exclusive representative of a group of bargaining unit employees, within that organization.

A CBA may take many forms including term agreements, midterm agreements, memorandums of understanding (MOU), supplemental agreements, oral agreements, and past practices.

How does a CBA affect a supervisor?

A CBA prescribes the procedures that supervisors of bargaining unit employees MUST follow in carrying out many day-to-day supervisory duties.

This may include, but is not limited to, how a supervisor hires and disciplines bargaining unit employees. This may also include how many days in advance a supervisor must notify the union that he/she intends to make changes in the workplace that affect the conditions of employment of bargaining unit employees.

What are a supervisor's responsibilities with regard to a CBA and the Labor Statute?

Supervisors of bargaining unit employees are responsible for knowing and adhering to the provisions of all applicable CBAs.

Additionally, supervisors are responsible for acting in compliance with the Federal Service Labor-Management Relations Statute (Chapter 71 of Title 5, United States Code), otherwise known as the Labor Statute.

What happens if a supervisor fails to comply with the provisions of a CBA or the Labor Statute?

The agency may be subject to an unfair labor practice (ULP) charge, accompanied by a variety of sanctions issued by the Federal Labor Relations Authority (FLRA). For example, if the FLRA finds that the agency did not comply with provisions of a CBA before running a Reduction in Force (RIF), the FLRA may order the agency to reverse the RIF and adhere to applicable provisions of a CBA before rerunning the RIF.

Alternatively, the agency may be subject to sanctions issued by an arbitrator if a bargaining unit employee or the union files a grievance, under the negotiated grievance procedure. For example, an arbitrator may order the agency to promote a person with back pay if the arbitrator finds that the person would have been promoted but for a violation of a provision in a CBA.

Where can I go for additional assistance?

If you have questions regarding labor relations matters, please contact the WHS Labor and Management Employee Relations Division at 571-372-3964.