

DOCUMENT RESUME

00660 - [A1051671]

[Strike Prevention and Contingency Planning of Selected Federal Agencies]. FPCD-77-41; B-185589. March 11, 1977. 5 pp. + enclosure (6 pp.).

Report to Chairman, Civil Service Commission; by H. L. Krieger, Director, Federal Personnel and Compensation Div.

Issue Area: Personnel Management and Compensation (300).

Contact: Federal Personnel and Compensation Div.

Budget Function: General Government: Central Personnel Management (805).

Congressional Relevance: House Committee on Post Office and Civil Service; Senate Committee on Governmental Affairs.

Authority: Executive Order 11491.

A review of selected Federal agencies disclosed that none had a formal strike prevention plan. A strike is defined as any concerted action by employees to withdraw or limit their services to interrupt operations. Findings/Conclusions: Each agency approached strike prevention in various ways. Basic to preventive measures was the maintenance of good employee-management relations, primarily through maintenance of labor-management relations programs. Other personnel practices which contribute to strike prevention included: (1) provision of adequate machinery for adjusting employee grievances; (2) management training in labor relations; (3) open communication between management, employees, and their representatives; and (4) use of the collective bargaining process for resolving conflicts. While there is no general requirement for agencies to develop contingency plans, the following features should be considered in strike contingency planning: designating specific duties and responsibilities of management; delineating and emphasizing communications channels; assessing priority work and alternative methods for doing the work; establishing security arrangements for safety of personnel and facilities; and establishing procedures for documenting contingency situations. Recommendations: The Civil Service Commission should require and periodically monitor contingency planning in those agencies which it determines provide essential public services and develop and provide general policy and procedural guidance to agencies for dealing with strikes and related incidents. (RRS)

00660



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

FEDERAL PERSONNEL AND
COMPENSATION DIVISION

B-185589

MAR 11 1977

The Honorable Chairman
U.S. Civil Service Commission

Dear Mr. Chairman:

In response to a request from the Chairman, Committee on Post Office and Civil Service, House of Representatives, we have reviewed strike prevention and contingency planning of selected Federal agencies, including the United States Postal Service. The Committee chairman was concerned with the occurrence of strikes and related actions in Federal agencies and asked for information which would provide the Committee with some insight on such incidents. He also requested that we determine whether Federal agencies have developed plans which would help them to maintain services in the event of a strike.

We have previously reported to the Committee Chairman and are now reporting to you because our review disclosed certain matters that require the attention of the Civil Service Commission.

Enclosure I contains information on work disruptions at the agencies included in our review and highlights of other disruptions in the Federal service. A strike is defined as any concerted action by employees to withdraw or limit their services or to interrupt operations. A strike may involve various activities, such as employees as a group deliberately staying away from work, a slowdown of production, a sickout, a sitin, walking off the job, and similar concerted actions.

Although lengthy strikes have not been characteristic of disruptions in the Federal Government, there have been many incidents which have seriously disrupted public services. In March 1970 a nationwide strike of postal employees resulted in limited mail service for many areas and a complete halt in deliveries in a number of large cities. The strike lasted a week and involved more than 150,000 postal employees across the country. In June 1969

FPCD-77-41

and again in March 1970, air travel service was seriously disrupted because of various job actions by many of the nation's air traffic controllers. More recently, a strike involving about 500 Federal employees in the Panama Canal Zone caused a weeklong slowdown of canal traffic.

Although the Civil Service Commission has emphasized the need for agencies to develop strike prevention and contingency plans, there is no general requirement that agencies do so. Therefore the policies of each agency are varied. In some agencies we contacted, officials said there was no present need for such planning; in other agencies, contingency plans are required.

STRIKE PREVENTION

Our review at selected agencies disclosed that none had a formal strike prevention plan. However, each agency approaches strike prevention in various ways. Basic to preventive measures is the maintenance of good employee-management relations, primarily through administering of labor management relations programs. As you know, Federal labor management relations are governed by Executive Order 11491, as amended, which sets out the respective rights and obligations of labor organizations and agency management. Unlike those of other Federal agencies, labor relations in the Postal Service closely parallel those of the private sector. The Postal Reorganization Act (1970) established the Postal Service as an independent agency and also based its labor management relations program in statute. Although strikes are prohibited, binding arbitration is available for unresolved labor disputes.

Agency officials cited several other personnel practices which contributed to strike prevention. These included:

- Provision of adequate machinery for adjusting employee grievances.
- Management training in labor relations.
- Open communication between management, employees, and their representatives.
- Use of collective bargaining process for resolving conflicts.

Many agency officials commented that, because their employee-management relations were excellent, the likelihood of disruptive activities by employees was minimal. Although we did not assess the employee and labor relations of these agencies, it is possible that, even in an atmosphere of excellent labor management relations, matters--such as pay increase decisions--which are outside agencies' control could prompt strikes or related incidents by Federal employees.

STRIKE CONTINGENCY PLANS

The Civil Service Commission has stated that strike contingency plans are needed to meet such commitments as:

- Providing uninterrupted service to the public.
- Assuring availability of supplies and materials.
- Establishing (1) ultimate limits to which the agency can go, using its own resources, to assure continual service and (2) critical needs and their priorities.
- Maintaining (1) security (plant, personnel, and equipment). (2) effective communication throughout the organization, and (3) public protection and safety including protection of managers, working employees, and their families.
- Assuring that (1) the rights of employees who work during the strike are maintained and (2) appropriate legal action can be taken.

As previously stated, there is no general requirement for agencies to develop contingency plans. We found that many agencies had no specific contingency policies, nor had they developed guidance for subordinate activities. Fourteen departments and agencies were contacted to determine their policies and practices on strike contingency planning. Seven agencies had written policies and guidance, four agencies had draft plans or were preparing draft documents, and the remaining agencies had no written policies or guidance. At 10 field activities of various agencies contacted, 9 had developed some form of contingency plan in case of work stoppages.

Although the scope and detail of the planning efforts varied, most of the contingency plans we reviewed addressed essential agency operations and the procedures and alternative actions available to management in dealing with contingency situations.

Many of the plans contained several features which, we think, should be considered in strike contingency planning. These include:

- Designating specific duties and responsibilities of management.
- Clearly delineating and emphasizing communication channels and procedures to be used during a strike.
- Assessing priority work and alternatives methods for doing the work.
- Establishing security arrangements for safety of personnel and facilities.
- Establishing procedures for documenting and reporting contingency situations.
- Forming contingency committees or control centers to be activated in the event of a strike.
- Exploring legal steps which can be taken for various situations.

The possibility of strikes and related incidents, despite legal prohibitions and sound labor relations, should not be overlooked. Agency management should be prepared to deal with such accidents promptly and uniformly to lessen their effect. In our opinion, detailed, advance operational planning probably is not necessary in all agencies, but most should at least formulate agency-wide policies and establish uniform guidelines and procedures for dealing with work stoppages.

RECOMMENDATIONS

We recommend that the Civil Service Commission (1) require and periodically monitor (perhaps as part of its evaluation program) contingency planning in those agencies which it

B-185589

determines provide essential public services and (2) develop and provide general policy and procedural guidance to other Federal agencies for dealing with strikes and related incidents.

As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions he has taken on recommendations to the House and Senate Committees on Government Operations not later than 60 days after the date of the report and the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

Sincerely yours,



H. L. Krieger
Director

Enclosure - 1

SUMMARY OF STRIKES AND RELATED INCIDENTSAT SELECTED FEDERAL AGENCIES

Following is a brief summary of strikes and related incidents, after the issuance of Executive Order 11491 (1970), at Federal activities included in our review and highlights of other disruptions in the Federal service. Most of the reported information was obtained from a September 1975 Civil Service Commission study of strikes, work stoppages, demonstrations, and related incidents in the Federal service.

The incidence of strikes and other work stoppages in the Federal service has been considerably less than the experiences in State and local governments. For example, there were less than 20 work stoppages in the Federal service from 1970 through 1974, as reported in the Commission's study. During the same period, according to statistics published by the Bureau of Labor Statistics, Department of Labor, there were 149 work stoppages in State governments and 1,730 in local governments.

UNITED STATES POSTAL SERVICE1970

Primarily because of congressional refusal to grant postal salary increases, postal employees, on March 17, staged a nationwide, weeklong strike. The strike, which began in the New York City area, eventually involved over 150,000 postal employees and seriously disrupted mail services in many parts of the country. Federal troops were called in to process mail in some areas. A Northeast Postal Region official said that daily mail processing by postal supervisors and Federal troops was only 8 percent of a normal 1-day processing workload. In the San Francisco area, Western Region officials reported that, although supervisors and other available employees worked 10-hour shifts, business and residential mail deliveries were not made during the work stoppage.

No disciplinary action was taken against the striking employees, but, according to Northeast Region officials, those who participated in the strike were not paid for the time they were absent.

1974

From January 21 to 24, about 1,500 postal employees at the New York Bulk and Foreign Mail Center and the Meadows facility in New Jersey went on strike, primarily because of a change in working hours. Mail processing continued, but at a below-normal rate. The Newark District Federal Court ordered the striking employees to return to work and instructed the Postal Service to allow employees to return without discipline or reprisal. The striking employees were not paid for the period of the strike.

1976

On February 10, fifty letter carriers at the Forest Hills, New York, Station refused to enter the station because of low temperature in the building. The letter carriers returned when heat was restored. A total of 25 manhours was lost, but no disciplinary action was taken against the employees. Mail service was not disrupted.

PANAMA CANAL COMPANY1973

Because of a series of unresolved issues between the Canal Pilots Association and the Panama Canal Company and a dispute over the disciplining of two pilots, the association conducted a "safety campaign" lasting about 3 weeks, which caused a slowdown in canal transit operations. The issues involved included (1) pay, retirement, housing opportunities, (2) the hiring of Panamanian citizens as pilots, (3) operating procedures, and (4) a demand for a change in management officials. The pilots returned to work and cleared up the canal backlog after receiving a commitment from the Canal Zone Governor to initiate a priority study of the issues raised by the pilots.

In August 1973 the Governor's conclusions on the issues were considered unsatisfactory by the association. Later canal operations showed a marked and continuing deterioration. As a result, the association's rights of recognition were suspended by the Governor, steps were taken to remove five association officials, and a temporary restraining order was obtained against the pilots. Acting as a union, the pilots called a sickout on August 24th. Of the Company's

185 pilots, 115 were involved in the incident, which lasted for 3 days and completely tied up the canal traffic. The association agreed to return the pilots to work, and the Governor, in turn, agreed to restore recognition rights for the association, rehire the employees discharged, and withdraw a suit seeking an injunction.

1976

On March 15 nearly all Canal Zone craftsmen reported off sick, partly in protest of wage system changes proposed by the Panama Canal Company. The craftsmen were joined in the action by the canal pilots. On March 16, members of the local American Federation of Teachers also staged a sickout protesting proposed changes that would affect the Canal Zone teachers. In response to these actions, the Canal Zone Government obtained an injunction against the teachers and withdrew the union recognition rights and dues checkoff privileges of the American Federation of Teachers. Similar actions were threatened against the craftsmen and pilots organizations.

On March 20, the Canal Zone Governor announced opposition to the proposed wage system changes which were developed by the Canal Zone Personnel Policy Coordinating Board. On March 21 the striking employees agreed to return to work. All sanctions imposed against the American Federation of Teachers were withdrawn. At the time of our review, no disciplinary actions had been taken against the employees (about 500) involved in the weeklong strike, which had closed canal transit operations.

DEPARTMENT OF THE NAVY

1971

On June 17, of 42 non-appropriated-fund employees at the Philadelphia Naval Publication and Forms Center, 19 did not report for work. The next day, 18 of the employees came to work and requested sick leave for the previous day's absence. The issues which prompted the sickout action generally involved employee dissatisfaction concerning low pay and overwork. Management investigated the incident and concluded that the employees had engaged in a concerted action to withhold their services. Some employees submitted physician's certificates to justify the request for sick leave, but management determined them to be invalid. All 19 employees involved in the incident were listed as absent without official leave for the time absent and given letters of reprimand. In

addition, two supervisors who had participated in the action were suspended for the time they were absent.

1974

On May 1, of 99 inspectors of the Nuclear Test Inspection Division, Mare Island Naval Shipyard, Vallejo, California, 63 called in to request sick leave for that day. On May 3, of 38 inspectors in the Non-destructive Test Branch, 9 requested leave for the day. Later shipyard officials interviewed all the inspectors regarding the leave incidents. As a result, leave for the 19 of the 63 nuclear test inspectors and 5 of the 9 non-destructive-test inspectors was disapproved.

Mare Island officials concluded that the incidents involving the inspectors were an apparent effort to stage a sickout. Letters of reprimand were given to 24 inspectors, and 15 of the inspectors were also given suspensions, which averaged about 1 day.

1974

On May 16, sixty physical science technicians at the Puget Sound Naval Shipyard called in sick, protesting pay difficulties associated with a pay schedule conversion. The sickout, which lasted 3 days, was settled with the cooperation of the Metal Trades Council, which represented the technicians involved in the incident. The employees were withheld pay for the time absent.

DEPARTMENT OF DEFENSE

ARMY AND AIR FORCE EXCHANGE SERVICE

1973

On May 1, sixty-one employees at the Army and Air Force Exchange Service in Charleston, Ohio, went on strike. The strike was prompted by a proposed reduction in certain classifications. The incident lasted 5 days. As a result, the 61 employees were docked pay for the time absent, and management filed an unfair labor practice against the union. Three employees were discharged, and the unfair labor practice complaint was withdrawn by management. Also the union and management signed a joint statement agreeing to take responsibility to notify employees of the consequences of withholding their services.

DEPARTMENT OF THE TREASURY1971

In January, 90 mailhandlers of the Bureau of Customs, New York, refused to work voluntary overtime duty and threatened a strike, primarily because pay checks were being received late and often were inaccurate with respect to overtime credit. These grievances were presented to management through the union. The conflict was resolved when management corrected the problems with check deliveries.

1972

A work stoppage, involving 51 employees, occurred on September 15 at the Detroit Service Data Center of the Internal Revenue Service. The employees walked off the job during a shift, in protest over hot working conditions caused by a lack of air-conditioning. The employees were placed in absent-without-official-leave status for the remainder of the shift. The Center's workload was not seriously affected because other employees were reassigned into the unit, and overtime was approved. Upon investigation, the Center gave the employees involved in the incident letters of severe reprimand instead of suspending them.

FEDERAL AVIATION ADMINISTRATION1970

An estimated one-fourth of the air traffic controllers in the United States called in sick on March 25. The action lasted from March 25 to April 8, 1970. The Federal Aviation Administration filed an unfair labor practice complaint against the Professional Air Traffic Controllers Organization which represented the employees involved in the incident. The Department of Labor investigated and determined the action was concerted and constituted a strike. As a result, the Department suspended the union's recognition for 1 year.

According to officials of the Federal Aviation Administration, 250 air traffic controllers were to be discharged for their involvement in the strike. However, before these actions were effected, the Administrator of the agency, in reporting the incident to the Congress, stated publicly that only 84 air traffic controllers were to be discharged. Subsequently, only 84 controllers were discharged, and the

remaining controllers were suspended. Of the 84 employees discharged, 83 were later rehired by the Administration.

1971-75

Officials of the Federal Aviation Administration's Eastern Region commented that after 1970 there were occasional work slowdowns. However, these incidents are not documented because they are not readily discernible. For example, flight instructions can be delayed by several seconds with the cumulative effect of causing traffic delays, but such action cannot be easily detected.

1976

In protest over delays in completing new classification standards, for air traffic controllers, the Professional Air Traffic Controllers Organization initiated a work-by-the-book campaign on July 27. The work slowdown lasted 5 days and caused, nationwide, air traffic delays. The air traffic controllers ended the job action after agreement was reached with the Civil Service Commission and the Federal Aviation Administration regarding the issuance of the proposed pay classification standards.

The Controllers Organization threatened further job actions if the agreement on the classification standards was not met. There were no disciplinary actions taken against the employees or the organization.