

I & I Worksheet Help

Impact and implementation (I&I) bargaining, sometimes referred to as procedures and arrangements bargaining and sometimes called mid-term bargaining may be the principal obstacle to change in Federal agencies with organized employees. OK, OK, I know the technical weenies see each of the above as different so I'll deal with that in a minute.

Back to the issue of change, a lot of Federal managers deal either with the perception or the reality that the union opposes any change that does not provide a direct benefit to unit employees or the union at no cost to either. Some of this comes from a failure on the part of Federal managers to manage the process. This article is about structuring the process.

I&I Bargaining v Other Terms

But first, indulge me as we try to get the terms straight. Mid-term bargaining has come to mean bargaining on substantial change not considered by the term agreement. In other words, a re-opener or proposal in an area not covered by the contract would constitute mid-term bargaining. (I may get some heat from purists about this but am writing the article so I get to say what I want.) Everything else is I&I.

The difference between I&I and procedures and arrangements is somewhat artificial. A former FLRA general counsel (emphasis on former) created the phrase procedures and arrangements bargaining ostensibly to create clarity. It didn't. I believe his distinction was that procedures and arrangements were all that had to be bargained if a management right was being exercised. He's gone, so we can hopefully go back to calling it I&I bargaining without fear of official retribution.

Structuring I&I Bargaining

In this article, we'll talk about ways to manage change bargaining and get it under control at least within the Agency. Please take a look at the [I&I Bargaining Worksheet](#) and then come back and read the rest of this. (The worksheet is an MS Word document.) The worksheet has a number of goals. Among them are helping line management understand what it must do when proposing a change that affects working conditions. As you see, the worksheet has four parts. It seeks to structure in one place information about the proponent of the change; an impact assessment of how the change will affect the organization; bargaining preparation data and information necessary to draft the notice.

Part 1. Proponent of Change

This part collects data on who wants the change, who can provide information about the change, the proponent's goals and who are points of contact for technical information. This allows executive decision makers to determine whether I&I issues may be joined across the organization and set priorities for bargaining. This information is also very useful to the negotiators in both preparation and delivery of bargaining.

Part 2. Impact Assessment

"If you don't know where you're going, any road will get you there". To adequately prepare to bargain, it is critical to know the practical effect of the proposed change. Part 2. is designed to get a snapshot of the impact in one place. From there, bargaining strategy and tactics may be developed.

Part 3. Bargaining Preparation

Much of what this part collects is obvious in its use. Note, however, that one component addresses information to be provided the union. One of the reasons change bargaining takes so long is that unions use 5 USC 7114(b) to delay negotiations until information disputes are resolved. I suggest you give them as much information as can be appropriately released and keep complete records of what they've gotten. This will largely take away that delaying tactic. Another delaying tactic, ground rules for I&I negotiation will be covered soon in a future article.

Part 4. Information for Notice to the Union

Careful drafting of the notice is critical to the outcome in most cases. This part assembles the information required and encourages a notice that considers the structure developed in the other parts.

It should be fairly obvious by now that the worksheet is really a cover sheet for a bargaining book on a particular change. I have long believed that this kind of preparation creates a bargaining record useful at hearings, the next contract negotiation and future I&I episodes. There should be tabs for information provided to the union, background data, applicable case law extracts, etc., etc.

I hope it's also obvious that this work can produce a basis for decision making. If I were a senior executive with labor relations responsibility, I'd require this for every instance of I&I bargaining. If I were a chief negotiator, I'd want it to make my life easier and my charter clearer. Some of you would want different things covered, to throw some things out or otherwise customize it for your own use.