



# **MILITARY SEALIFT COMMAND**

## **Labor and Employee Relations (LER)**

**Presented by:  
MSC Workforce Division, N112**

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# LABOR RELATIONS



# Employee Rights

- Form, join, or assist a labor organization
- Not form, join, or assist a labor organization
- Act as representative for a labor organization
- As representative, present views of labor organization to Agency head, other officials of the Executive Branch or Congress
- Bargain collectively through labor organization with respect to conditions of employment
- Exercise these rights without fear of penalty or reprisal



# Management Rights

- Determine mission, budget, organization, number of employees, and internal security
- Hire, assign, direct, layoff, and retain employees
- Suspend, remove, reduce in grade or pay, or discipline employees
- Assign work, contract out, determine personnel by which the operations will be conducted
- Select and appoint employees
- Take whatever actions necessary during emergencies



# Union Rights

- To act for and represent employees in the bargaining unit
- To negotiate with management on matters affecting conditions of employment of bargaining unit employees
- To request information under 5 U.S.C. 7114 (b)(4)
- To refuse to represent any bargaining unit employee in any statutory appeal matter, i.e., EEO complaints, workers compensation, allegations of prohibited personnel practice, adverse actions such as removals and demotions





# Union Responsibilities

- Represent interests of all bargaining unit members
- Negotiate with management in a “good faith” effort



# Grievance Definition

## Grievance:

Any complaint by an employee or labor organization affecting :

- Conditions of employment
- Matter relating to the employment of the employee
- Breach of a labor agreement
- Violation or misinterpretation of law or regulation

Handbook, Page 118



# Grievance Processing

## Grievance:

If you have a grievance:

**FIRST** - Talk with your Chain of Command to resolve your problem/complaint.

**SECOND** - If unable to resolve, submit a complaint IAW your Collective Bargaining Agreement (CBA) or through Administrative Grievance Procedures (AGP) for those positions not represented by a union.

Handbook, Page 118





## Labor & Employee Relations

# Obey Now.....

# Grieve Later

Handbook, Page118



# Arbitration

- Any unresolved grievance processed under the negotiated grievance procedure may, upon written notification, be appealed to arbitration
- Arbitrations are conducted by third party neutrals
- Arbitration decisions are binding: however, there are limited grounds for appeal



# Weingarten Rights

## Weingarten Rights:

- Employees Right to Union Representation
- Applies only during an “INVESTIGATORY INTERVIEW”
  - When supervisor questions employee for information to which employee believes could lead to discipline
  - Employee responsibility to know and ask for representation
- Does not apply with work related conversations and performance discussions or to those positions not in a bargaining unit.



# EMPLOYEE RELATIONS



# Employee Relations

## CONDUCT





# What is “Conduct”?

Employee actions and behaviors measured against written and unwritten rules, standards, instructions, and expectations.



# Federal Employee Expectations

- Federal employees are expected to follow supervisory instructions: “obey now, grieve later”
- Federal employees are expected to put in a full day’s work for pay
- Federal employees are expected to maintain a high level of professional attitude, conduct, and behavior



# Discipline Defined

## Discipline:

- Discipline is **NOT** punitive. It is an “**attention getter**” designed to correct deficiencies in an employee’s behavior and/or performance.
- CIVMARs are expected to observe a variety of rules and regulations (pages 21-36)
  - The 43 Ship’s Orders (pages 30– 33)
  - Schedule of Charges Vary (page 114-116)

Alcohol, drugs, fighting, disruptions, abusive language, tardiness, missing ship’s movement, AWOL, violation of Ship’s Orders, falsification, FTMRWS, negligent, careless workmanship, covering up defective work, discourteous conduct to the public, refusing to carry out orders, downloading or surfing the Internet for pornography, fighting, safety (smoking), security of classified material, breach of security regulations, etc.



# Due Process

## Discipline:

All employees are afforded due process IAW CMPI 750, except Trial Period Employees (discussed later).

Handbook, Page 114



# Types of Discipline

## Non-disciplinary actions include:

- Verbal counseling
- Oral admonishment
- Letter of Warning (LOW)
- Letter of Caution (LOC)

## Disciplinary actions include: (page 117)

- Letter or Reprimand (LOR)
- Suspension, conditional suspension
- Demotion
- Removal
- May affect employees pay, employment, promotion and training opportunities





# Trial Period

## Trial period:

- Is a 12 month extension of the hiring process
- Can be terminated from employment for unacceptable conduct, performance, or loss of a security clearance
- No appeal /grievance rights

## Recommendations:

- Make good choices
- “Sea lawyers” - Don’t let someone else determine your future
- Communicate with your Chain of Command (supervisor/MPS)

Handbook, Page 118



# Union Representation

## Union Representation

- Unionized workforce
- Most CIVMAR positions are in a collective bargaining unit and represented by a union except (SCOs, RETs, West Coast SUPPOs and JSOs) (page 114)
- The Unions representing our CIVMARS include: (pages 113 & 120)
  - International Organization of Master, Mates and Pilots (MM&P) for Licensed Deck Officers, Medical Services Officer, and Pursers
  - Marine Engineers Beneficial Association (MEBA) for Licensed Engine Officers Seafarers International Union (SIU) – Certain Unlicensed ratings on both coasts.
- Union membership is not a requirement for employment.



## LER Role

- Help management set and enforce high standards of behavior and performance
- Provide advice and guidance
- Ensure employee rights are not violated
- Assist management interpret and implement the Collective Bargaining Agreement, MSC/DON/DOD Instructions, Federal Regulations, and Statutes



# Employee Relations

## LEAVE



# Leave Types

- Annual
- Advanced Annual
- Sick
- Advanced Sick Leave
- Shore Leave
- Leave Without Pay (LWOP)
  - Family Medical Leave Act (FMLA)
- Administrative Leave (AA)
- Absent Without Leave (AWOL)





## Annual Leave

- Annual leave is earned based on years of Federal Service (Military time will count towards service for leave purposes)
  - Less than 3 years of service earns 4 hours per pay period
  - More than 3, but less than 15 years of service earns 6 hours per pay period
  - More than 15 years of services earns 8 hours per pay period
- Annual leave may be used by an employee for vacations, rest and relaxation, and personal business or emergencies



## Advanced Annual Leave

- Advanced Annual leave is for circumstance where the need for leave exceeds earned balances
- Request will be considered on an individual basis
- Documentation to support the leave request is required at the time of submission for consideration
- The maximum amount of advanced annual leave is the total of which the employee will earn from the pay period in which it is requested to the end of the calendar year



## Sick Leave

- Sick leave for pre-scheduled medical, dental, or optical appointments, examinations or treatment shall be requested when such appointments become known
- Unscheduled sick leave, the employee should call in within one hour after their start time to the immediate supervisor or other designated leave approving official
- Absences that have not be clarified by the date of biweekly timecards may be recorded as AWOL
- Any unscheduled absence in excess of three consecutive workdays, the supervisor may require acceptable medical documentation



## Advanced Sick Leave

- Advanced Sick leave is for circumstance where the need for leave exceeds earned balances
- Request will be considered on an individual basis
- Medical documentation to support the leave request is required at the time of submission for consideration
- The maximum amount of advanced sick leave is a total of 240 hours. Employees may request increments up to the maximum amount.





## Disabled Veteran Leave

- Brand new employees to the Federal government, that are Veterans who have a medical condition rendering them disabled from the Veteran's Affairs Administration, are entitled to 104 hours of paid sick leave for the treatment of the disabling condition
- Employees must provided their VA determination and medical treatment plan at the time of hiring to receive the benefit
- The leave does not need to be paid back
- After 52 weeks, any unused portion of the leave will be lost





# Shore Leave

- Shore leave may be used when an employee finishes one tour and is pending assignment to another
- For every two weeks an employee serves sea duty, 1 (8 hour) day of shore leave is earned. The max is 2 days per month
- As ship assignments are done in advance of tours ending, request to use shore leave should be done with as much notice as possible



## Leave Without Pay

- Leave without pay (LWOP) is a temporary non-pay status and absence from duty that, in most cases, is granted at the employee's request
- In most instances, granting LWOP is a matter of supervisory discretion and may be limited by agency internal policy
- Employees, however, have an entitlement to LWOP in the following situations:
  - The Family and Medical Leave Act of 1993 (FMLA)
  - Uniformed Services Duty
  - Disabled Veterans Medical Treatment
- Employees may not be in a pay status while receiving workers' compensation payments from the Department of Labor



## Family Medical Leave Act (FMLA)

Most federal employees are eligible for up to 12 workweeks of unpaid leave during any 12 month period for the following purpose:

- Birth and care of son/daughter
- Placement of a son/daughter with employee via adoption or foster care
- Care of spouse, child or parent with serious health condition
- Own serious health condition that makes you unable to perform the essential duties



# Administrative Leave

An excused absence from duty without charge to leave or pay:

- Excusal for time, i.e. 59 min.
- Blood donation
- Voting
- Conference attendance
- Emergency Closures
- Court Leave – Specific Instances





## Unauthorized Absence or Absent Without Leave (AWOL)

- AWOL is a non-pay status for any absence from duty not authorized by the proper leave-approving official
- AWOL should be charged when an employee is absent without permission or has not notified his/her supervisor or provided satisfactory explanation or documentation for the absence from duty
- An AWOL charge may be changed later to an appropriate type of leave if the leave-approving official determines that the employee has satisfactorily explained the absence or presented acceptable documentation





# Employee Responsibilities

- Employee must request leave when they are not ready, willing, or able to perform the essential functions of assigned position
- Employee must request leave from supervisor at assigned duty station
- Employee must request leave in accordance with the established policy and practice of the supervisor
- Employee must ensure to request leave from the assigned employee with authority to approve leave. (e.g. Employees may not request leave from timekeepers)
- Employees who fail to request leave are unauthorized to be absent and carried in absence without leave (AWOL) status. AWOL in and of itself is not disciplinary; however, frequent occurrences of AWOL may lead to disciplinary action up to and including removal



# Supervisor Responsibilities

- Approve or disapprove leave request
- Schedule employees' leave to meet the operational needs of the organization
- Take appropriate action when employees are suspected of abusing leave privileges



# Questions

