

FEDERAL LABOR RELATIONS AUTHORITY
CHICAGO REGION

U.S. DEPARTMENT OF ENERGY
OAK RIDGE, TENNESSEE
-Activity/Joint Petitioner-

and

OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL
UNION, LOCAL 2001, AFL-CIO
-Union/Joint Petitioner-

CASE NO. CH-RP-12-0010

DECISION AND ORDER

I. Statement of the Case

This case is before the Region based on a joint petition filed by the U.S. Department of Energy (the Agency), Oak Ridge, TN (the Activity), and the Office and Professional Employees International Union, AFL-CIO (the Union), pursuant to section 7111(b)(2) of the Federal Service Labor-Management Relations Statute (the Statute) and section 2422.1(b)(2) of the Rules and Regulations (the Regulations) of the Federal Labor Relations Authority (the Authority).

The petition seeks to amend the Union's certification for a unit of Activity employees to reflect the Activity's new name and organizational composition following an administrative realignment. Pursuant to section 2422.30(a) of the Regulations, the Region investigated this matter. Based on the entire record of this case, including the parties' stipulation, I find that it is appropriate to grant the parties' joint petition and to amend the Union's certification.

II. Findings and Conclusions

On March 6, 1981, in Case No. 4-RO-77, the Union was certified as the exclusive representative of the following unit of Activity employees:

Included: All professional and non-professional employees of the Department of Energy's Oak Ridge Operations and Technical Information Center.

Excluded: Employees represented by other labor organizations in exclusive units, management officials, supervisors and employees described in 5 USC 7112(b)(2), (3), (4), (6) and (7).

The Department of Energy's Oak Ridge Reservation, Oak Ridge, Tennessee (ORR), is a multi-program site with an annual operating budget of over \$3.1 billion hosting a number of Agency operations, missions and facilities including the Oak Ridge National Laboratory (ORNL), the Oak Ridge Institute for Science & Education, the Office of Science (SC) Integrated Service Center (ISC), the Office of Environmental Management (EM) cleanup, the Office of Nuclear Energy (NE) Nuclear Fuel Services, among others.

The Oak Ridge Office (ORO) Manager serves as the landlord of the ORR by providing essential services, coordination, integration and leadership across the ORR to program organizations and tenants. In addition, for the past 20 years, the ORO mission included certain programmatic responsibilities carried out by SC, EM and NE senior executives.

Before August 15, 2011, the Assistant Managers for SC, EM and NE reported directly to the ORO Manager. On August 15, 2011, Secretary of Energy Dr. Steven Chu approved a realignment of the ORO organization that established direct reporting lines between the SC, EM and NE managers and their respective organizations to their respective Headquarters Program Offices in Washington, DC. This operating model is expected to reduce non-mission costs and provide clearer lines of accountability, responsibility and authority for decision-making and mission delivery. As a result of the reorganization, the Assistant Manager for EM will now report to the Principal Deputy Assistant Secretary for Environmental Management as the EM Oak Ridge Site Office Manager. The Assistant Manager for NE Supply will now report to the Deputy Assistant Secretary for Nuclear Facility Operations as the NE Oak Ridge Site Office Manager. The Assistant Manager for SC will now report to the Deputy Director for Field Operations in SC as the ORNL Site Office Manager.

In view of these administrative changes, the parties submit that the Union's bargaining unit is now accurately described as follows: "All professional and non-professional employees of the Oak Ridge Office-Integrated Service Center, the Environmental Management Site Office, the Nuclear Energy Site Office, the Oak Ridge National Laboratory Site Office, and the Office of Scientific and Technical Information, U.S. Department of Energy, Oak Ridge, Tennessee."

The administrative changes had little impact on the Union's approximately 244 bargaining unit employees. No bargaining unit positions were added or eliminated. Employees continue to report to the same supervisors and perform the same or similar duties as they did prior to the realignment under the same or similar working conditions. Moreover, employees have experienced no changes in pay or grade. Although the number of competitive areas for reduction-in-force purposes has expanded from three to six, labor and management have agreed to negotiate over any resultant foreseeable impact on bargaining unit employees. Finally, the parties' proposed unit description accurately describes the Union's bargaining unit and does not change or alter the scope or composition of the unit.

In view of the foregoing, I find and conclude that it is appropriate to grant the parties' joint petition and amend the Union's certification to accurately reflect and describe the Activity's current name and organizational composition.

III. Order

The Union's bargaining unit, originally certified on March 6, 1981, in Case No. 4-RO-77, is now described as follows:

Included: All professional and non-professional employees of the Oak Ridge Office-Integrated Service Center, the Environmental Management Site Office, the Nuclear Energy Site Office, the Oak Ridge National Laboratory Site Office, and the Office of Scientific and Technical Information, U.S. Department of Energy, Oak Ridge, Tennessee.

Excluded: Management officials, supervisors and employees described in 5 U.S.C. § 7112(b)(2), (3), (4), (6) and (7).



Peter A. Sutton, Regional Director
Chicago Regional Office
Federal Labor Relations Authority
55 W. Monroe Street, Ste. 1150
Chicago, Illinois 60603-9729

Dated: May 7, 2012

UNITED STATES OF AMERICA
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
CHICAGO REGION

U.S. DEPARTMENT OF ENERGY
OAK RIDGE, TENNESSE
-Activity-

and

OFFICE AND PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 2001, AFL-CIO
-Exclusive Representative-

Case No. CH-RP-12-0010

AMENDMENT OF CERTIFICATION

Pursuant to section 2422.1 of the Regulations of the Federal Labor Relations Authority, a joint petition was filed seeking to amend the certification granted to the Office and Professional Employees International Union, Local 2001, AFL-CIO (OPEIU) in Case No. 4-RO-77, March 6, 1981, as the exclusive representative of a unit of professional and non-professional employees of the U.S. Department of Energy, Oak Ridge, TN, to accurately reflect the Activity's name and organizational composition following an administrative realignment.

On May 7, 2012, I issued a Decision and Order finding it appropriate to amend OPEIU's certification as requested by the parties. Accordingly, the OPEIU's bargaining unit, originally certified on March 6, 1981, in Case No. 4-RO-77, is now described as follows:

Included: All professional and non-professional employees of the Oak Ridge Office-Integrated Service Center, the Environmental Management Site Office, the Nuclear Energy Site Office, the Oak Ridge National Laboratory Site Office, and the Office of Scientific and Technical Information, U.S. Department of Energy, Oak Ridge, Tennessee.

Excluded: Management officials, supervisors and employees described in 5 U.S.C. §7112(b)(2),(3), (4), (6) and (7).



Peter A. Sutton, Regional Director
Chicago Regional Office

Dated: May 7, 2012

Certificate of Service

I certify that copies of the Decision and Order and Amendment of Certification in Case No. CH-RP-12-0010, were sent by first-class mail to the following individuals:

Adolphus Brown, Activity Representative
U.S. Department of Energy
Oak Ridge Reservation
200 Administration Road
Oak Ridge, TN 37830

R. Max Smith, President
OPEIU, Local 2001
411 South Gay Street, Suite D
Knoxville, TN 37902

Julia Akins Clark, General Counsel
Federal Labor Relations Authority
1400 K Street, NW, 2nd Floor
Washington, D.C. 20424-0001



Ylanda Wilson


Dated: May 7, 2012