



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

IN REPLY
REFER TO:

MP-500
ADM-17.00

APR 12 2013

To: President, National Federation of Federal Employees (NFFE) Local 951
Attn: MP-157 (TPederson)

From: David G. Murillo //Electronically Signed//
Regional Director

Subj: Response to Step 3 Grievance (Articles Violated 4 and 28)

1. Please consider this memo as my response to your Step 3 Grievance dated January 28, 2013.

2. The Statement of Grievance is summarized as follows:

Violations by Jason Phillips of Article 4 Sections 1, 2 and 6 as well as Article 28 Section 2.

3. Management Response:

Thank you for meeting with me on January 22nd and discussing your concerns regarding KBAO. During the meeting we agreed that management would not exercise their rights to permanently reassign KBAO Fisheries Resources Branch employees at this time. We discussed transparency in management decisions and taking a partnership approach regarding the Fisheries Resources Branch where no decisions will be made until a proper review is accomplished in a collaborative and transparent manner.

This written response is not intended to deter our joint effort while addressing the Fisheries Resources Branch, but is required per the negotiated agreement. I do not believe that Mr. Jason Phillips past actions violated any Articles of the Negotiated Agreement. However, I do believe we can become more transparent in our decisions and work more collaboratively with the employees and our labor partners.

Requested Remedies:

Remedy #1: You asked for the Fisheries Resources Branch employees to be retained in Klamath Falls, continue to work on issues within the Klamath Basin, and supervised by the Bay Delta Office. As I have committed to the union a team will be formed, independent of the Klamath Office, to evaluate the workload of the Fisheries Resources Branch. We have invited the union to be part of this team and to take an active role in the evaluation. Once the review has been completed and the report issued a decision will be made on the future of the Fisheries Resources Branch. Also, funding levels are evaluated each year and are greatly influence by the Congressed approved budgets for that same year therefore commitments to future funding levels cannot be made. At this time, the Fisheries Branch will stay intact and continue to work on Klamath Falls issues. At times, however; when needed temporary

work assignments may be requested of the Fisheries Branch, they will be discussed with the union and the affected employee prior to any move.

Remedy #2: You asked for leadership to rescind the November 8, 2012 letter and that a written apology is issued by the Area Manager to the employees and is posted for 90 days. As we have discussed in a previous meeting, better choice words could have been used to describe the justification for possible moves. After detailed discussions with the Area manager, I have determined that our intent was not to question the integrity of the Fisheries Resources Branch. However, as a result of the way the letter was written, we do apologize to the Fisheries Resources Branch and rescind the letter with the understanding that a proper review based on workload and need will be performed, which you welcomed to participate in. I believe that as leaders of this Region we have a responsibility to ensure we operate in the most efficient manner and when opportunities arise to make changes we need to make the right decisions. That being said, these types of moves are taken seriously because of the impact it has on the morale and future of our team and as a result must be accompanied by a solid justification that is developed in a transparent manner.

In your letter you also asked that the members of the consultant team be vetted and approved by the union and that a guiding document for evaluating the fish group be developed. We agree to a joint approach with an equal number of union and management members, and that team will discuss the development of a guiding document that will be followed in evaluating the Fisheries Branch.

4. Closing:

This concludes my reply to the grievance and we look forward to addressing this issue jointly in a collaborative and transparent environment.