

GAO

Report to the Honorable
Albert Gore, Jr.
U.S. Senate

March 1991

LABOR-MANAGEMENT RELATIONS

Firefighters' Concerns About Working Conditions at Fort Campbell



143621

General Government Division

B-242671

March 27, 1991

The Honorable Albert Gore, Jr.
United States Senate

Dear Senator Gore:

This report responds to your January 5, 1990, request that we review allegations of dangerous training techniques, abusive personnel practices, and related on-the-job injuries reported to you by firefighters at Fort Campbell Army Base, Tennessee-Kentucky. As a result of the allegations, you were concerned about the safety not only of the firefighters but also personnel on the base who depend on the firefighters' services. We agreed with your office to determine (1) the extent and nature of the firefighters' job-related concerns, (2) the actions taken by the Fort Campbell chain-of-command in response to those concerns, and (3) any additional actions that we believe are warranted to deal with the situation.

Approach

To determine the specific concerns the firefighters expressed to Fort Campbell management officials, we reviewed documentation on (1) 19 charges of unfair labor practices, (2) 7 grievances concerning management actions, and (3) 1 complaint of unsafe working conditions. These documents were formally filed during the period from August 1986 through September 1990. We also reviewed 24 affidavits prepared by 22 firefighters to communicate their concerns to the union. The affidavits represented both firefighters and other civilian employees on the base. These affidavits, which had not been provided to Fort Campbell management as of September 1990, included some, but not all, of the concerns expressed in the above charges, grievances, and safety complaint presented to management.

We interviewed 45 of the 55 firefighters employed at the base in August 1990, as well as 7 firefighters who retired or resigned during the period from August 1986 to August 1990. We randomly selected 23 out of the 55 firefighters to be interviewed. The remaining 22 firefighters as well as 7 former firefighters asked to be interviewed. We also interviewed the local union President and other union officials.

We used the information, along with the results of our interviews with Fort Campbell officials in the chain-of-command, to verify information provided by the firefighters and identify additional actions taken, and

actions that could be taken, to address the firefighters' concerns.¹ We also reviewed an agreement negotiated between Fort Campbell management and the union in December 1985 to determine whether the agreement addressed the firefighters' concerns. Details on the objectives, scope, and methodology of our review are presented in appendix I.

Results in Brief

The vast majority of the firefighters at Fort Campbell had concerns about poor labor-management relations within the fire department and the way the Fire Chief made changes in working conditions. Fort Campbell management officials took steps to resolve the firefighters' specific concerns, such as training the firefighters on avoiding a safety hazard and agreeing to negotiate changes in working conditions with the union. Fort Campbell management also provided labor-relations training and took other steps to improve communication and working relationships within the fire department. Even so, the union later filed grievances and unfair labor practice charges, and the local union President continued to be concerned about the firefighters' work environment.

We believe working relationships and trust between management and the firefighters could be further improved. In December 1990, management was reviewing 24 affidavits detailing the firefighters' concerns and was discussing with the union the possibility of addressing those concerns in a negotiated labor-management agreement. In view of the actions already taken and the additional actions being taken to resolve both specific firefighter concerns and improve working relationships, we are not making any recommendations.

Background

Fort Campbell, a U.S. Army Forces Command installation, is the headquarters for the Army's 101st Airborne Division (Air Assault) and the home of several other Army organizations. The base fire department has four stations and provides fire prevention and protection services for the civilian and military population, structural facilities, and airfields. The fire department is a part of the Directorate of Engineering and Housing (DEH) and is subject to the control of the Installation Commander.² The Labor Relations Officer in the base Civilian Personnel

¹Included among the Fort Campbell officials we interviewed were the Installation Commander; the Director and Deputy Director of the Directorate of Engineering and Housing, which has overall management responsibility for the fire department; the Fire Chief; the Labor Relations Officer; and the Civilian Personnel Officer.

²In August 1990, this position changed from Garrison Commander, responsible for civilian operations, to Installation Commander, responsible for both military and civilian operations.

Office represents the Installation Commander in matters involving the union, such as processing unfair labor practice charges filed by the union and assisting with negotiations between management and the union.

In July 1990, the fire department had 59 members: 1 chief, 3 assistant chiefs, 49 civilian firefighters, and 6 military firefighters. Fort Campbell officials said fire department staffing had remained about the same in the 4 years from August 1986 through July 1990.

The 49 civilian firefighters, along with about 1,900 other civilian employees on the base in July 1990, were covered by a negotiated agreement signed in December 1985 by representatives of the union (Local 2022 of the American Federation of Government Employees) and Fort Campbell management. According to the union President, in July 1990 the union's membership consisted of 492 civilian employees, including 32 of the 49 firefighters.

Civilian employees at Fort Campbell, including civilian firefighters, can take one of several steps when they believe they have been treated unfairly. Employees may file (1) an unfair labor charge, through the local union, with the Federal Labor Relations Authority (FLRA); (2) a grievance, either directly or through the local union, with the base Civilian Personnel Office; or (3) a safety complaint with the Occupational Safety and Health Administration (OSHA). Details on each of these courses of action are provided in appendix II.

Firefighters' Concerns

In August 1986, Fort Campbell management hired a new Fire Chief and, according to the Deputy Director of DEH, the new Chief was charged with building a disciplined, professional fire department. Fort Campbell management officials and firefighters said the previous Chief had been lax in managing the department. They said that before the new Chief arrived, stories abounded of firefighters gambling on the job, missing work, and doing little training. Also, no program of standard physical fitness training existed, according to firefighters.

The Fire Chief said he began (1) standard physical training for all firefighters, (2) a more detailed firefighting training program with lectures and drills, and (3) stricter compliance with leave policies. He said he also implemented a fire prevention program, a policy requiring standard firefighter uniforms, and a requirement for better housekeeping. The Deputy Director of DEH said in December 1990 that the Fire Chief's

performance in carrying out the fire department's mission had been exceptional.

Information supplied by the firefighters and the union showed that their concerns stemmed largely from the way the Fire Chief implemented certain changes in the firefighting operations. Their concerns also related to the way the Chief and his three assistants managed the fire department in general, including their manner of dealing with the union. From August 1986 through September 1990, the firefighters and the union aired their concerns by filing 19 unfair labor practice charges, 7 grievances, and 1 complaint of an unsafe working condition.

The union filed 11 of the 19 unfair labor practice charges during the 2-month period of September and October 1989. According to the base Civilian Personnel Officer, the 19 charges represented about 19 percent of the total 101 charges filed at the base from August 1986 through October 1990. In comparison, the firefighters comprised only 6.5 percent of Fort Campbell's total union membership in August 1990, according to the union President. The union alleged in most of the charges that management had made changes, such as instituting new physical fitness requirements and establishing new work schedules, without negotiating with the union, as required by both the law and the 1985 agreement between management and the union.³

The seven grievances filed with the base Civilian Personnel Office dealt with the reprimand or suspension of firefighters, work schedule changes, and a new physical fitness requirement. Four grievances were filed by firefighters; the other three were filed by the union on behalf of firefighters. Five of the seven grievances were filed during the period from January 1990 through August 1990; the other two were filed in December 1988.

Further, in August 1989, a firefighter complained to OSHA that a safety violation occurred when the Fire Chief and an assistant fire chief instructed the firefighters to cut through some walls during a training exercise. According to the complaint, firefighters were exposed to a health hazard because the walls contained asbestos.

³Unfair labor practices, such as the refusal by management to consult or negotiate in good faith with a labor organization, are prohibited by Title VII of the Civil Service Reform Act of 1978, entitled Federal Service Labor-Management Relations.

Along with the above charges, grievances, and complaint, firefighters detailed a variety of allegations and concerns in affidavits prepared in August 1989 and in their interviews with us about 1 year later in July and August 1990.⁴ Our analysis of the affidavits and interview results revealed that most of the 52 firefighters, including 7 who had resigned or retired during August 1986 to August 1990, had concerns that fell into four broad categories. (See table 1.)

Table 1: Firefighters' Allegations and Concerns

	Number of firefighters who made allegations in:	
	Affidavits	GAO Interviews
Number of firefighters represented	22	52 ^a
Categories of allegations and concerns:		
Excessive or punitive training and duty assignments	16	38
Derogatory or threatening remarks to or about firefighters or the union	16	27
Unsafe training exercises	17	23
Practices creating low morale	4	32

^aTwenty of the firefighters interviewed filed affidavits.

The firefighters named the Fire Chief as the source of their concerns more often than other individuals. For example, the Chief was named in 17 of the 19 unfair labor practice charges and in 21 of the 24 affidavits. To a lesser extent, the firefighters named other Fort Campbell officials in their charges and affidavits, including assistant fire chiefs, the Labor Relations Officer, DEH officials, and the Installation Commander. Firefighters employed both before and after the Fire Chief arrived, as well as firefighters who were union members and nonunion members, had similar concerns.

In both affidavits and interviews, firefighters said that training exercises had resulted in personal injuries. Fort Campbell records on claims for workers' compensation showed that, from April 1987 to July 1990, 24 firefighters reported a total of 33 injuries. Of the 33 injuries, 8 caused firefighters to be unavailable for work for periods ranging from 1 day to 47 calendar days. The remaining 25 injuries did not result in absence from work.

⁴Most of the 24 affidavits prepared by the 22 firefighters were signed and notarized, but some were not. For the purposes of this report, we refer to all 24 statements as affidavits.

The records showed that 17 of these injuries resulted from physical fitness training and fire drills, and 16 injuries resulted from other activities. One firefighter said in a signed affidavit that he was injured in December 1987 while descending a 85-foot ladder, carrying a 60-pound dummy, and wearing his firefighter gear. According to the firefighter, after his foot injury, he was on sick leave for 45 days and returned to light duty in January 1988. He said he began regular duties in February 1988 and suffered a second injury that same month after repetitive training drills. Another firefighter, who assisted the injured firefighter, confirmed that the injury resulted after repetitive drills.

Injuries that resulted from activities other than training and fire drills included a back injury that resulted when a firefighter pulled a fire hose from a truck, and an ankle injury that occurred when a firefighter exited a vehicle.

Management's Response to Firefighters' Allegations and Concerns

When formally presented with specific firefighter allegations and concerns through unfair labor practice charges, grievances, and a safety complaint, Fort Campbell management worked with the union and firefighters to resolve the concerns. By December 1990, all 19 unfair labor practice charges had been settled, as table 2 shows.

**Table 2: Status of Unfair Labor Charges
as of December 1990**

Status	Number of charges
Resolved through agreement	8
Withdrawn by union	8
Dismissed by FLRA	2
Time expired for filing a charge	1
Total	19

Of the 19 charges, 16 were either resolved through agreements made by Fort Campbell management and the union or were withdrawn by the union from 1 to 5 months after the charges were filed. The 16 charges involved such things as the firefighters' concerns about physical fitness standards, work hours and overtime payments, and derogatory or threatening remarks. To illustrate, the following two charges were made in August 1989; in December 1989 one was resolved, and one was withdrawn.

- The union charged that the Fire Chief included physical fitness standards in civilian firefighters' performance plans without negotiating with the union, as required by the labor-management agreement. The charge was resolved when management agreed to suspend the physical fitness standards and negotiate with the union if the standards were to be included later in performance plans.
- The union charged that the Fire Chief assigned two firefighters who were union stewards to outlying areas of the base to prevent the stewards from having access to other firefighters. The union withdrew the charge after management denied the union's assertion and explained that all firefighters were periodically rotated among fire stations on the base.

Of the three remaining charges, two were dismissed and one was not filed on time. FLRA dismissed two charges after concluding that the evidence was not sufficient to issue a complaint. One of these charges, filed in January 1987 and dismissed in April 1987, alleged that the Fire Chief implemented a physical fitness program without negotiating with the union. The other charge, filed in September 1989 and dismissed in December 1989, alleged that the Fire Chief made derogatory remarks to firefighters about the union. Firefighters also made one charge that the union President said he failed to send to FLRA within the required 6 months after the alleged practice. In this charge, firefighters alleged that management denied three firefighters an opportunity to compete for promotions.

All seven grievances were resolved by October 1990, and all were resolved from less than 1 month to about 6 calendar months after the complaints were filed. According to the Labor Relations Officer, he and the union or the employees filing three of the seven grievances agreed to take the time necessary beyond the calendar days specified in the agreement to informally resolve grievances. The other four grievances were resolved within the specified calendar days.

OSHA investigated the complaint involving an alleged safety violation. After OSHA officials determined the complaint to be serious, they began an investigation on August 30, 1989, within 3 days after receiving the complaint. OSHA issued a notice of unsafe or unhealthy working conditions to Fort Campbell in October 1989. According to the OSHA notice, Fort Campbell violated an OSHA safety standard requiring supervisors and firefighters to be trained on avoiding exposure to asbestos.

In response to the OSHA notice, in October 1989, the Installation Commander submitted a corrective action plan to OSHA, which OSHA accepted. The plan called for Fort Campbell to post the notice of violation in the fire department until the violation was corrected. As provided in the plan, in September 1989, the Deputy Director of DEH notified supervisors within DEH of actions to take when employees encounter materials suspected to contain asbestos. The plan showed that Fort Campbell was developing a training program on the identification of asbestos materials. Fort Campbell training records show that this training was provided in November 1990.

In addition to responding to the specific firefighter allegations and concerns described above, Fort Campbell management took actions to improve overall communication and working relationships between fire department management, the firefighters, and the unions.

- In April 1990, the Deputy Director of DEH requested Army Inspector General representatives at the base to review the fire department's operations. The representatives said they held a series of meetings with firefighters, the Fire Chief, and his assistants and made several recommendations directed mainly at improving communication between management and the firefighters. Fort Campbell management also held meetings and took other steps to improve communication.
- The Civilian Personnel Officer arranged for the Office of Personnel Management to hold a 2-day course, entitled "Building Productive Labor/Management Relations—A Joint Problem-Solving Approach Course," at Fort Campbell. This training, held in July and August 1990, was attended by the Fire Chief, his two assistant chiefs, and three union stewards representing the firefighters. Other employees also attended.

Additional Actions Could Improve the Current Situation

Evidence showed both continuing firefighter concerns and a lack of communication and trust between management and the firefighters in September 1990. At that time, the union still had not presented to management some of the allegations and concerns expressed by firefighters in the 24 affidavits (mentioned previously) prepared in August 1989. Management addressed certain concerns documented in the affidavits as a result of charges, grievances, and the safety complaint presented to management. However, according to the union President, he had not given management the affidavits that documented other firefighter concerns because of the firefighters' fear of reprisal. In addition, the union continued to file grievances and unfair labor practice

charges through August and September 1990. One such charge alleged that management had denied a firefighter union representation.

In late September 1990, because of evidence of continuing firefighter concerns, we discussed with the Installation Commander, the local union President, and other management and union representatives the need to further improve communication and trust between management and the firefighters. We also suggested the possibility of including provisions in the negotiated agreement to specifically address working conditions that are unique and of continuing concern to the firefighters.

Management Is Continuing Steps to Improve Working Relationships

In December 1990, the Installation Commander said he had become more personally involved with the firefighters and the union to improve communication and resolve differences between management and the firefighters and the union. He said he arranged for Inspector General representatives to visit the fire department quarterly. Further, according to the Installation Commander, a new Director of DEH, who arrived in August 1990, was meeting regularly with the firefighters to better understand and deal with their concerns.

The union President said in December 1990 that after receiving firefighters' written approval he allowed the Installation Commander to review the 24 affidavits prepared in August 1989. The Installation Commander said he reviewed the affidavits and would decide what actions were warranted to further address the firefighters' concerns.

Firefighter Working Conditions Are Being Considered for Formal Negotiation

In response to our suggestion, the Installation Commander and the union President agreed that a new negotiated agreement could be used as a means of addressing firefighter concerns about their working conditions. The negotiated agreement signed in December 1985 covered all civilian employees. However, it did not specifically address working conditions unique to firefighters.

Firefighters were specifically concerned about such issues as duty schedules and training. As table 1 showed earlier, many firefighters expressed concerns in affidavits and/or interviews about excessive or punitive training exercises and duty assignments. Similarly, 5 of the 19 unfair labor practice charges and 3 of the 7 grievances dealt with firefighters' concerns about work schedules, including lunch periods and overtime. However, firefighter duty schedules and training were not addressed in the 1985 agreement. For example, the agreement contained

eight sections on hours of work and overtime for employees whose basic work week was five 8-hour days. Because firefighters have a different basic workweek (three 24-hour days or 144 hours every 2 weeks), many of the provisions did not apply to them. The sections of the agreement on overtime said firefighters were not covered in those sections, and the agreement did not otherwise mention overtime for firefighters.

In December 1990, the union President said he and the Installation Commander had discussed adding provisions in the union agreement specifically covering the firefighters' working conditions. The union President said he was developing a list of subjects to be considered for negotiation.

Conclusions

Although Fort Campbell management responded to specific firefighters' concerns and took steps to improve communication, we believe working relationships and trust between management and the firefighters could be further improved. Toward that end, the Installation Commander reviewed firefighters' affidavits and was working with the union President to reach agreement on specific conditions, such as duty schedules, which are unique to the firefighters and directly concern them. In light of the actions taken as of December 1990 by Fort Campbell management and the local union, we are making no recommendations.

Agency Comments

We discussed this report with Fort Campbell management and local union officials. They suggested specific changes of a technical nature, which we made. Although Fort Campbell management officials agreed with our report, the local union President offered a number of comments regarding the Fire Chief's changes and management style. These comments, similar to those made in affidavits and interviews and summarized in this report, indicate a continuing concern by the union about the firefighters' work environment.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the issue date. At that time, we will send copies of the report to the Secretary of Defense, the Secretary of the Army, and the President of Local 2022 of the American Federation of Government Employees.

The major contributors to this report are listed in appendix III. If you have any questions about this report, please contact me at (202) 275-5074.

Sincerely yours,



Bernard L. Ungar
Director, Federal Human Resource
Management Issues

Objectives, Scope, and Methodology

In January 1990, Senator Albert Gore, Jr. asked us to review specific firefighters' concerns and allegations about working conditions at Fort Campbell, Tennessee-Kentucky. To respond to the request, we agreed to determine (1) the extent and nature of the firefighters' job-related concerns; (2) actions Fort Campbell chain-of-command has taken in response to those concerns; and (3) whether, in our view, any additional steps are warranted to deal with the situation.

In December 1989, a national vice president of the American Federation of Government Employees wrote to Senator Gore and said injuries and other problems had occurred in the firefighting operations at Fort Campbell after a new fire chief had been hired. Therefore, our review focused on the period from August 1986, when the Fire Chief arrived, to early December 1990.

We reviewed Army regulations and National Fire Protection Association standards and codes on the operation of fire departments, FLRA regulations on charges of unfair labor practices, OSHA regulations on complaints of unsafe working conditions, and an agreement signed by Fort Campbell management and union officials in December 1985.

To identify and understand the firefighters' concerns, we reviewed documentation on

- 19 charges of unfair labor practices filed with the base Civilian Personnel Office (15 of which were also filed with FLRA) on behalf of the firefighters by the union, Local 2022 of the American Federation of Government Employees;
- 7 grievances filed with Fort Campbell management by firefighters or by the union on behalf of firefighters;
- 33 on-the-job injuries reported on a standard form, Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, to the Fort Campbell Safety Office by firefighters;
- 1 citation by OSHA for the fire department's violation of safety standards on asbestos-related training; and
- 24 affidavits that were provided by the union to Senator Gore's office and to us and had been prepared by 22 firefighters (1 firefighter prepared 3 affidavits) and given to the union detailing the firefighters' allegations and concerns.

We interviewed 52 firefighters at Fort Campbell, including 45 of the 55 firefighters employed in August 1990. The remaining seven had retired or resigned between August 1986, when a new Fire Chief was hired, and

August 1990. We randomly selected 23 firefighters for interviews. The other 22 firefighters, as well as the 7 firefighters who had retired or resigned between August 1986 and August 1990, requested that we interview them.

To determine what actions Fort Campbell management had taken and might take to address the firefighters' concerns, we reviewed documentation provided by Fort Campbell management, union officials, FLRA, and OSHA on the unfair labor practice charges, grievances, and the complaint of a safety violation. We also interviewed the following individuals:

- the Installation Commander, who is responsible for civilian activities on the base;
- the Director and Deputy Director of DEH, who have overall management responsibility for the fire department;
- the Labor Relations Officer, who is responsible for assisting in the negotiations between Fort Campbell management and the union and processing charges of unfair labor practices, grievances, and other personnel-related matters;
- the Fire Chief and the three assistant chiefs, who were responsible for managing the fire department;
- Inspector General representatives at Fort Campbell, who were responsible for reviewing the firefighting operations;
- FLRA officials, who were responsible for investigating charges of unfair labor practices at Fort Campbell; and
- OSHA officials, who were responsible for investigating a complaint of an asbestos-related safety violation.

We obtained comments from Fort Campbell management and local union officials. Their comments are included in the report as appropriate. Our review, made during the period from July 1990 through December 1990, was in accordance with generally accepted government auditing standards.

Procedures for Unfair Labor Charges, Grievances, and Safety Complaints

Unfair Labor Charges

As provided in an agreement negotiated by Fort Campbell management and the local union, Fort Campbell civilian employees may go to the union for assistance. The union may charge that management engaged in an unfair labor practice, such as changing working conditions without negotiating with the union. The union can file such charges with the base Civilian Personnel Office; the union and management have 15 days to informally resolve the charge. After that time and within 6 months after the alleged practice, the union can file the charge with the FLRA for investigation.

If FLRA determines that the charge has merit, it attempts to reach a voluntary settlement. If settlement efforts fail, FLRA can take actions to settle or remedy the charge. These actions include issuing a complaint to the agency about the alleged unfair labor practice, and if the evidence revealed at a hearing warrants, issuing an order requiring the agency to cease and desist from the practice.

Grievances

The agreement also provides that Fort Campbell employees may, on their own or through the union, file a grievance with the base Civilian Personnel Office when they believe that management has improperly interpreted and applied personnel policies. Under the agreement, employee-filed grievances are to be settled at the lowest possible level. If settlement cannot be reached, the employee can file the grievance with the appropriate division or department head. If the grievance remains unresolved, it is to be sent to both the Civilian Personnel Office and a cognizant management official specified in the agreement. The agreement specifies the number of calendar days for resolving grievances at each successive level.

Union-filed grievances are to go directly to management and are also to be resolved in a specified number of calendar days. Under the agreement, the parties to the grievance may request and be granted extensions of time for processing the grievance, whether the grievance was filed directly by the employee or by the union on behalf of the employee.

Safety Complaints

Employees may file complaints of unsafe working conditions with Fort Campbell's Safety Division of the Directorate of Operations and Maintenance, which is responsible for investigating the complaints and advising the appropriate supervisor on how to correct the situation. The employees may also file complaints with OSHA.

**Appendix II
Procedures for Unfair Labor Charges,
Grievances, and Safety Complaints**

Under OSHA regulations, an agency, or OSHA if it is handling the complaint, must investigate within 24 hours if the complaint involves imminent danger conditions, within 3 days if it involves potentially serious conditions, and within 20 days if it does not involve serious safety and health conditions.

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