

**ARTICLE XXXVI  
CHANGES IN CONDITIONS OF EMPLOYEMENT**

1. SECTION 1. The Union will be notified of any proposed
2. change in conditions of employment affecting any
3. Bargaining Unit Employee. The Employer will notify the
4. Union, in writing, through the Labor Relations Office,
5. of the proposed change. Notification will include;
6. what employee(s) the change will effect, why the change
7. is being implemented, proposed effective date of the
8. change and what condition of employment will change.
  
9. SECTION 2. Impact and Implementation Bargaining
10. Procedures. In the event that the Employer proposes
11. changes in conditions of employment including those
12. which involve management rights reserved under 5 U.S.C.
13. 7106 or which are otherwise not negotiable, the
14. following procedures shall apply with regard to
15. negotiations concerning the impact and implementation
16. (5 U.S.C. 7106(b)(2) and (3)) of those changes:
  17. a. The Employer shall notify the Union at least
  18. seven (7) calendar days, or as soon as the
  19. Employer is aware, prior to the planned
  20. implementation date of any proposed nonnegotiable
  21. change in conditions of employment, giving the
  22. Union at least seven (7) calendar days from the
  23. date of receipt to request impact and
  24. implementation bargaining.
  25. b. If the Union does not request impact and
  26. implementation bargaining within the time limit,
  27. the Employer may implement the proposed changes.
  
  28. c. Upon timely request by the Union, the Employer
  29. shall promptly enter into good faith negotiations
  30. regarding the impact and implementation of the
  31. proposed changes.
  
  32. d. The parties agree to negotiate in good faith
  33. as expeditiously as possible so that negotiable
  34. employee impact issues are resolved and the
  35. Employer may implement proposed changes in a
  36. timely manner. If agreement cannot be reached
  37. promptly enough to avoid unreasonable delay in the
  38. implementation of changes (within seven (7)
  39. calendar days after the parties begin
  40. negotiations, provided three (3) or more
  41. bargaining sessions have occurred), the parties
  42. will seek mutual agreement regarding
  43. implementation of the Employer's last best offer.
  44. If agreement cannot be reached and the Employer
  45. implements its last, best offer, the provisions of
  46. 2e below may be invoked by the Union. In any event the
  47. Employer agrees to continue negotiations in good faith

48. and to proceed, if necessary, through mediation by the  
49. Federal Mediation and Conciliation Service and  
50. resolution of any impasses by the Federal Service  
51. Impasses Panel. The Employer further agrees to  
52. retroactively apply any procedures for implementation  
53. and/or appropriate arrangements for employees adversely  
54. affected which were not previously agreed to by the  
55. parties, and are settled in Mediation or imposed upon  
56. them by the Panel, unless such retroactive application  
57. results in undue disruption of activity operations.

58. e. If the Employer (1) unilaterally implements a last,  
59. best offer prior to conclusion of the negotiations  
60. process over the Union's objection or (2) refuses to  
61. implement a final Panel order, the Union may challenge  
62. the Employer's action(s) in accordance with procedures  
63. established by 5 U.S.C. 7118.