

Transfer of MTFs to DHA

DEFCON Brief, September 7, 2022

Background

- ▶ 2017 NDAA mandated transfer of all civilian employees and military billets working on medical and research matters to the Defense Health Agency (DHA)
- ▶ Military Services' resistance and the pandemic delayed implementation
- ▶ Medical Treatment Facilities (MTFs) are in process of transferring
- ▶ Trying to learn additional DOD activities that will transfer
 - ▶ Army Research and Development Command transferring as of Oct. 1, 2022
 - ▶ Trying to learn if similar functions will transfer from other military depts.



Civilian Human Resources Agency



Civilian Transition Schedule

DHA RePPS SET 1

Effective **17 JUL 2022**

Transferring 15,942 Civilians

Direct Reporting Markets

- National Capital Region
- Coastal Mississippi
- Low Country
- Colorado
- Coastal North Carolina
- Tidewater
- Alaska
- San Antonio
- Puget Sound
- Hawaii

Small Market (SSO):

- Central KY

DHA RePPS SET 2

Effective **14 AUG 2022**

Transferring 18,054 Civilians

Direct Reporting Markets

- San Diego
- Central Texas
- Southwest Georgia
- Florida Panhandle
- Southwestern KY
- Augusta
- El Paso
- Sacramento

Small Market (SSO):

- Central OK
- West Point
- Upstate NY
- Central SC
- Central VA
- Charleston
- Central Louisiana
- Cali Desert
- New England
- Little Rock
- Los Angeles
- Las Vegas
- Garden State
- Army National Guard
- Corpus Christi

DHA RePPS SET 3

Effective **11 SEP 2022**

Transferring 13,061 Civilians

Direct Reporting Markets

- San Antonio

Small Market (SSO):

- Kansas
- Ozarks

Stand Alone MTEs (SSO)

DHAR-Europe

DHAR-INDO PACIFIC

Excellence through Partnership

AFGE Impact

- ▶ Army: 18,000 BUEs transferring from Army to DHA
- ▶ Navy: 4,700 BUEs transferring from Navy to DHA
- ▶ Air Force: 4,800 BUEs transferring from Air Force to DHA

What This Means

- ▶ AFGE General Counsel's Office has filed petitions for those employees who have transferred to DHA and will file for the others who will later transfer as well.
- ▶ Any Local that holds its own certification will be asked to designate GCO as rep during FLRA case to facilitate representation for all cases

Petitions Filed With FLRA

Direct Reporting Markets	Transition Date	Filed	Other Unions Involved
	Effective July 17, 2022		
Alaska		6/27/2022	
Central Kentucky		6/15/2022	
Coastal Mississippi		6/27/2022	
Coastal North Carolina		6/27/2022	
Colorado		7/6/2022	
Hawaii		7/6/2022	
National Capital Region		7/6/2022	
Puget Sound		6/27/2022	IAMAW
Tidewater		7/6/2022	NAIL, NAGE
	Effective August 14, 2022		
Direct Reporting Markets			
Augusta		8/9/2022	
Central Texas		8/9/2022	
El Paso		8/9/2022	NFFE
Florida Panhandle		8/9/2022	
Sacramento		8/9/2022	
San Diego		8/9/2022	NFFE, SEIU
Southwest Georgia		8/9/2022	Fed. Empls Metal Trades Council
Southwestern KY		8/9/2022	NFFE
Small Markets (SSO)		8/10/2022	NFFE, NAIL NAGE, Painters/IBPAT

MTF Breakdown

- ▶ Review the MTFs here:

- ▶ <https://health.mil/Military-Health-Topics/Access-Cost-Quality-and-Safety/Military-Hospitals-and-Clinics/Market-Structure/Direct-Reporting-Markets>

- ▶ <https://health.mil/Military-Health-Topics/Access-Cost-Quality-and-Safety/Military-Hospitals-and-Clinics/Market-Structure/Small-Market-and-Stand-Alone-MTF-Organizations>

Guidance—Status of Employees Who Transfer to DHA While Petition Pending at FLRA

- ▶ 5 C.F.R. 2422.34

- ▶ § 2422.34 What are the parties' rights and obligations when a representation proceeding is pending?

- (a) ***Existing recognitions, agreements, and obligations under the Statute.*** When a representation proceeding is pending, parties must maintain existing recognitions, follow the terms and conditions of existing collective bargaining agreements, and fulfill all other representational and bargaining responsibilities under the Statute.

Guidance—Status of Employees Who Transfer to DHA While Petition Pending at FLRA

- ▶ Morale, Welfare and Recreation Directorate, MCAS Cherry Point, 48 FLRA 686 (1993)
 - ▶ Employees represented by AFGE were reorganized
 - ▶ Agency withdrew recognition while case was pending over the status of the employees after the reorg
 - ▶ Agency stopped dues deduction, refused to arbitrate a grievance
 - ▶ Authority found that agency committed a ULP because it was obligated to continue to recognize AFGE until the representation petition was finally adjudicated

Guidance—Status of Employees Who Transfer to DHA While Petition Pending at FLRA

- ▶ Dept. of the Navy, NWS Yorktown, 55 FLRA 1112 (1999)
 - ▶ After a reorganization, the union and the agency filed petitions making competing claims about what the appropriate unit was.
 - ▶ While the petition was pending, the agency notified the union about a change in working conditions for b.u. employees
 - ▶ The agency denied union officials official time to engage in the bargaining
 - ▶ FLRA found that agency committed a ULP
 - ▶ “The bargaining unit certified prior to the reorganization and the parties’ filing of representation petitions continues to be the official, recognized unit and the [agencies] were obligated to grant official time to the 2 employees. . . .”

Guidance—Status of Employees Who Transfer to DHA While Petition Pending at FLRA

- ▶ Hawaii—discontinue official time (Army)
- ▶ Pensacola—refuse mid-term bargaining (Navy)
- ▶ San Diego—refuse to process 1187s (Navy)
- ▶ Army Medical Research Command—stop cooperating in impasse proceedings

Guidance—Status of Employees Who Transfer to DHA While Petition Pending at FLRA

- ▶ For any violations, file a ULP
 - ▶ Usually only against military department
 - ▶ May be appropriate to file also against DHA depending of facts/scenario
 - ▶ Hawaii

Potential Future Landscape in DHA

- ▶ Adding thousands of employees to AFGE
 - ▶ Colorado
 - ▶ Adding 190 Army and 100 Air Force formerly unrepresented
 - ▶ Tidewater
 - ▶ Hundreds from NAIL and NAGE at Eustis and Langley
 - ▶ Other locations
 - ▶ Ft. Polk, LA
 - ▶ Ft. Irwin, CA
 - ▶ Fairchild AFB, WA