

=====**CONFIDENTIAL**=====

THIS DOCUMENT IS SUBJECT TO A COURT ORDER AND THIS DOCUMENT AND ITS CONTENTS SHALL NOT BE USED, SHOWN OR DISTRIBUTED EXCEPT AS PROVIDED IN THE COURT'S ORDER

January 8, 1987

MEMORANDUM

To: Peter G. Sparber  
From: Susan M. Stuntz *SM*  
Re: Progress on GSA Program

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Since the General Services Administration announced its new smoking policy in early December, we have taken the following steps to ensure that federal employee unions are aware of their rights and responsibilities as agencies face a February 6 deadline for implementation:

We are briefing federal employee unions on the implications of the new regulations, stressing their rights to bargain collectively on this issue. As a first step, unions represented by the AFL-CIO's Public Employee Department (PED) were encouraged to ask PED for guidance on how best to represent their members as agencies began to implement the regulations. These requests for assistance will be used as a means of encouraging the PED to draft and mail guidelines to all federal employee unions, including the American Federation of Government Employees, the American Postal Workers Union, the National Association of Government Employees, the National Federation of Federal Employees and the Machinists. We already have begun to work with PED on those guidelines.

Despite initial AFGE euphoria over their "victory" in getting the GSA proposal modified, it now appears that they believe the GSA misled them with the final rule. It appears that the rule leaves little room for negotiation; this view is shared by other federal employees, particularly the Postal Workers, whose previously negotiated smoking policy appears to be invalidated by this rule.

TI DN 0015904

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It appears that, on the February 6 deadline for implementation, some agencies will attempt to unilaterally ban smoking in their buildings. That would constitute an unfair labor practice; we will be working with our contacts in the unions to ensure that appropriate legal challenges are filed and publicized.

Unions also are considering legal challenges to recent refusals by GSA to allow air quality inspections by independent contractors requested by organized labor. An AFGE local, for example, recently asked management to allow ACVA to conduct air quality studies in two buildings; their request was denied; they have told us they plan to file an unfair labor practice charge against GSA. Despite GSA's reluctance to allow independent contractors access to their buildings, we continue to offer assistance in conducting air quality studies.

Our December 8 memo recommends encouraging letters to newspapers and to elected officials, complaining about the regulations. As policies have yet to be implemented, the potential for such letters will be greater after February 8.

I will report further progress as it occurs. Please let me know if you have any questions.

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