

United States of America

BEFORE THE FEDERAL SERVICE IMPASSES PANEL

In the Matter of )  
 )  
U.S. Nuclear Regulatory Commission )  
 )  
and ) Case No. 92-FSIP 113  
 )  
National Treasury Employees Union )

FACTFINDER'S REPORT

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Chapter 208 of the National Treasury Employees Union ("Union") filed a request with the Federal Service Impasses Panel ("Panel") to consider a negotiation impasse under Section 7119 of the Federal Service Labor-Management Relations Statute ("Statute") between it and the U.S. Nuclear Regulatory Commission ("Agency"). The undersigned was selected by the parties to conduct a factfinding hearing concerning issues generally involving the allocation of work space among employees of the Agency who are scheduled to be transferred to a building under construction, known as Two White Flint North ("2WF") for the Agency.

The parties were notified that the report of the Factfinder, without recommendations for settlement, would be submitted to the Panel in accordance with Section 2471.9(c) of the Panel's regulations. The hearing was held on September 9 and 10, 1992. A stenographic record was made, testimony and arguments were presented, documentary evidence was submitted and a tour of several floors at One White Flint was conducted by the Factfinder with representatives of the Union and Agency. The Agency filed a Motion to Reopen the Hearing and the Union filed an Opposition thereto. The Factfinder denied the Motion to Reopen the Hearing.

BACKGROUND

The mission of the Agency is to ensure adequate protection for the public health and safety, the common defense and security, and the environment in the use of nuclear materials in the United States. (Attachment 2) ("Att.") In addition to its Headquarters and Operations Center, the Agency has five Regional Offices throughout the United States.

Since 1977-1978, the Agency has been making efforts to consolidate its headquarter staff which had been located in about twelve different buildings throughout Washington, D.C.; Silver Spring, Maryland, Bethesda, Maryland; and North Bethesda, Maryland. (Transcript 26, 224 ("Tr.)) The reasons for the consolidation efforts were to improve the coordination and the communications activities of the headquarters staff among the twelve locations from which they operated as well as their working with people in other organizations that interacted with the Agency and to save money. (Tr. 26, 31) During the early stages of the consolidation effort, the Union lobbied for the site to be in Montgomery County, as ninety percent of the staff lived there. (Tr. 224) With respect to 2WF, the Union did participate in hearings for rezoning, but it was not involved in planning the size of the building or the allocation of office space. (Tr. 225-228)

The parties do not dispute the need for the consolidation of the headquarter staff. However, the Agency believes that it is required to accomplish the consolidation at a single site consisting of One White Flint North (1WF) and Two White Flint North and that all other buildings where the staff is currently housed are to be vacated. (Tr. 41, 43, 50; Ag. Exh. 5) The Union believes that one of the buildings where staff are now situated which is near the White Flint site, Nicholson Lane ("NLB"), can be part of the consolidation package. Until the instant hearing, the Union was never informed by the Agency about any limitations that were placed on its use of space other than at the White Flint site. (Tr. 28, 41)

In 1986, the General Services Administration ("GSA") purchased 1 WF from the developer. At the time of the purchase, 1WF was standing but not completed. The agreement between GSA and the developer provided for the construction of a second building adjacent to the first, provided Montgomery County, Maryland, where the buildings were located, would approve rezoning to permit the additional construction. (Tr. 37)

In approving the rezoning request for 2WF, Montgomery County limited the office space for that building to 325,300 square feet, which included uses such as a physical fitness center, lobbies, and other public spaces. The Agency was bound by the limitations spelled out in the Adequate Public Facilities Ordinance Agreement (Ag. Exh. 6) The Montgomery County Planning Board set a cap of 2,450 on the total number of Agency employees to occupy both buildings. (Ag. Exh. 7 at p. 4) The Agency agreed to this cap. (Ag. Exh. 8)

The Agency is of the opinion that in accepting GSA's offer of the White Flint location for the consolidation, it was bound to comply with GSA's Temporary

Regulation D-76 concerning the allocation of office space. (Tr. 35-37, Jt. 1) According to the Agency, the idea was to consolidate the headquarter staff which is housed in 11 locations occupying 572,666 square feet to the two White Flint buildings that would consist of 266,960 occupiable square feet at 1WF and 304,350 occupiable square feet at 2WF. This is roughly the amount of space that the Agency will be giving up when its staff vacates the other locations. (Ag. Exh. 5, Tr. 44-45) The Agency believes that the two White Flint buildings provide sufficient space to accomplish the consolidation. (Tr. 50) The parties stipulated to the size of the square footage available for office space in the two White Flint buildings. (Tr.40-41)

In June 1991, after Montgomery County approved the rezoning of the White Flint site, prior to construction of 2WF, the Union requested information on the design of that building. After reviewing the material provided by the Agency, on August 2, 1991, the Union submitted its initial proposals for bargaining. (Tr. 231, Un. Exh. 1) The proposals were based on the Union's ascertainment of the experience of employees in 1WF. They were not made with full information on the design of 2WF as such was not provided to the Union. (Tr. 232-235) In late August or early September of 1991, the Agency conducted a briefing for the Union of the general plans for 2WF. The Agency did not respond directly to the Union's proposals. The Union filed other requests for bargaining. Eventually, the Union filed an unfair labor practice charge with the Fair Labor Relations Agency (Tr. 232-235, Un. Exh. 3)

After the unfair labor practice charge was filed, the Agency submitted a proposal to the Union in early February 1992. One bargaining session was held with the Agency. During that session the Agency made it clear that it would not consider the Union's proposals. During the single mediation session held on March 17, 1992, the Union let the Agency know that its positions were flexible based on information they would acquire about the building's design. On March 18, 1992, the Union submitted its request for the services of the Federal Service Impasses Panel. (Tr. 236-239, Un. Exh. 3)

In summary, the Union's initial proposals were:

1. Office Space.

- A. All bargaining unit professional and non-professional employees, GS-9 and above, would have either standard size

- a. open offices of a minimum size of 110 square feet, or
  - b. enclosed two person offices having a minimum of 220 square feet.
- B. All other unit employees, except clerical/secretarial, would have open offices containing a minimum of 80 square feet.
- C. All clerical/secretarial employees would have workstations containing a minimum of 64 square feet.

**2. Building Design Layout.**

The design layout for the floors on which offices will be situated would position all offices and other facilities having floor to ceiling partitions toward the interior of 2WF so as to improve natural lighting, airflow and traffic patterns.

**3. Union Office.**

No new space would be allocated to the Union for offices. (Tr. 7-8, Ag. Exh. 11 and 12)

ISSUES AT IMPASSE

The parties are at impasse on the following three issues:

- 1. What should be the size of offices at 2WF?
- 2. Should the enclosed offices reserved for Agency managers be across the core of the building or around the perimeter next to the windows?
- 3. Should the Union be allowed to have a 400 square foot office in 2WF?

POSITION OF THE PARTIES

**Agency's Position and Summary of Testimony:**

Restrictions on Agency Action.

In making its proposals for the proper allocation of office space the Agency

believes that it must follow a number of directives concerning the efficient use of space, such as:

Executive Order 12411 which requires that "the amount of office space used by each employee . . . is held to the minimum necessary to accomplish the task that must be performed." (Ag. Exh. 4, Tr. 32-33)

GSA Temporary Regulation D-76 requires an agency to provide justification for its office space needs based on a standard of 135 square feet per employee. (Tr. 35-37, Jt. 1)

### Planning the Office Space.

The Agency allocated about 100,000 of the occupiable square footage at 2WF for special space needs (meeting rooms, cafeterias). This is the minimum amount that the Agency believes it can live with. (Tr. 52-53) The Agency allocated the remaining occupiable space for primary and support office space, plus lobbies and corridors. (Tr. 54) The Agency developed workstation size standards based on the standards it used for 1WF in 1987. (Tr. 54, 57)

For 1WF, the workstation standards ranged from 360 square feet to 36 square feet, including a circulation factor. (Ag. Exh. 9) The circulation factor includes, among other things, an amount of space necessary for corridors to access the workstations and building columns. (Tr. 55) The circulation factor used for 1WF was about thirty (30%) percent. (Tr. 56) The circulation factor for 2WF is forty point four (40.4%) percent. (Tr. 63) The numbers that the Agency allocated to the different kinds of workstations were the result of looking at the amount of space they had to work with, the GSA standard of 135 square feet per employee, and the allocation of space depending on the different activities and functions to be performed by the employee (Tr. 56)

Before planning the standards for 2WF, the Agency reviewed the literature to see what was current thinking on open stations; they circulated questionnaires to employees in 1WF for their opinions concerning the open stations. (Tr. 58-60, Ag. Exh. 10) Questionnaires were distributed to 64 of a pool of 800 employees and 51 were returned. No information was provided to know the size of the workstations of the responding employees. (Tr. 150-153)

Under the GSA Temporary Regulation D-76, "primary space" is that space which is the actual space occupied by the employee plus a circulation factor. Under the regulations, "support space" includes all space outside of the workstation, such as

meeting rooms, reception area, file areas, that supports the activity conducted inside the space. (Tr. 63) The reason for the higher circulation factor in 2WF to that of 1WF is because the triangular design of the second building has a larger core which results in a less efficient use of the space. (Tr. 67)

Based on the Agency's plan, it intends to have 168 (F) open 100 square foot stations and 119 (F5) closed 100 square foot stations. (Ag. Exh. 12, Tr. 70-71) Bargaining unit and non-bargaining unit staff would be served by these offices. (Tr. 72)

The Agency's calculation comes out to 117.1 square feet for primary space and circulation factor as opposed to GSA's standard of 125 square feet for primary space and circulation factor. Although under the GSA regulations, the Agency could have adopted a higher per square foot standard, it believed it was bound to adopt its minimum need and this was the only way to have all of the employees in the two buildings. (Tr. 72-76, Ag. Exh. 13) The Agency does not believe that the Union's proposal for 110 square feet per office would meet the GSA standards. (Tr. 77) The Agency believes that its allocation of space to managers is modest compared to office space given to managers in other agencies. (Tr. 79-81, Ag. Exh. 15) The Agency believes it has no latitude with respect to the GSA standards because it previously committed itself to comply with them. (Tr. 82)

The reason that the standard for the offices in the new building is less than that allocated to employees in their existing locations is the greater amount of space that is being allocated to special purpose space. Some special purposes are a day care center, auditorium, larger emergency operations center, more conference rooms. Such special purpose uses would not be possible while the Headquarter staff remains dispersed. (Tr. 87, 129-130) The Agency has already tried to reduce these special purposes spaces so that all functions can be accommodated in the two buildings. (Tr. 133)

The parties stipulated that installing the Systems Furniture in the offices would result in more efficient use of space. (Tr.. 91)

According to the Agency, the space planning for 2WF was done by the Agency's staff and the architecture firm under contract to the developer. (Tr. 94) The Union's proposals would require an additional 29,000 square feet of space above what the Agency had allocated for office space in 2WF. This calculation was limited to placing bargaining unit employees in the Union's proposed amounts of space. (Tr. 95-96) The Agency does not believe that you can reduce manager

offices to below 100 square feet enclosed offices due to their need to have meetings in their offices and to deal with confidential supervisory matters. (Tr. 99, 102)

The Agency put all of the managers' offices on the window walls at 1WF. It proposes to put most of the manager offices along the perimeter walls in 2WF. Some of the 100 square foot first line manager offices would be in the interior so that they are nearer to their staff. (Tr. 120) The Agency does not believe that this arrangement will block light because large expanses of the windowed walls will have open work stations adjacent to them and the enclosed offices will have strips of glass measuring about 16 inches across the top interior wall and side glass areas near the doors to the offices so that light from the perimeter windows will be able to pass through. (Tr. 121-122) According to the Agency's calculations, there is absolutely and relatively more window space available to open work stations in 2WF as opposed to 1WF. (Tr. 23, Ag. Exh. 26)

#### Agency Responses to Union Proposals.

The Agency estimates that to implement the Union's proposals would cost an additional \$4,000,000.00 This additional expense would result from the need for more space planning, extra rent charges for retaining existing locations, and the rents that will be due on 2WF. This calculation was not based on any computer model. (Tr. 125-126, 171-175 1/)

The current rent for NLB is \$637,200.00 plus utilities, so that the total annual amount is about \$700,000.00 (Tr. 210-211) The rent charge for 1WF for FY 92 is about \$8,139,400.00. The rent for 2WF will be at least that much. The rent for the NLB would be about three point seven percent (3.7%) of the rents for the White Flint buildings. (Tr. 214-217)

In the Agency's opinion 2WF cannot accommodate the Union's request for additional office space. As it is, the Agency had to cut back on program support activities in its own plans for that building. (Tr. 126-127)

The Agency acknowledges that some of the proposed 80 and 64 foot work stations will have building columns in them which employees will have to work around.

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1/ The Undersigned wishes to note that transcript pages 172 and 173 are identical so that part of the witness' evidence does not appear in the Transcript.

This is also the situation in the 1WF. There are likely to be more columns in 2WF due to its design (Tr. 135-137)

When the Agency completes its move to 2WF, there will be four floors vacated in 1WF. Each floor in 1WF is about 11,000 to 13,000 square feet. That would come to about 44,000 square feet. (Tr. 139) The Agency may use that extra space to allow for growth and reconfiguring some of the existing offices in 1WF. The Agency produced no written plans for how it would deal with the vacated space in 1WF. (Tr. 139-142, Un. Exh. 5)

The Agency recognizes that bargaining unit staff will have need for meeting space on a regular basis. (Tr. 145) The meetings will have to be conducted in open workstations or in supervisor enclosed stations or in meeting rooms. However, there are no plans for small meeting rooms for 2WF. Having meetings with 2 or 3 people in a typical 80 square foot work station would not be an ideal arrangement. (Tr. 146)

When 2WF was designed, the Agency was not consulted by the developer, architect or GSA. The Agency was surprised to find out that the circulation factor was to increase by about 50 percent over that of 1WF (Tr. 154-159) The Union proposal for shared enclosed 220 square foot workstations would theoretically improve the circulation factor. (Tr. 160) Job function is a relevant factor when determining space utilization. (Tr. 164)

The Agency does not view retention of the Nicholson Lane building as an option for achieving its consolidation goal because, in its view, the consolidation can be handled by the two White Flint buildings and, although, NLB is only 300 to 500 yards away, it is situated across Rockville Pike, a congested thoroughfare. Making trips from 1WF to NLB is time consuming and hazardous to employees. (Tr. 168-170)

The Agency hired a space planner to oversee the work done by the interior design contractor retained by the developer for 2WF. When planning work space, a planner must gather information about the user of the space, the type of functions they perform, equipment used, need for "adjacencies" and special use space. (Tr. 177-178)

"Adjacencies are relationships between people and equipment, or people and other people, or people and a variety of spaces that are either immediately required or not required. Some adjacencies are not desirable, for example the Inspector



General of the Agency does not wish to be on a floor with other offices. Some adjacencies are important for keeping control to access. An example of people to people adjacencies is keeping managers and staff close together. (Tr. 178-179)

Unlike the Union's proposal, in typical commercial design, enclosed offices are located on the perimeter of a building because that allows more flexibility in dealing with the adjacencies. The Agency's space planner experimented with both methods of placing the enclosed offices. She found it easier to address adjacencies with the enclosed offices along the perimeter because there is more room to move them around due to the triangular shape of the building and to address "blocking" concerns, (i.e., keeping certain groups together,) and not having to increase the circulation factor due to more single loaded corridors, (i.e., accessed from only one side). (Tr. 180, 184-186, 192-196, Ag. Exhs. 28, 29, and 30) According to the space planner, applying the Union's proposal would result in the loss of approximately four work stations and some support space per floor. (Tr. 186)

The light reaching the interior of 2WF as shown on Agency Exhibits 28 and 29 would roughly be the same. This is because the amount of light traveling across the top of the open work station System Furniture panels, which would be sixty-six inches high made of solid fabric acoustic, and the enclosed offices with metal walls having clear story would be very close. (Tr. 202-203)

The clear story windows will not have blinds, but the windows at the perimeter will have vertical blinds. Whichever type of office is on the perimeter, enclosed or work station, the occupant will be able to control the vertical blinds.

## **Union's Position and Summary of Testimony:**

### Union Concerns with GSA Strictures.

The Union believes that the GSA Temporary D-76 regulations that allocated no more than 135 square feet per employee, inclusive of circulation and support space, was unworkable for higher grade professional employees. (Tr. 228-229) In August of 1991, GSA issued new regulations that allowed agencies to have a minimum of 152.5 square feet per employee. (Tr. 230-231) The Agency used the earlier version of the GSA regulations for 1WF. (Tr. 231)

### Why Union Office Needed.

The Union's request for 400 square feet of space in 2WF is based on its experience in 1WF. Unlike its arrangements in the buildings the stewards came from, in

1WF, they did not have private offices. The kinds of union activities they engage in are not amenable to scheduling conference rooms in advance. People come in wanting to talk about immediate problems. When they come to the Union space in 1WF, it is one converted conference room where three stewards will be conducting meetings with three separate employees on personal issues. The Union wants larger space so that it can be broken up into private meeting areas with a main office. (Tr. 233-234)

### Support for Union Proposals Concerning Office Size.

When the Union made its original proposals to the Agency of 110 square feet offices, it was unaware of the building column spacing in 2WF. (Tr. 232) The Union's intentions in making its proposals were to standardize offices for as many people as possible and to avoid a repetition of the problem they had experienced in 1WF of the gradual elimination of outside light due to the office placement on the perimeter of the building. (Tr. 232)

The Union believes that its proposals for space are workable within the square footage of 2WF and the GSA guidelines and that they are justified. (Tr. 234)

The way offices are allocated in 1WF is based upon the grade of the employee. According to the Union, this system results in gross inequities because you can have employees doing the same job but with grossly different size offices although they have the same space needs. (Tr. 244) The Union's approach is to standardize the size of offices for all professionals because most of them are performing the same duties. (Tr. 244) In light of the design of the building, the Union is willing to go along with 100 square foot offices rather than 110 square feet. (Tr. 245)

The Union's proposal for the shared office came from its experience in 1WF. During the time of the move into 1WF, Union officials, became aware of certain design concepts such as wasted space due to circulation needs. They also had employees who wanted to go back to shared enclosed space rather than the open cubicals presented at 1WF. The Union considered the shared office concept as a means of improving space efficiency and addressing employee concerns. (Tr. 246) The shared enclosed space concept is workable if you have two people with similar assignments because they can help each other. Virtually all of the employees to whom the Union spoke preferred the shared private office to a cubical as in 1WF. (Tr. 246-247) The shared offices would measure 200 square feet. (Tr. 248)

The Union's proposal of the shared walled offices was coupled with having the

manager offices placed on the interior of the building. However, that reflects two different aspects of the one proposal. One is not dependent on the other. (Tr. 248)

Based on what it hears from employees, the Union does not agree with the results of the Agency's survey of employee satisfaction with the amount of space they currently have or with the Systems Furniture. (Tr. 249)

The Union believes that its proposal for space can be accommodated in both White Flint buildings. The 29,000 square foot difference would be addressed with the down sizing of the Union proposal to 100 rather than 110 square feet saving about 6000 to 7000 square feet plus the four floors of vacated space in 1WF. (Tr. 250-251)

By retaining the NLB, the Union believes that the Agency would be able to have all of the employees operating under the newer more liberal GSA space allocation. (Tr. 252) Because the nuclear industry is on decline, the Union expects that positions in the Agency will not be filled as people leave. Over time the Agency could accommodate all of the staff in the two White Flint buildings having had the opportunity to retrofit the space so that both buildings were operating under the newer GSA standard at minimum cost. (Tr. 253) With respect to the Agency's safety objection to the use of NLB, the Union believes that there is no problem if the employees follow normal traffic rules when they travel between the NLB and the White Flint buildings. (Tr. 254)

The Union believes that the space planners of the Agency are not getting information about the individual office needs of employees. (Tr. 255-256) Through a series of Agency employee witnesses the Union presented information about the kinds of tasks performed by various types of employees and what their office space and other needs are to perform their tasks.

#### Employee Experiences.

A grade 14 senior project manager for the Office of Nuclear Material Safety and Safeguards ("NMSS") is assigned an 80 square foot work station at 1WF. He has had occasion to work in the 100 foot work stations. (Tr. 293-294, Un. Exhs. 6 and 7) For his job he uses on a regular basis reports and files about the projects he is working on. These must be readily available. (Tr. 295-296) One of the biggest problems he encounters with the 80 square foot station is the minimal amount of countertop space available to lay out drawings and documents. (Tr. 297) When communicating with people in the field or licensees, there is the need to have the

assistance. Also in the course of his work, he must consult with other Agency experts. It is difficult to meet in the work stations and spread out the 11 x 17 drawings. Given the net size of his station with his chair in it, he cannot lay a full-sized drawing on the floor. (Tr. 298-300) When confronted with the need to examine the large drawings and meet with people, he is lucky to find an available conference room about 20 percent of the time. The inquiries he receives from the field often require rapid responses. (Tr. 301-303) He also has noise problems from the partitioned work station. His station is directly up against a conference room and he can hear everything going on inside. (Tr. 304)

The witness compared his experiences when he used the 100 square foot work station. The increased space allows for more countertop space, desk top space, a circular table, a third chair. He believes it significantly enhances his ability to perform his job efficiently and effectively. (Tr. 304-305) He believes that having the enclosed 200 square foot offices would eliminate much of the noise problem that occurs from the banked areas. (Tr. 305-306) The employee believes that the size of his office has affected his performance evaluation. The key factor is the noise level which makes it more difficult for him to concentrate. (Tr. 313)

A Grade 13, Step 7 auditor/examiner, who works for the office of the Comptroller, currently has a private 180 square foot office cubical in 2WF. (Tr. 318-319) The reduced office will not accommodate the records she must maintain and which she used continuously. It will not address the computer and related equipment and supplies that she uses. She would not have enough room to conduct the spur of the moment meetings that regularly come up. (Tr. 319-321, 329-330) When she continuously operates her printer to generate invoices, a great deal of noise is produced. In addition, people are constantly coming into her office to monitor the machinery, and she receives numerous phone calls. This all further generates noise. (Tr. 322-232) There are times when she needs to be able to shut the office door because incoming information about a licensee can contain sensitive information, and she has Agency sanctioned responsibilities, such as mentoring and EEOC, which require her to conduct sensitive conversations. (Tr. 323-324)

If she is responsible for files she would not want them where someone else would have access to them so she would not want any stored in the hallway to her cubical. Even if she agreed to this, such an arrangement would require loss of time because she would have to get up to retrieve them on a daily basis. (Tr. 325-326) She believes that she could fit most of what she needs to use in an office of 100 square feet. (Tr. 327)

A Grade 15, Series 840 nuclear engineer currently is in a private office of 150 square feet. He expects to have a 100 square foot work station in 2WF. (Tr. 334-335) Others in his series but at lower grades are slated to have 80 square foot stations. (Tr. 335) He believes that at his job level he is entitled to a certain type of office. He has always had a private office. The cubical will be a downgrade. He believes that the transition in office size will result in stress, resentment and loss of motivation. (Tr. 336) The downsize would affect storage space and his communications with colleagues and contractors. (Tr. 337) He is concerned with other people's noise, so he would be reluctant to have many meetings in his office and create noise. As an alternative he would have to reserve a conference room on an almost continuous basis. (Tr. 338-339) Even though the Union proposal is for 100 square feet, he believes that for his needs he would like a larger office. (Tr. 340) It would not bother the witness if a Grade 9 had the same size office as he did if his job functions were similar. (Tr. 351)

A Grade 14, Step 2 health physicists in Series 1306, working for the Office of State Agreement Programs, works in an 80 square foot cubical a 1WF. (Tr. 352-354) The employee has worked in a variety of work station environments. His best experience was with the double office. (Tr. 355) He found with the 80 or 100 square foot cubicals there was much wasted space and that the Systems Furniture does not work as it is supposed to. (Tr. 355-358) In order to send out the large mailings he is responsible for, he has had to work in the aisles and in the secretary's station, even assembling materials on the floor. (Tr. 359) He has noticed that 1WF has continuously become darker and darker. It has a dismal, gloomy atmosphere. (Tr. 361-362) Noise is a great problem in the building. He believes that under the Union proposal he would have more storage space and the ability to have meetings in his office. (Tr. 368-369)

The Union believes that the witnesses had jobs that were representative of kinds of tasks generally performed at the Agency. The Agency has mainly engineers with support staff. Those holding these jobs require access to much reference and file materials and conduct frequent meetings. Most employees in the Agency use personal computers. Most of the scientists and engineers use oversized drawings and charts. (Tr. 373-374)

Except for one of the Union's witnesses, all were from the 800 and 1300 series, which represents more than 80 percent of the professional staff. The one exception represented the management analyst type. She was typical of the non-scientific non-engineer professional. (Tr. 375-378) When 2WF is fully occupied, it will be roughly half and half scientists and non-scientists. (Tr. 380)

## FINDINGS OF FACT


1. GSA and the developer of Two White Flint North had no consultation with the Agency concerning the design of the building or the Agency's special needs of any consequence during any of the early planning stages. The developer needs and those of GSA took precedence over the need of the Agency slated to use the space.
2. The Agency did not consult with the Union during the space design phase for the building or provide the Union with information about the design of the building prior to the submission by the Union of its proposals on August 2, 1991.
3. Since the submittal of the Union's proposals, the Agency has not provided the Union with information about the design of the building.
4. The lack of coordination and consultation among the involved federal agencies and the lack of coordination and consultation with the Union has made it more difficult to arrive at an effective resolution of the issues at impasse.
5. This lack of coordination and consultation has resulted in delays making it more difficult to make physical changes to address identified problems.
6. The Agency processes huge quantities of documents and paperwork. Many of the records are oversized charts and graphs. Currently, in One White Flint North, these materials are kept in and around the offices of employees.
7. Many Agency employees maintain much of the paperwork in and around their work areas.
8. Because the perimeter windows to One White Flint North have blinds, whoever has access to such blinds, whether they occupy an open or closed space, controls the amount of light entering the building.
9. Interference with light entering Two White Flint North could be lessened by having a corridor between the perimeter windows and any offices or work stations to be built. Such an approach could have an impact on the total available space.

10. In making decisions on office space design, the planner must account for the needs of and functions to be performed by the employee to use the space.
11. The GSA regulations used by the Agency impose space limits based on an arbitrary relationship to grade rather than function. Similarly, the Union has not established a specific relationship. Absence of joint consultation has compounded this deficiency.
12. The Agency developed its space plan for Two White Flint North based on the standards set by GSA and not on the actual needs of its employees.
13. Because of the nature of their work, many employees must have quick access to many documents and records. This factor was not taken into account by the Agency when designing the space.
14. Because of the nature of their work, many employees conduct frequent spur of the moment meetings of two or more other people. Certain employees deal with confidential information requiring offices that allow for privacy. These factors were not taken into account by the Agency when designing the space.
15. The Nicholson Lane building is within 300 and 500 yards of the White Flint complex.
16. When the staff from One White Flint North slated to move to Two White Flint North does so, four floors will be vacated representing approximately 44,000 square feet of space.
17. Open offices are noisier than closed offices.
18. Dual offices would reduce noise levels.
19. The Union's proposals would require more space than the Agency has now allocated for offices in Two White Flint North.

### CONCLUSION

The above Report, which summarizes the transcripts, exhibits and attachments of the parties, is respectfully submitted to the Panel.

Dated: February 1, 1993  
Arlington, VA

  
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William P. Hobgeod  
Fact Finder