

Collective Bargaining Agreement

Employee Training

National Treasury Employees Union

Dale Yeilding, Chapter President



“ There is nothing more likely to start disagreement among people or countries than an agreement.”

E. B. White

GOVERNING LAW

- The Federal Service Labor-Management Relations Statute
Title VII of the Civil Service Reform Act of 1978 –
Chapter 71 of Title 5 of the United States Code

Multi-Purposes of CBA

- Information for employees and supervisors - items required by law
- Documents negotiated provisions
- Rules for day to day interactions between employees and supervisors

ARTICLE 1

RECOGNITION AND COVERAGE

- Strengthens language that upon conflict between Agency rules, policies, & regulations and the terms of this Agreement,
---Terms of the Agreement will govern

Bargaining Unit Members

- Who is in the unit?
 - Professional, Nonprofessional & WG
- Who is excluded from the unit?
 - Supervisors
 - Management Officials
 - Confidential employees
 - Personnelists, investigators,
 - National security

Exclusive Representative

Labor organization certified by the Federal Labor Relations Authority as having been selected as the representative by a majority of employees in an appropriate unit



ARTICLE 2

EMPLOYEE RIGHTS AND RESPONSIBILITIES

- Clarifies employee rights and obligations regarding document concurrence process
- Grievance vs. EEO formal discrimination complaint

ARTICLE 3

MANAGEMENT RIGHTS AND RESPONSIBILITIES

- Requires Agency to adhere to its own regulations & policies that concern personnel policies, practices, and general conditions of employment
- Yellow announcements not indexed or linked to a Management Directive are not effective with regard to personnel policies, practices and conditions of employment

ARTICLE 43

ACCESS TO PERSONNEL RECORDS

- When supervisors keep files on employees, records in the file may not be used to document a rating or conduct action unless the record has been shown to employee with opportunity to comment at least five days in advance of its use

ARTICLE 44

DISCIPLINARY ACTIONS

- Mini “Douglas Factors”
- Disciplinary and adverse actions now two separate articles
- Employee may comment on oral reply summary
- Limited letters of reprimand use for support of progressive discipline for only two years – admonishments 6 months

ARTICLE 45

ADVERSE ACTIONS

Removals, suspensions of more than fourteen days and some furloughs

- Adds “Douglas Factors”
- NTEU provided semi-annual list

ARTICLE 48

TRIAL PERIOD EMPLOYEES

- Duration for preference eligible v. non-preference eligible clarified
- Streamlines termination procedures:
 - 15 day review process eliminated
 - Employee will be allowed to express views on reasons provided for termination

Change in Working Conditions

- The union be given reasonable advance notice of any proposed changes to conditions of employment and an opportunity to bargain



ARTICLE 42

MID-TERM BARGAINING

- Clarifies process for conducting mid-term negotiations
- Union briefing occurs after union requests bargaining rather than before
- Union must submit written proposals no later than second bargaining session

Union Notification Required

If you are changing a policy or program you are either:

- Changing a condition of employment
 - which is substantively negotiable:
- or
- Exercising a management right
 - which requires negotiations on the impact and implementation of the change, i.e. the procedures and arrangements

CONDITIONS OF EMPLOYMENT

- Personnel policies and practices (including “*past practices*”)
- Matters affecting employee working conditions



ARTICLE 35

MOVES AND WORK SPACE CHANGES

- General moves of all or part of an organization will continue to be addressed at the Office level
- For individual moves to new space within an Office, the article establishes uniform criteria

Grievance Procedure

- What can be grieved?
 - *Union/employee* – any matter related to employment of employee
 - *Union/employee/agency* – effect, interpretation, or violation of negotiated agreement or misapplication of any law, rule or regulation affecting employee condition of employment

ARTICLE 46

GRIEVANCE PROCEDURES

- “Informal phase” deleted
- Focus of resolving grievances shifted to management chain
- Emphasis placed on adherence to time limits

Why do grievances occur?

- Miscommunication
- Actual or perceived wrong or unfair treatment
- Mistakes
- Different interpretations of rights & obligations

“Do not find fault, find a remedy.”



Henry Ford

ARTICLE 47

ARBITRATION PROCEDURES

- Union may request expedited arbitration for certain cases
- Procedural improvements

Performance Management

- Article 25. Performance Appraisal System
- Article 22. Performance Awards
- Article 24. Within Grade Increases

ARTICLE 25

PERFORMANCE APPRAISAL SYSTEM

- MD requirement for close out appraisals added
- Employees notification of performance issues expanded

ARTICLE 25

PERFORMANCE APPRAISAL SYSTEM

- Incorporates requirement for justification/narrative when rating is above or below Fully Successful Level
- After Nov. 30 each year, Union will be advised of each office for which there is missing appraisal data

ARTICLE 22

PERFORMANCE AWARDS

- BU awards pool increased
- Awards directly tied to appraisal
- Union role in pre-awards process eliminated
- NRC will provide sanitized awards/demographic data to union

ARTICLE 24

WITHIN-GRADE INCREASES

- Modifies role of conduct in WIGI decisions
- Clarifies supervisory feedback on employee performance below FS
 - 60 day notice

MERIT STAFFING

- Article 17. Merit Selection
- Article 18. Noncompetitive Career Promotions
- Article 19. Details
- Article 20. Reassignments
- Article 21. Position Descriptions

ARTICLE 17

MERIT SELECTION PROCEDURES

- Size and use of rating panels modified
- Recognizes future use of automated rating process
- Changes process when there are internal and external candidates

ARTICLE 18

NONCOMPETITIVE CAREER PROMOTION

- Time-in-grade requirements changed to one-year
- Role of conduct in decision to grant career ladder promotion modified

ARTICLE 21

POSITION DESCRIPTIONS

- Clarifies contents of position descriptions
- Addresses internal NRC position classification review

ARTICLE 19

DETAILS & ROTATIONAL ASSIGNMENTS

- Provides that rotational assignments are typically developmental,
 - temporary promotions by details
- Expands detail provisions to to rotational assignments

Attendance and Leave

- Article 10. Annual Leave
- Article 11. Sick Leave
- Article 12. Advanced Leave
- Article 13. Leave Without Pay
- Article 14. Excused Absence
- Article 15. Family Leave

ARTICLE 10

ANNUAL LEAVE

- Annual leave is an entitlement, but its use is subject to management approval
- Written A/L requests not required to be submitted on OPM-71

ARTICLE 11

SICK LEAVE

- Strengthens requirement to notify supervisor of unscheduled sick leave
- SL requests not required to be submitted on OPM-71
- Guidance for suspected SL abuse
- Strengthens and clarifies required medical documentation

ARTICLE 12 ADVANCED ANNUAL & SICK LEAVE

- Annual Leave accrued on January 1
- Advanced sick leave limited to serious disability or ailment or adoption of child
- Supervisor may require a medical certificate

ARTICLE 13

LEAVE WITHOUT PAY

- Adds procedure for short-term LWOP requests
- Establishes clear criteria for approving extended LWOP

ARTICLE 14

EXCUSED ABSENCE

- Updates procedures on office closings and delayed arrivals to conform with current practice

FAMILY LEAVE

- FMLA requires serious health condition
- Agency tracks balance from 480 hours/year entitlement

WORK – WHERE & WHEN

- Article 6. Hours of Work
- Article 7. Telework
- Article 8. Special Circumstances
Work at Home

ARTICLE 6

HOURS OF WORK

- Modified NRO “NEWflex” pilot schedule adopted throughout NRC
- Gliding schedule added
- Other existing schedules acknowledged
- Expanded grievability

ARTICLE 7

TELEWORK CRITERIA

- Portability of work (all positions eligible)
- Interference with efficient operations
 - (office coverage)
- Employee fully successful performance
- Conduct counseling memo
 - work habits, conduct, adherence to policies
- Denial now grievable

ARTICLE 8

SPECIAL CIRCUMSTANCES

WORK-AT-HOME

- Clarifies employee eligibility criteria for special circumstances work at home
- No dependent care or child care

PAY & BENEFITS

- Negotiate pay structure change
- Document metro subsidy
- Parking paid pre-tax
- Compensatory time for travel

NEWflex or FlexiTime/FlexiTour

- 5am-8pm +
- 11.25 hours/day
- Shortened core hours +
- < 10 workdays per pay period
- Different times each day
- Split workday
- Credit hours earned 5am-8pm

OVERTIME

- Called in to work from a NEWflex scheduled day off
- Volunteers
 - assign on seniority
- No volunteers
 - use reverse seniority
- Involuntary OT – 1 full day notice

CWS'rs switch to NEWflex?

- NEWflex 9hrs per day
- Earn credit hours
- Credit hours avoids pay cap
- Glide
- Expand start – end times
- Move day off out of pay period
- Vary your workday

SCHEDULE CHANGES

- Schedules
 - 1) Official Hours = 7:30am-4:15pm
 - 2) CWS
 - 3) NEWflex (flexitour/flexitime)
- Change Schedule Every 3 months
- Change times each pay period

Schedule Denial Basis

- Operational Mission Requirements
- Meeting NRC Responsibilities
- Office Coverage
- Interfere with work requirements
- Training
- Participation in collaborative projects
- Direct Supervision (less than FS)
- Identified T&A issues

Working with the Union

- Article 4. Union Rights and Responsibilities
- Article 41. Labor Management Relations Committee

Rights of the Exclusive Representative

- Entitled to act for, and negotiate collective bargaining agreements covering all employees in the unit
- Be given the opportunity to be present at any formal discussion
- Advance notice of changes to working conditions



ARTICLE 4

UNION RIGHTS AND RESPONSIBILITIES

- Clarifies Formal Meetings
 - Defines the formal discussions/meetings in which 3-day notice must be given to the Union Chapter President
 - All other formal meetings require advanced notice
- Union Email communications automated eliminating management review --prior cause of delays and interference

FORMAL DISCUSSIONS

- One or more agency officials
- One or more bargaining unit employees
- Discussion concerning any grievance or any personnel policy or practices or other general conditions of employment



Discussions That Are NOT Formal

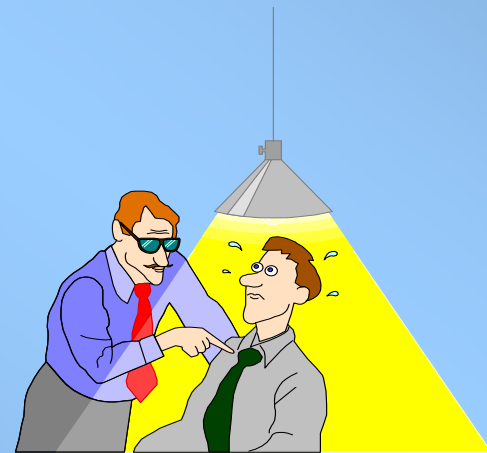
- Work assignments
- Performance appraisal
- Progress reviews
- Performance Counseling
- Counseling on conduct



WEINGARTEN RIGHTS

If an employee in the bargaining unit reasonably believes that the examination by a management official may result in discipline against the employee –

- 1) Questioned
 - 2) Fear Discipline
- The employee is entitled to union representation



PARTNERSHIP

- How did it originate?
- What can it accomplish?



ARTICLE 41

LABOR-MANAGEMENT PARTNERSHIP COMMITTEES

- Combines labor management relations and partnership committees
- Partnership committee actions may not conflict with CBA – steward oversight
- Only Union dues-paying members participate

ARTICLE 57 DURATION

- Four year agreement
- Four article re-opener after 2 years

National Treasury Employees Union

Working Today for a Better Tomorrow

Contact Dale Yeilding w/questions

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