



--- Grievance: Agency Obstructs Union Communications to Employees ---

November 21, 2008

Angela Bolduc (Human Resources Chief Employee Labor Relations and Work Life Branch), NTEU claims the agency has not adhered to their published [Values](#): "openness in communications and decisions" and "respect for individual [NTEU steward] roles, diversity and viewpoints" nor does the agency maintain an [Open Collaborative Working Environment](#) with respect to processing NTEU announcements. The agency continues to obstruct Union communications by having control of the agency's email system. The agency's unwillingness to distribute Union communications reflects negatively on the agency's safety culture with regards to treatment of differing views.

NTEU is filing a grievance based upon the agency's failure to issue Union announcements as required by Article 9.6 of the [Collective Bargaining Agreement](#) (CBA). The CBA requires the agency to "make a good faith attempt to transmit the *Network Bulletin* [Union Announcement] via the *Network Control Center* within 24 hours of receipt." The CBA allows the Agency to provide advice or comments on Union communications but further clarifies specifically that "NTEU is not required to accept such advice or comments."

The Union is claiming a breach of the CBA since the agency has not issued the announcements listed below [1 in this newsletter, 12 total]. This clear and patent breach of the CBA amounts to a repudiation of the CBA's provision on email communications, and thus comprises an [Unfair Labor Practice](#). The agency has interfered with the Union Steward's representational rights and statutory right to communicate to employees, which constitutes the Unfair Labor Practice

As a remedy, NTEU requests the agency:

- 1) Issue all future Union announcements within 24 hours of receipt and comply with the CBA provision on email communications.
- 2) Provide NTEU with an agency-wide email group so the Union can send announcements to all employees after the agency has had 24 hours to comment.
- 3) Reimburse NTEU for reproduction, communication and distribution costs associated with any alternative methods that NTEU utilizes to communicate with employees.
- 4) Post a notice to employees of the agency's CBA violation and Unfair Labor Practice including the agency's corrective action and commitment to issue future Union announcements within 24 hours.
- 5) Provide any other remedy for employees who may have been negatively impacted by not having the information which was withheld by the agency, i.e. any other remedy an arbitrator deems appropriate.
- 6) Individually issue the announcements below with each preceded by an NTEU developed introductory statement about this case to explain the delay for each announcement to reach employees.

NTEU requests a meeting permitted by CBA, Article 51, section 11 and 18 to determine who will be the grievance step official and to consider mutual waiver of one or even both grievance steps for immediate arbitration consideration by the NTEU National office. Contact me (301-415-3600) to discuss grievance step official designation and the possibility of mutually waiving step(s).

---Dale Yeilding, NTEU Chapter 208 President

October 8, 2008

NTEU Settles Grievance In Time for 2008 Appraisal Performance Ratings

NTEU is pleased to announce its success in settling a grievance alleging the Agency implemented a prohibited "forced distribution" of employee performance appraisals in violation of OPM regulations, [5 CFR 430.208 \(c\)](#).

During the 2007 appraisal period, two NRC offices issued announcement(s): "...As we proceed with developing and issuing the 2007 appraisals within FSME [NMSS], we plan to look critically and to make meaningful distinctions in performance that are consistent with the Office's overall SPO rating of Excellent. We expect that the net result of this will be a more balanced distribution of appraisal ratings than in the past; i.e., fewer overall Outstanding ratings and more Excellent and Fully Successful ratings..."

These announcements, the Union claimed, could be interpreted to require the lowering of employee appraisal ratings since a lower office-level performance level was referenced. The Union's grievance sought to ensure that employees are evaluated the right way – based solely on their own work performance. After negotiating with the Agency, the Union was able to achieve a settlement reaffirming this principle. Pursuant to the settlement, the Agency issued an [announcement](#) last week to all employees stating that performance appraisals are based solely on employee performance under the elements and standards presented to them at the beginning of the rating period. Contact Dale Yeilding (301-415-3600) in the NTEU Union office with any questions.