

New Article 5

Old Article 48

Equal Employment Opportunity

48.1 Policy

It is the policy of the NRC and Union to support an affirmative and positive Equal Employment Opportunity (EEO) program. Discrimination on the basis of race, color, religion, national origin, sex, age, sexual orientation, reprisal or nonrestrictive disabling condition will not be tolerated in personnel policies, practice and employment conditions. ~~Issues pertaining to discrimination based on sexual orientation (heterosexuality, homosexuality, bi-sexuality) may also be addressed by the Joint Labor Management Equal Employment Opportunity Committee (JLMEEOC) mentioned below.~~

48.2 Grievances and Other Alternative Processes

48.2.1 Employees who claim discrimination or harassment based on genetic information, sexual orientation or status as a parent, which are outside the scope of the EEO complaint process, may raise such matters through the negotiated grievance procedure (Article 51, Grievance Procedures). Any matter that falls within the scope of the EEO complaint process may be raised in a formal EEO complaint or through the negotiated grievance procedure, but not both. Agency communications concerning the EEO program, including web pages, brochures, counselor training and employee information sessions, will state that employees may pursue EEO matters through the negotiated grievance procedure or other alternative processes, and provide a link to the EEOC regulation addressing those processes. 29 CFR 1614, Subpart C.

48.2.2 If an employee seeks resolution of a matter through the Agency's EEO Alternative Dispute Resolution (ADR) process at the pre-complaint stage, the timeframe for filing a grievance under Article 51 will be tolled pending completion of the pre-complaint ADR process.

48.3 Labor-Management Discussion of EEO Matters

The NRC and NTEU will discuss EEO-related matters in the subcommittee of the Labor-Management Partnership Committee established under Article 50.

48.4 EEO Committees

NRC recognizes that NTEU is the exclusive representative for employees with regard to personnel policies and practices and other conditions of employment. Agency EEO Committees are therefore not authorized to negotiate with management on personnel policies and practices and other conditions of employment, and management may not solicit or consider proposals or recommendations on these matters from the EEO

Committees. Any such proposals or recommendations will be forwarded directly to the NTEU Chapter President.

NTEU will be invited to send one representative to attend any meetings involving members of more than one of the EEO Advisory Committees. ~~Chairs~~. The agency will notify NTEU of the time, date and place of these meetings.

#### 48.5 EEO Training

NTEU will be permitted to send one representative to attend each training session for EEO counselors as an observer. Any travel expenses associated with attendance at such training by an NTEU representative will be borne by NTEU.

#### 48.6 Changes to EEO Programs

To the extent provided by law, the agency will provide the Union with notice and the opportunity to bargain over changes to its Affirmative Action Plan and other EEO programs, including ADR.

#### ~~48.2—Joint Labor-Management Equal Employment Opportunity Committee~~

~~48.2.1—The NRC agrees to have a Joint Labor-Management Equal Employment Opportunity Committee.~~

~~48.2.2—The Committee shall be composed of 8 headquarters employees; one-half will be appointed by the Union and one-half will be appointed by the NRC. Additionally, the Union may appoint and the NRC may appoint in each region, an individual to serve as a liaison for the Committee. (Travel between regions or between headquarters and the regions for the purpose of conducting Committee business is not authorized by this Agreement.)~~

~~48.2.3—In order to maintain continuity, one member representing the Union and one member representing the NRC will be appointed for a 2 year term. The remaining members will be appointed for a term of 1 year. Regional liaison persons will serve for a term of 1 year.~~

~~48.2.4—The Union and Management will rotate on an annual basis the responsibility of selecting the chairperson and vice-chairperson from among the Committee membership. During the first year of the Committee's life, the chairperson will be selected by the party who wins the toss of a coin. During the second year, the selecting parties for the two positions will be reversed.~~

~~48.2.5—It will be the function of the Committee to advise management on all matters concerning EEO. As part of its function, the Committee will be provided draft versions of the EEO Affirmative Action and Upward Mobility plans prepared for the Agency by~~

~~the Civil Rights Program Manager, in order to provide comments regarding content of the draft plans and proposals regarding their implementation.~~

#### ~~48.3 — JLMEEOC Role~~

~~48.3.1 The JLMEEOC will not exercise control over other existing advisory EEO committees.~~

~~48.3.2 Formal Union representation on NRC advisory EEO committees is reserved to the JLMEEOC. However, Union participation or affiliation shall not be a consideration in the selection of employees on other NRC advisory EEO Committees (union stewards or officers can participate on these committees but cannot serve as a committee chairperson); and~~

~~48.3.3 Recommendations, suggestions, proposals, and advice of the JLMEEOC and other EEO committees are advisory only. The NRC retains discretion to adopt, reject or modify such recommendation, suggestions, proposals and advice.~~

#### ~~48.4 — NTEU Participation~~

~~NTEU will be invited to send one representative to meetings of the EEO Advisory Committee Chairs. The agency will notify NTEU of the time, date and place of these meetings.~~

~~NTEU will be invited to send one representative to participate on a panel discussion with agency representatives during training for EEO Counselors.~~