

From: Dale Yeilding NTEU
To: Bolduc, Angela; Carsley, Leonard
Date: 3/29/05 2:22PM
Subject: CBA Change Summary & Announcement to Employees

Angela Bolduc,
I have summarized the CBA changes for the employee announcement. I hope either a joint announcement or separate announcements can be issued this week before the changes are effective Friday, April 1, 2005.
---Dale Yeilding

cc: bargaining teams

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**NTEU Announcement, or
Joint NTEU-NRC Yellow Announcement:**

Subject: Collective Bargaining Agreement changes are effective April 1, 2005

Every two years the agency and the National Treasury Employee Union enter into traditional negotiations for changes to the Collective Bargaining Agreement (CBA). The CBA is a legal document that prescribes many work place conditions and processes affecting NRC bargaining unit employees. Recently both parties reached agreement for changes to seven articles which are summarized below including a link for you to read both the added and deleted contract language. The changes are effective April 1, 2005.

Contact Dale Yeilding in the NTEU union office (301-415-3600) with any questions.

Link to Collective Bargaining Agreement 4/1/05 changes:
<http://www.nteu208.org/midterm2003/languageMidTerm.htm>

**NTEU - NRC
Collective Bargaining Agreement
Changes Effective April 1, 2005**

Article 8, Official Time

- Clarified terms: Duty Time is employee chargeable time. Official Time is NTEU steward chargeable time for union representation.
- Simplified the listing of situations for chargeable time for both employees and NTEU union stewards for representational purposes.

Article 19, Excused Absence

- Excused absence provisions apply while employees are on travel at temporary workstations.
- Brought excused absence for commuting delays in compliance with OPM guidelines.
- Supervisors must notify employees of any time & attendance record changes. Employees should be well aware of any charges of undesirable Absence With Out Leave (AWOL) in lieu of acceptable Leave With Out Pay (LWOP).
- Morning and lunchtime tardiness makeup time at the end of the workday is not restricted to 15 minute

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increments since it is not documented in the payroll time and attendance system.

Article 22, Merit Selection

- Removed reference to the merit selection process interfering with the achievement of affirmative action goals.
- Duties will be identified in position descriptions for reclassified promotions.
- Clarified employee and selecting official interchange prior to the use of a priority consideration. This ensures the employee understands all aspects of the job before committing to use their special priority.
- The agency will notify NTEU of priority consideration holders.
- Collective Bargaining procedures will be used for employees for merit selection competitions against candidates outside the agency. A management directive was previously used with a different definition for the Best Qualified List.
- The merit selection application submission process is now electronic through the NRCareers system.
- Vacancies permitting multiple selections will now specify the number of positions expected to be filled in the announcement.
- The crediting plan used by the rating panel is now defined as a means to determine how the knowledges, skills, and abilities of applicants are distinguished between a rating of A, B, or C.
- If the panel has difficulty establishing meaningful distinctions between similarly qualified candidates, the crediting plan may be readjusted to assist in separating the best qualified from the qualified candidates.
- Employees may view the crediting plan after the selection has been made to improve their next application.
- After rating the applicants, rating panel members are no longer responsible for the arithmetic to average scores and determine those best qualified. Human Resource staff will finalize the certification for the selecting official and establish the break between those best qualified and those qualified.
- Anchored the point in time when the Best Qualified List (BQL) quantity can be changed due to multiple selections. At the conclusion of the rating process the quantity of multiple selections will be factored into the formula for determining those best qualified. One additional name is added to the BQL for each additional vacancy or selection.
- If a Best Qualified List (BQL) will be reused for a similar vacancy within 90 day to bypass an unnecessary re-posting, additional names will be added to the BQL to replace those who are no longer available.
- Employees will receive notice of the status of their application including the name of the candidate selected at the conclusion of the process.

Article 36, Parking

- NTEU and the agency will form a task group to consider alternate methods to pay for parking including possibly pay roll deduction.
- Lengthen the unusual hour parking priority verification to annual, since there are so few employees under this special category.

- Parking procedures will be negotiated with NTEU outside of the collective bargaining process.

Article 39, Disciplinary / Adverse Actions

- Guided probationary employees to Article 6, (Probationary Employees) since they do not have the protections outlined in Article 39, (Disciplinary/Adverse Actions).
- Clarified the employee's right to information to support their defense against a disciplinary charge.
- Stipulated that information becoming available to management must be also made available to the charged employee. Specifically noting the time between the proposing official's decision and the deciding official's decision, since NTEU would have completed presentation of the employee's defense and must consider a second presentation with the new information.
- Clarified NTEU's mandatory involvement in arbitration proceedings.
- Employee's are provided two copies of documents in the event they request NTEU representation.
- Clarified a mis-conception that the requirement to purge the paper copy of a reprimand or admonishments from the employee's official personnel file does not clear the infraction from the employee's record. The infraction remains recorded in the Human Resource (HR) case file for use when considering future discipline. Employees may review their own records in the HR case file.
- Employees will be notified of investigations that result in no action taken against them. Prior to this requirement, the employee was not notified when the agency decided to take no action upon review of the Inspector General (IG) report. The IG has an internal practice to issue a clearance letter to employees when there are insufficient facts or evidence to even warrant an IG report.

Article 51 Grievance Procedures

- A grievance can be used to seek a remedy for discrimination and harassment.
- Listed the executive orders that prohibit discrimination.
- An employee may designate NTEU as his/her personal representative during Equal Employment Opportunity counseling.
- Retitled employee time used for preparation of a grievance as "duty time" in lieu of "official time" which is a term now reserved for union representatives.
- Delineate NTEU as the entity to invoke arbitration when mediation of a grievance results in no settlement.
- The agency can be required to state in writing why they declare a case as non-grievable.

Article 54, Flexiplace

- Added the term work-at-home.
- Expanded the fixed-schedule work-at-home program to 3-days per week, also allowing pilot programs of up to 5-days a week.

- Expanded the eligibility for employee with a pass-fail appraisal and meeting their performance expectations.
- Removed the 300 maximum number of participants to permit all eligible employees to work-at-home.
- Employees in eligible flexiplace positions may now grieve their denial to participate in the program.

CC: Bader, Wendy; Chan, Deborah; Gartman, Michael; Martin, Thomas; Shields, Fred