

Inherently Governmental Matrix

Is your position “Inherently Governmental”?

(Supplement to NTEU *Steward Update*, April 2007)

Yes/No	Inherently Governmental Function	Duties performed that meet this definition	Evidence
	Duties require the exercise of discretion in applying Federal Government authority.		
	Duties require the making of value judgments in making decisions for the Federal Government, including judgments relating to monetary transactions and entitlements.		
	Duties involve the interpretation and execution of laws so as to bind the U.S. to take or not take some action by contract, policy, regulation, authorization, or order, or otherwise.		
	Duties involve the interpretation and execution of laws so as to determine, protect and advance U.S. economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management, or otherwise.		
	Duties involve the interpretation and execution of laws so as to significantly affect the life, liberty, or property of private persons.		
	Duties involve the interpretation and execution of laws so as to commission, appoint, direct, or control officers or employees of the U.S.		

If the answer is “yes” to any of the above questions, your position may be inherently governmental and should be protected from the administration’s effort to contract the work to a private vendor. You need to provide any rationale and evidence you have to support this conclusion to your NTEU chapter representative.

Does your position warrant a “Reason Code A” designation? Even if you answered “no” to all of the above questions and your position does not meet the definition of inherently governmental, your position may still be protected from contracting out to a private vendor. If the duties of your job justify the need for the duties to be performed exclusively by a federal government employee, that commercial position may warrant a “Reason Code A” designation. If you believe this exemption is appropriate for your position, you need to provide any rationale and evidence you have to support the conclusion to your NTEU chapter representative.