



June 6, 2025

VIA ELECTRONIC MAIL

Ms. Christina Ballance
Director, National Labor Relations Office
U. S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

RE: National Grievance — Violations of Article 27 of the Parties’ 2023 Collective Bargaining Agreement, and § 7116(a)(1), (5) and (8) of the Federal Service Labor-Management Relations Statute

Dear Ms. Ballance:

Pursuant to Article 45 (Grievance Procedures), Section 9 of the Parties’ 2023 National Agreement (“2023 NA”) between the National Treasury Employees Union (“NTEU”) and the Department of Health and Human Services (“HHS” or “agency”), NTEU hereby files this national grievance concerning the allegations described below. Because the violations NTEU alleges are continuing each day and/or week, the grievance and requested remedies are continuing in nature.

Article 27 governs the procedures by which performance and incentive awards programs are administered and paid out. Article 27, Section 5(C)(2) states, in relevant parts:

[The NTEU Awards committee will receive the aggregate performance rating scores and the final awards budget (if not already provided) for each awards pool no later than February 15 of each year.]

The Employer will provide the relevant awards data to all team members by February 15. Each party may exchange written recommendations in advance of the award committee meeting. The written recommendations will be discussed at the award committee meeting.

[The awards committee will make final recommendations to the deciding Official no later than March 15 of each year.]

Moreover,

[Incentive Award Committees shall meet quarterly or more, on mutually agreed dates, to make recommendations, unless the parties agree that a quarterly meeting

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is not necessary [Incentive award committee meetings for the entire year will be scheduled for mutually agreed dates by January 30 of each year.] The parties may mutually agree to change the meeting dates. Meetings may also be rescheduled if determined necessary by the official authority to make award decisions on the recommendations of each committee, taking into consideration the date by which committee recommendations are due.

[Management will submit incentive award data and its proposed amounts within the awards budget and share it with the Union at least five (5) days prior to a committee meeting. The award committee will discuss this information as part of its meeting and responsibilities.]

Consistent with the parties' obligations in Article 27, Section 5, on December 20, 2024, HHS provided NTEU with a list of supervisors and managers who would be serving as HHS representatives for each of the Operating Divisions' performance committees. On January 15, 2025, NTEU provided HHS with the names of bargaining unit employees who would be serving as the respective NTEU representatives. On April 11, 2025, NTEU filed a grievance after learning FDA planned to suspend the disbursement of incentive and performance awards as required by Article 27. No specific notice was provided by FDA to NTEU about these awards. Since May 1, 2025, NTEU has learned that several other operating divisions have suspended the disbursement of incentive and performance awards. On June 4, 2025, NTEU learned that the agency's Administration for Strategic Preparedness and Response has suspended the processing of awards and other incentives in order to update its awards policy.

To date, HHS has not reached out to NTEU concerning incentive and performance awards. Additionally, the agency has failed to provide awards data to the committees or set up any Award Committee meetings. As such, the committees have been unable to make final recommendations on awards to the deciding official pursuant to the 2023 NA.

By failing to follow the procedures found in the parties' 2023 NA, HHS is failing to meet its contractual requirements for processing and disbursing awards as outlined in Article 27 of the 2023 NA. Moreover, the agency's actions violate 5 U.S.C. § 7114 which constitutes a repudiation of Article 27 of the 2023 NA which is an Unfair Labor Practice under 5 U.S.C. § 7116(a)(1), (5) and (8) of the Federal Service Labor-Management Relations Statute ("statute").

To remedy the foregoing violations, NTEU requests that HHS: (1) cease and desist from further violations of the parties' 2023 NA and the statute; (2) post a notice physically in the workplace and transmit it via electronic mail, drafted by NTEU and signed by the head of the HHS, to all bargaining unit employees in which the Secretary admits that HHS has violated the statute; (3) provide make whole relief to every adversely affected bargaining unit employee, including back pay, where applicable, under the Back Pay Act; (4) return to *status quo ante*; and (5) grant NTEU all other appropriate remedies to which it is entitled under the law.

Pursuant to Article 45, Section 9.B.2 of the 2023 NA, the parties are obligated to conduct a step meeting within fourteen (14) calendar days of this filing. Please contact NTEU National

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Negotiator John-Paul Proctor, who is handling this grievance, via e-mail at john-paul.proctor@nteu.org to schedule the step meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Doreen P. Greenwald". The signature is fluid and cursive, with the first name being the most prominent.

Doreen P. Greenwald
National President

cc: John-Paul Proctor, NTEU
Ken Moffett, NTEU
Ryan Soon, NTEU
Rocio Topete, NTEU