



February 12, 2025

**VIA ELECTRONIC MAIL**

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

**RE: National Grievance and Unfair Labor Practice Charge — Agency's  
Violations of the Parties' 2023 National Agreement, and 5 U.S.C.  
§ 7116(a)(1), (5), (7) and (8)**

Dear Ms. Ballance:

The National Treasury Employees Union (NTEU) hereby files this national grievance on behalf of all affected bargaining unit employees pursuant to Article 45, Section 9 of the 2023 Collective Bargaining Agreement (CBA) between the Department of Health and Human Services (HHS or agency) and the National Treasury Employees Union.

On February 7, 2025, HHS issued a directive to all bargaining unit employees on a telework or remote work agreement requiring them to begin reporting to physical HHS office locations on a full-time basis. The directive stated that for employees who have an official duty station within fifty (50) miles of an HHS facility, the reporting requirement would begin March 17, 2025. For employees who have an official duty station outside of 50 miles of an HHS facility, the reporting requirement would begin April 28, 2025. In issuing this directive, HHS pointed to the January 20, 2025 Presidential Memorandum (PM) and implementing the Office of Personnel Management's guidance, as authority.

This directive is in violation of Article 4, Section 1 of the CBA; Article 26, including but not limited to Sections 8.A.1, 8.A.2, 8.B.1 and 8.B.2. of the CBA, the Federal Service Labor-Management Relations Statute (statute), 5 U.S.C. §7101 *et seq.* as amended, and any other Article, Section, law, rule or regulation that may apply.

Telework may only be terminated, suspended, or modified for one of the specific reasons listed in Section 8.A.1 of Article 26. None of those specific reasons were identified in the directive. Section 8.A.2 requires the supervisor to give at least seven (7) calendar days' notice and identify the reason(s) for the change. The directive does not meet these requirements. Additionally, an employee's remote work agreement may only be terminated, suspended, or modified for one of the specific reasons listed in Section 8.B.2. None of the specific reasons

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were identified in the directive. Section 8.B.1 also requires that the agency give at least thirty (30) days' notice and identify the reason for the termination. The directive does not meet these requirements.

The directive is also a repudiation of the CBA, in violation of 5 U.S.C. § 7114(a)(1), which is an unfair labor practice under 5 U.S.C. § 7116(a)(1), (5) and (8). Lastly, to the extent that HHS claims the PM has the effect of a government-wide rule or regulation, the directive is an unfair labor practice under 5 U.S.C. § 7116(a)(7), which states that it is an unfair labor practice to enforce rules or regulations that conflict with any preexisting applicable collective bargaining agreement.

To remedy these violations, NTEU requests: (1) HHS rescind the directive to the extent it applies to NTEU bargaining unit employees; (2) HHS issue a message clarifying that the directive does not apply to bargaining unit employees; (3) HHS will reinstate any and all Flexible Workplace Agreements for telework and/or remote work that were terminated as a result of the directive; (4) post a notice signed by the Secretary of HHS admitting that the agency violated the statute by repudiating the CBA; and (5) any other remedy deemed appropriate.

NTEU requests a meeting pursuant to Article 45, Section 9.B.2 of the CBA within fourteen (14) calendar days of this filing. NTEU's representative in this matter will be Rocio Topete. Please contact her via email at [rocio.topete@nteu.org](mailto:rocio.topete@nteu.org) to schedule a meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Doreen P. Greenwald".

Doreen P. Greenwald  
National President

cc: Rocio Topete, NTEU  
Ken Moffett, NTEU  
Ryan Soon, NTEU