



February 19, 2025

VIA ELECTRONIC MAIL

The Honorable Dr. Tameka Owens
FNS Administrator
USDA/Food and Nutrition Service
1320 Braddock Place
Alexandria, VA 22314

RE: National Grievance — Failure to Process SF-1187 and Dues Withholding

Dear Administrator Owens:

The National Treasury Employees Union (NTEU or union) hereby files this national grievance pursuant to Article 50, Section 50.12(2) of the 2025 National Agreement (2025 NA). By this grievance, NTEU alleges that the U.S. Department of Agriculture, Food and Nutrition Services (FNS or the agency) violated Article 52, Dues Deduction, Sections 52.01, 52.02, and 52.04 of the 2025 NA, and committed an unfair labor practice (ULP) in violation of 5 U.S.C. § 7116(a)(1), (5), and (8).

NTEU recently learned that FNS has failed to accept properly certified SF-1187s submitted to the agency by NTEU. As a result of the agency's failure to accept the SF-1187's, FNS has failed to withhold dues from the employees who submitted their SF-1187s, in violation of Article 52.

Article 52 of the parties' 2025 NA "is for the purpose of authorizing eligible bargaining unit employees who are members of the Union to pay dues through voluntary allotments from their compensation." Section 52.01. Any bargaining unit employee, pursuant to Section 52.01, may authorize the withholding of dues, provided the employee:

- a) Is a member in good standing of the Union;
- b) Is an employee of the bargaining unit covered by this Agreement;
- c) Has voluntarily completed Standard Form 1187 (SF 1187), "Request and Authorization for a Voluntary Allotment of Compensation for Payment of Employee Organization Dues;" and
- d) Has a regular net salary, after other legal and required deductions, sufficient to cover the amount of the authorized allotment for dues.

Pursuant to Article 52 of the parties' 2025 NA, FNS is required, "[u]pon receipt of a properly certified SF-1187," to:

- 1) Withhold the amount of dues authorized by the most recent SF-1187 on file for the employee on a bi-weekly basis;
- 2) Discontinue allotments when required by OPM rules and regulations;
- 3) Notify the employee and the Union, within (3) workdays if, for any reason, the SF-1187 cannot be processed and the reason(s); and
- 4) Transit dues by Electronic Funds Transfer (EFT) to the allotter designated by the Union.

Article 52, Section 52.02 stipulates the parties' agreed upon Certification and Remittance Procedures. This Section states:

- 1) Dues will be transferred using the electronic Funds Transfer (EFT) method to the bank account, as designated by the Union, on file with the Agency at the time of the request.
- 2) The Union's National President or any Chapter officer then currently on file with the Agency who has submitted proper notification.

In the past several weeks, NTEU has provided multiple SF-1187s to FNS that were executed by employees and certified by NTEU's National President, Doreen Greenwald. Despite NTEU properly submitting the certified SF-1187 forms to the agency, FNS has refused to process these forms, failed to withhold dues from the employees who submitted 1187s, and failed to provide the funds to NTEU, which is a breach of Article 52 of the parties' 2025 NA. Such failure to process properly submitted SF-1187s also constitutes a repudiation of Article 52, which is a ULP in violation of 5 U.S.C. § 7116(a)(1), (5), and (8) of the Statute.

In addition to the above claims, for many years prior to the violations alleged herein, the Agency routinely processed the NTEU SF-1187 forms submitted by employees who chose to become NTEU members and properly withheld their dues, without any objection. The unilateral change in the parties' past practice constitutes a clear and patent breach of Article 52 and further constitutes a repudiation of the Article and the parties' 2025 NA, which is a ULP in violation of 5 U.S.C. § 7116(a)(1)(5) and (8).

As a remedy, NTEU requests that the agency: (i) cease and desist from violating Article 52 of the 2025 NA and the Statute; (ii) revert to the status quo ante; (iii) process, accept and execute all NTEU SF-1187 forms previously provided to FNS by NTEU; (iv) remit to NTEU the back dues it is owed on account of FNS's breach of Article 52 of the contract and ULP by its repudiation of the contract, without charge to employees for the back dues; (v) correct the dues

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withholding status of employees, pursuant to Section 52.05(1), (1)(a), and (1)(b), and (2); (vi) prospectively, accept all properly executed and certified NTEU SF-1187 forms that are submitted by bargaining unit employees who seek to become members of NTEU and deduct dues in accordance with the requirements of Article 52; (vii) post a notice on the Agency's premises, signed by the Secretary of Agriculture, that the Agency committed an unfair labor practice by failing to process SF-1187s; and (viii) any other remedies that are deemed appropriate under law, rule and regulation.

Please contact Jake DiMarzio, NTEU Assistant Counsel for Negotiations, to schedule a grievance step meeting about this matter. He can be reached via e-mail at Jake.Dimarzio@nteu.org.

Sincerely,



Doreen P. Greenwald
National President

Cc: Rani Rolston, NTEU Deputy Director of Negotiations
Jake DiMarzio, NTEU Assistant Counsel for Negotiations
Ken Moffett, NTEU Director of Negotiations
Michelle Sandoval, FNS Talent Management Branch Chief
John Montgomery, FNS Labor Relations Officer