

HHS UPDATE

NTEU National Treasury Employees Union

NTEU Scores Telework Win for OMHA Employees

NTEU just notched another victory against HHS' premature implementation of an incomplete contract on its workforce. A neutral arbitrator sustained the grievances of four Attorney Advisors in the Office of Medicare Hearings and Appeals (OMHA) whose requests for a fourth day of telework were denied.

HHS tried to argue that the terms imposed by the Federal Service Impasses Panel (FSIP) did not allow for four days of telework. NTEU countered that the 2010 contract is still in place until negotiations are completed on the remaining six contract articles. The arbitrator agreed with NTEU and clarified that there are no restrictions on granting a fourth day of telework.

The grievance arose when four Attorney Advisors in OMHA Miami were denied a fourth day of telework by their second-level supervisor, the Hearing Officer Director. In preparation for moving to a smaller office space, OMHA and NTEU negotiated a 2014 agreement to expand telework in exchange for employees giving up private office space. After the relocation, the employees requested a fourth day of telework and were blanket denied by the Hearing Officer Director without an assessment. An arbitrator ruled that HHS violated the contract and remanded the requests for a fourth telework day to the employees' immediate supervisors for a decision.

This win is a reminder to HHS that it is running out of excuses to do the right thing and return to the bargaining table to negotiate a fair agreement with employees.

NTEU Proposes Remedy for Illegal Contract Implementation

Earlier today, NTEU submitted a comprehensive proposal to HHS to remedy the agency's illegal implementation of an incomplete contract.

This comes after an arbitrator ruled that HHS violated the law by rushing to impose 19 new contract articles proposed by management while negotiations on six other articles were ongoing. The arbitrator sided with the union and gave NTEU and HHS 90 days to agree on a remedy for the harm done to employees when HHS prematurely implemented provisions contained in the FSIP decision.

NTEU's 23-page "non-exhaustive" list of remedies would require HHS to cease and desist from violating the 2010 contract and restore the workplace to how things were before the agency imposed the FSIP language. For example, NTEU proposed that HHS reimburse employees for any use-or-lose leave forfeited because the agency illegally denied leave during the holidays.

NTEU will pursue another hearing on remedies if an agreement can't be reached within 90 days of the arbitrator's decision.

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