

HHS UPDATE

NTEU National Treasury Employees Union

Win for Employee Rights

Arbitrator Rules HHS Illegally Implemented Partial Contract

NTEU will be starting the year with two important legal victories in our fight to make HHS properly negotiate a new contract for its employees.

Our first win is an arbitrator's decision which is a clear rebuke of HHS' continued illegal bargaining tactics and a vindication of NTEU's view that HHS had no legal right to impose a partial collective bargaining agreement. In sustaining NTEU's grievance, an arbitrator found that HHS illegally imposed a Federal Service Impasses Panel (FSIP) order while contract negotiations were ongoing.

On April 1, the FSIP issued a decision, imposing contract language on multiple articles between NTEU and HHS, that was tilted heavily toward management. The order gutted telework and made it significantly harder for employees to take time off around the holidays. But, at the same time, the FSIP declined to assert jurisdiction over six articles of the contract and instructed NTEU and HHS to return to the bargaining table. Shortly thereafter, HHS announced it would immediately implement the FSIP's language even though those six articles had yet to be bargained. NTEU fired back with a grievance insisting it is illegal to impose a partial contract.

Earlier this month, the arbitrator agreed with NTEU and found that the existing collective bargaining agreement (from 2010) remains in effect until all outstanding negotiations are completed. The arbitrator ordered NTEU and HHS to "meet, discuss and negotiate" over the harm HHS caused by prematurely implementing the FSIP-ordered articles. If no agreement is reached within 90 days, another hearing will be conducted on remedies. NTEU will keep you updated on this and our other legal efforts on your behalf.

NTEU's second recent win for employees is that the Federal Labor Relations Authority dismissed two unfair labor practice charges HHS filed alleging that NTEU failed to comply with impasse procedures. The FLRA determined that NTEU has not committed an unfair labor practice by failing to comply with the FSIP's order. The FLRA dismissed both sets of charges.

It's unfortunate that HHS appears to be dragging the fight into another year instead of returning to the bargaining table to negotiate in good faith as required by law. NTEU refuses to budge and remains committed to protecting your rights.

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"...to ensure that every federal employee is treated with dignity and respect."