

# HHS UPDATE

**NTEU** National Treasury Employees Union

## **HHS Guilty of Bad Faith Bargaining, Arbitrator Rules**

In a victory for HHS employees, an arbitrator has ruled that the actions of HHS negotiators over two days of “bargaining” in July 2018 are clear violations of an agency’s obligation to engage in good faith bargaining as required by federal law. The decision revokes the imposition by the Federal Service Impasses Panel of 21 articles on HHS employees, a move NTEU argued was premature given that there was no impasse at the bargaining table.

In a [97-page decision](#) that lays bare HHS’ illegal actions, the arbitrator concluded that the “agency committed an Unfair Labor Practice by bargaining in bad faith” and that it must cease and desist from those actions.

As NTEU charged, the refusal of HHS negotiators to engage in face-to-face bargaining—breaking off talks after only two days—is a clear example of bad faith bargaining and “tainted the entire bargaining process,” according to the arbitrator.

This is an important step in NTEU’s ongoing efforts to return to the bargaining table with an HHS team committed to full faith bargaining. Whether HHS owns up to its bad actions remains to be seen. The agency can file exceptions to the decision, that is, appeal it, with the Federal Labor Relations Authority. The arbitrator has given HHS and NTEU a period of time to decide on next steps.

This decision again puts HHS on notice that NTEU refuses to back down. HHS employees deserve better from their own employer and NTEU is committed to fighting for employees until the wrongs being committed are corrected.

To all HHS employees: thank you for standing with the union in this fight. NTEU is here for the long haul and we are proud to be your voice in demanding fair treatment and a workplace where you are treated with respect for the work you do each day.

Watch for additional details on the impact of this decision and the next steps.

### **Reminder**

Did you receive this newsletter from a friend? You can get news directly to your inbox by [signing up](#) for our free newsletter exclusively for HHS bargaining unit employees. What’s at stake is too important to not have every HHS employee informed.

**“...to ensure that every federal employee is treated with dignity and respect.”**