



NTEU Summary of FSIP-Imposed Articles

Article 5- Employee Rights

FSIP adopts a modified version of the Union's proposal which means the article will largely remain the same. FSIP struck the current language in Section 12 regarding polygraph examinations and language in Section 15 that grants employees duty time to review the CBA.

Article 7- Union Rights

FSIP imposes the Agency's proposal which affords the local chapters only two (2) workdays' notice of formal meetings. NTEU's designated representative at such meetings will be acknowledged but the contractual language allowing the representative to make a statement and ask questions was struck.

Article 9- Union Access to Employer Services

FSIP imposes a modified version of Management's proposal. Under this language, the Union will be required to pay a monthly Standard Level User Charge (SLUC) for any agency space it occupies and will be responsible for providing its own office furnishings and equipment. Any government owned equipment that is being used solely for Union work must be returned to the Agency.

Article 10- Official Time

FSIP imposes a modified version of Management's proposal, which places severe restrictions on the use of official time. The proposal eliminates designated percentages of official time for Chapter Presidents, Vice Presidents, Chief Stewards and Stewards. It requires Chapter leaders to "stagger" use of official time and keep official time use to a "minimum." Official time use must now be scheduled around work assignments and there is no requirement for the supervisor to adjust the representative's workload accordingly. Representatives may, however, continue to request and use official time under 5 U.S.C. § 7131(d), time the parties agree that is reasonable, necessary and in the public interest.

Article 13- New Employee Orientation

FSIP imposes a modified version of Management's proposal which eliminates NTEU's right to present at orientation sessions. Under this new language, orientation sessions will be treated like formal meetings under Article 7 and the Statute.

Article 15- Annual Leave

FSIP adopts Management's proposal. Under this language, leave is not authorized until approved in writing and employees may be charged AWOL for taking leave without written approval. Extended leave requests must now be submitted sixty (60) days in advance. Also,

subject to management discretion, employees will not be permitted to take more than five (5) consecutive days of annual leave during November, December and January each year.

Article 16- Sick Leave

FSIP adopts Management's proposal. Under this language, employees have only 30 minutes to call in sick and may be required to provide medical documentation any time the employee takes sick leave.

Article 22- Overtime, Compensatory Time, and Holidays

FSIP imposes Management's proposal. Under this language, employees requesting compensatory time off for travel will have only seven (7) days, reduced from fourteen (14) days, to make amendments to the original request after returning from travel. The proposal struck language requiring fair and equitable distribution of overtime assignments.

Article 26- Telework

FSIP imposes a modified version of Management's proposal. Under this proposal, the Agency will not establish a minimum number of days per week for teleworking employees to report to their worksite, however, employees should expect to report four (4) days per week and a CWS day will count as a day away from the official worksite. Telework requests must be resubmitted by the employee to the supervisor every six (6) month or else they will expire. The Division Head can revoke or change any telework agreement and teleworkers may be required to share office space.

Article 27- Awards

FSIP imposes a modified version of the Agency's proposal which eliminates awards pool parity between bargaining unit employees and non-bargaining unit employees. This proposal also eliminates awards committees for performance and incentive awards and eliminates the percentage of salary ranges for performance awards payouts.

Article 30 – Performance Management Appraisal Program

FSIP imposes a modified version of the Agency's proposal which reduces a 12-page article down to a single page and eliminates most of the existing contract language. Under this proposal, employee performance may be evaluated after sixty (60) days rather than ninety (90) and the employer may issue an opportunity to demonstrate acceptable performance in fewer than sixty (60) days.

Article 31- Actions Based on Unacceptable Performance

FSIP adopts the Agency's proposal which reduces the PIP period to 30 days.

Article 34- Details and Temporary Promotions

FSIP adopts the Agency's proposal which permits management to detail and/or temporarily promote employees at its discretion, with no regard for fairness and equity, and employees will not be able to grieve.

Article 35- Reassignments

FSIP imposes the Agency's proposal which gives management total discretion with regard to reassignments and eliminates the current process for voluntary reassignments.

Article 36- Merit Promotion

FSIP imposes a modified version of the Agency's proposal which does not set forth a ranking and rating process, priority considerations, or career ladder promotions. There is no required language for vacancy announcements and announcements will be held open for only five (5) days.

Article 43- Adverse Actions

FSIP imposes a modified version of the Agency's proposal which eliminates many of the required steps for management to take before taking adverse action against employees.

Article 44- Disciplinary Actions

FSIP imposes a modified version of the Agency's proposal which establishes reprimands as disciplinary action for the purpose of progressive discipline. Employees will have only 24 hours to review and respond to proposed discipline.

Article 50- Health and Safety

FSIP imposes the Agency's proposal which eliminates health and safety committees, eliminates the requirement for HHS to provide periodic health and safety presentations to employees, and eliminates the requirement to provide chapters with the name of the Employer safety officer and relevant resource material.

Article 59- Peer Review

FSIP imposes the Agency's proposal which eliminates the contractual peer review process and allows FDA to implement its own policy and process.

FSIP ordered the parties to withdraw their proposed new articles.