

HHS UPDATE

NTEU National Treasury Employees Union

Win for Employee Rights

Arbitrator Orders HHS to Stop Implementing Illegal Contract Provisions

Back in 2019, NTEU won an arbitration decision rebuking HHS' illegal bargaining tactics and supporting the union'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.

Now an arbitrator has issued a remedial award granting many of NTEU's requests. This is great news for employee rights. In his award, the arbitrator directs HHS to stop implementing the April 2019 FSIP order imposing 19 contract articles, including provisions gutting telework and making it harder for employees to take sick leave and time off around the holidays.

The award also restores telework schedules for ACF and SAMHSA employees to those in effect before the April 2019 order.

In addition, HHS has been ordered to recalculate employee awards for 2019 and subsequent years based on the 2010 contract and issue pay back pay with interest to those who were improperly denied awards or due higher amounts. If the recalculations reflect overpayment of awards to any employees, HHS may elect to collect the overpayment.

NTEU and HHS have 30 days in which to file an appeal. NTEU is carefully reviewing the award to determine if the union should pursue additional remedies for employees harmed by the agency's move to illegally impose a contract.

In NTEU's view, this award parrots what HHS must already do under President Biden's EO 14003: set aside its earlier efforts to impose harmful contract articles, return in full to the existing contract and agree to meet at the bargaining table to fairly and fully negotiate a new contract. We will keep you updated on this important development.

Reardon Seeks Positive Relationship with Sec. Becerra

National President Tony Reardon congratulated HHS Secretary Xavier Becerra on his confirmation and asked for a meeting to get the relationship off to a positive start.

"Our partnership with management is of great importance to me and the employees

NTEU represents,” Reardon wrote in a [letter](#) sent Monday. “Unfortunately, the relationship between the Department and NTEU has been significantly damaged over the past few years, and even in this new administration.”

Reardon referenced the two unanswered letters to the Acting HHS Secretary urging him to comply with President Biden’s executive order on collective bargaining and now the arbitrator’s remedy, restore the terms of the 2010 contract (including telework) and negotiate a new contract in good faith.

“After four years of harsh, anti-labor actions by HHS leadership, I am anxious and optimistic for a new start,” Reardon wrote.

NTEU’s Battle for HHS Employee Rights Makes News

At last week’s Legislative Grassroots Event, National President Tony Reardon convened a media briefing updating reporters on federal employee issues, including NTEU’s ongoing fight to get HHS back to the bargaining table. Reardon discussed HHS’ sluggish response in complying with President Biden’s executive order rescinding the three May 2018 orders from his predecessor. You can read what he had to say in these [Federal News Network](#) and [GovExec](#) articles.