
**U.S. Department of Labor
and
National Council of Field Labor Locals
AFGE, AFL-CIO**
National Agreement



Effective October 1, 2006



**U.S. Department of Labor
and
National Council of Field Labor
Locals
AFGE, AFL-CIO**

Effective October 1, 2006

TABLE OF CONTENTS

| | Page |
|--|-----------|
| Article 1 Coverage and Recognition | 1 |
| Section 1. Recognition | 1 |
| Section 2. Coverage | 2 |
| Section 3. Exclusions from Coverage | 2 |
| Section 4. Coverage of Agreement | 3 |
| Section 5. Employee Orientation | 3 |
| Article 2 Governing Laws and Regulations | 3 |
| Section 1. Precedence of Laws and Regulations | 3 |
| Section 2. Prescribing Regulations | 4 |
| Section 3. Agreement Governs | 4 |
| Section 4. Mandated Changes of Agreement or Regulation | 4 |
| Section 5. Management Proposals for Change During the Term of the Agreement | 5 |
| Section 6. Past Practice | 5 |
| Article 3 Labor-Management Relations Committees | 6 |
| Section 1. Purpose and Function | 6 |
| Section 2. Labor-Management Relations Committee Meetings | 6 |
| Section 3. Coordination of Regional LMR Committee Meeting | 8 |
| Section 4. National Meetings | 8 |
| Section 5. Meeting Summaries | 9 |
| Section 6. Review of Regional Relationship | 9 |
| Article 4 Midterm Bargaining..... | 9 |
| Article 5 Rights of Employees..... | 13 |
| Section 1. General | 13 |
| Section 2. Employee Right to Participate | 13 |
| Section 3. Employee Concerns | 13 |
| Section 4. Employee Right to Grieve | 13 |
| Section 5. Employee Membership | 14 |
| Section 6. No Discrimination..... | 14 |
| Section 7. Unit Employee Right to Representation | 14 |
| Article 6 NCFLL Stewards | 15 |
| Section 1. Designation of Stewards | 15 |
| Section 2. Regional or Equivalent Office | 15 |
| Section 3. Representation..... | 16 |
| Section 4. Notification to Management and Posting..... | 16 |

| | | |
|-------------------|--|-----------|
| Article 7. | Regional and National Union Officials..... | 16 |
| Section 1. | Regional NCFLL Official | 16 |
| Section 2. | National NCFLL Officials | 17 |
| <hr/> | | |
| Article 8. | Official Time and Travel Expenses for Representation Activity | 17 |
| Section 1. | General | 17 |
| Section 2. | Official Time for Stewards and NCFLL Officials..... | 18 |
| Section 3. | Official Time for Bargaining Unit Employees..... | 19 |
| Section 4. | Definition of “Reasonable Amount of Time” | 20 |
| Section 5. | Use of Official Time: Check-Out, Check-In | 20 |
| Section 6. | NCFLL National Official | 21 |
| Section 7. | Travel Expenses | 21 |
| <hr/> | | |
| Article 9 | Use of Official Facilities | 23 |
| Section 1. | Bulletin Boards | 23 |
| Section 2. | Distribution | 23 |
| Section 3. | Meeting Rooms..... | 23 |
| Section 4. | Telecommunications Equipment and Systems..... | 24 |
| Section 5. | Use of Government Mail | 24 |
| Section 6. | Information for the NCFLL | 24 |
| Section 7. | Office Equipment | 25 |
| Section 8. | Telephone Listings | 25 |
| Section 9. | Office Space Privacy for NCFLL Executive Board Officials | 25 |
| Section 10. | Identification of Equipment and New Technology | 26 |
| <hr/> | | |
| Article 10 | Space..... | 26 |
| <hr/> | | |
| Article 11 | Alternate Dispute Resolution (ADR)..... | 27 |
| <hr/> | | |
| Article 12 | Performance Based Actions | 28 |
| Section 1. | General..... | 28 |
| Section 2. | Initial Procedure..... | 28 |
| Section 3. | Notice of Proposed Action | 28 |
| Section 4. | Notice of Decision | 28 |
| <hr/> | | |
| Article 13 | Disciplinary Actions | 29 |
| Section 1. | General..... | 29 |
| Section 2. | Procedures for Suspension..... | 29 |
| Section 3. | Grievance/Arbitration Rights..... | 30 |

| | | |
|-------------------|---|-----------|
| Section 4. | Evidence..... | 31 |
| Section 5. | Exception to Disciplinary Action Appeals..... | 31 |
| <hr/> | | |
| Article 14 | Adverse Actions..... | 31 |
| Section 1. | General..... | 31 |
| Section 2. | Written Notice..... | 32 |
| Section 3. | Evidence..... | 32 |
| Section 4. | Notice of Decision | 32 |
| Section 5. | CFR Precedence..... | 33 |
| <hr/> | | |
| Article 15 | Grievance Procedure | 33 |
| Section 1. | Purpose..... | 33 |
| Section 2. | Definition of a Grievance (Coverage and Scope) | 34 |
| Section 3. | Exclusive Procedure..... | 36 |
| Section 4. | Representation..... | 37 |
| Section 5. | Who May Initiate a Grievance..... | 37 |
| Section 6. | Grievance Form | 38 |
| Section 7. | General Procedures | 40 |
| Section 8. | Failure to Meet Requirements..... | 44 |
| Section 9. | Modification of Procedures..... | 44 |
| Section 10. | Statement of Grievability | 44 |
| <hr/> | | |
| Article 16 | Arbitration..... | 44 |
| Section 1. | Selection of Arbitrators and/or Regional Panels..... | 45 |
| Section 2. | Cost of Arbitrator; Fees and Travel Expenses..... | 46 |
| Section 3. | Date and Site of Arbitration Hearing | 46 |
| Section 4. | Proceedings; Transcripts; Official Time and Expenses; Stipulations of Fact; Arbitrator’s Award | 47 |
| Section 5. | Witnesses | 48 |
| Section 6. | Authority of Arbitrator..... | 49 |
| Section 7. | Grievability/Arbitrability Decisions | 49 |
| Section 8. | Extension of Time Limits | 50 |
| Section 9. | Expedited Arbitration Process..... | 50 |
| Section 10. | Review and Evaluation | 51 |
| <hr/> | | |
| Article 17 | GSA Vehicles or Leased Vehicles | 51 |
| Section 1. | Assignment of GSA Vehicles or Leased Vehicles; or Recall | 51 |
| Section 2. | Use of GSA Vehicles..... | 52 |
| Section 3. | Unsafe Vehicles..... | 52 |

| | | |
|-------------------|---|-----------|
| Article 18 | Equal pay for Equal Work – Position Classification ... | 52 |
| Section 1. | Equal Pay for Equal Work | 52 |
| Section 2. | Position Description..... | 52 |
| <hr/> | | |
| Article 19 | Equal Employment Opportunity..... | 53 |
| Section 1. | General..... | 53 |
| Section 2. | No NCFLL Discrimination | 53 |
| Section 3. | Exchange of Information | 53 |
| Section 4. | EEO Committees | 53 |
| Section 5. | Special Emphasis Program Committees | 53 |
| Section 6. | Meetings with Outside Groups on EEO Matters | 54 |
| Section 7. | EEO Counselors..... | 54 |
| Section 8. | EEO Complaint Resolution..... | 54 |
| Section 9. | Reasonable Accommodation..... | 55 |
| <hr/> | | |
| Article 20 | Merit Staffing | 56 |
| Section 1. | General..... | 56 |
| Section 2. | General Requirements..... | 58 |
| Section 3. | Candidates to be Considered..... | 59 |
| Section 4. | Merit Staffing Reevaluations | 59 |
| Section 5. | Selection..... | 59 |
| Section 6. | Keeping Employees and the NCFLL Informed | 60 |
| Section 7. | Merit Staffing Reviews | 62 |
| Section 8. | Corrective Actions | 63 |
| Section 9. | Cancellation of Vacancy Announcements..... | 63 |
| Section 10. | Career Ladder Promotions | 63 |
| Section 11. | Electronic Filing Procedures..... | 64 |
| Section 12. | Appropriate Use of Equipment..... | 64 |
| <hr/> | | |
| Article 21 | Personnel Records..... | 65 |
| Section 1. | Official Personnel Folders..... | 65 |
| Section 2. | Employee Performance Files | 65 |
| Section 3. | Working Files..... | 65 |
| Section 4. | Employee’s Review of Files | 66 |
| <hr/> | | |
| Article 22 | Training..... | 66 |
| Section 1. | General..... | 66 |
| Section 2. | Official Time and Travel, Labor Relations Training | 67 |
| Section 3. | Travel | 67 |
| Section 4. | DOL Paid Tuition..... | 68 |
| Section 5. | Equipment and Time for Continuing Education | 68 |
| Section 6. | Ad-Hoc Training Advisory Groups..... | 68 |

| | | |
|-------------------|--|-----------|
| Article 23 | Quality of Service..... | 68 |
| <hr/> | | |
| Article 24 | Official Travel..... | 69 |
| Section 1. | General..... | 69 |
| Section 2. | Scheduling Official Travel | 69 |
| Section 3. | Notification of Temporary Duty..... | 70 |
| Section 4. | Alternative Travel | 70 |
| <hr/> | | |
| Article 25 | Hours of Work..... | 70 |
| Section 1. | Workweek | 70 |
| Section 2. | Reporting Hours Worked | 72 |
| Section 3. | Changing Work Schedules | 72 |
| Section 4. | Split Shifts..... | 72 |
| Section 5. | Rest Breaks | 72 |
| Section 6. | MSHA Cleanup Time..... | 73 |
| <hr/> | | |
| Article 26 | Overtime | 73 |
| Section 1. | General..... | 73 |
| Section 2. | Distribution of Overtime..... | 73 |
| Section 3. | Overtime Compensation for Non-Exempt Employees | 73 |
| Section 4. | Overtime Compensation for Exempt Employees | 74 |
| Section 5. | Call-Back Overtime | 74 |
| <hr/> | | |
| Article 27 | Flexible or Compressed Work Schedules..... | 74 |
| Section 1. | General..... | 74 |
| Section 2. | Types of Schedules | 75 |
| Section 3. | Definitions..... | 76 |
| Section 4. | Timekeeping..... | 76 |
| Section 5. | Hours of Work..... | 77 |
| Section 6. | Pay Administration | 77 |
| Section 7. | Coverage of Mission Needs | 77 |
| Section 8. | Abuse | 78 |
| Section 9. | Grievability | 79 |
| <hr/> | | |
| Article 28 | Flexi-place..... | 79 |
| Section 1. | Purpose..... | 79 |
| Section 2. | New Pilot Program Initiative(s) | 80 |
| Section 3. | Types of Arrangements | 80 |
| Section 4. | Eligibility and Application..... | 80 |
| Section 5. | Recall | 81 |
| Section 6. | Consideration for Formal Program | 81 |

| | | |
|------------|--------------------------------|----|
| Section 7. | Termination of Agreement | 81 |
| Section 8. | Pay Status..... | 82 |
| Section 9. | Dispute Resolution..... | 82 |

Article 29. Job Sharing 83

Article 30. Dependent Care..... 84

| | | |
|------------|-------------------------|----|
| Section 1. | General Statement..... | 84 |
| Section 2. | Types of Programs | 84 |
| Section 3. | NCFLI Involvement..... | 85 |

Article 31. Employee Assistance Program..... 85

| | | |
|------------|---|----|
| Section 1. | General..... | 85 |
| Section 2. | NCFLI Management Cooperation | 85 |
| Section 3. | Use of Leave Under the Program..... | 85 |
| Section 4. | Employee Rights and Responsibilities..... | 85 |
| Section 5. | Management Rights and Responsibilities..... | 86 |
| Section 6. | Program Training – Union Participation..... | 86 |
| Section 7. | Promoting the Program..... | 86 |

Article 32. Information Sharing – Periodic Reports 86

Article 33 Dues Withholding..... 88

| | | |
|------------|---|----|
| Section 1. | Eligibility | 88 |
| Section 2. | Designation | 89 |
| Section 3. | Procedure for Authorizing Dues Withholding | 89 |
| Section 4. | Automatic Reinstatement of Dues Withholding | 89 |
| Section 5. | Revocation or Termination of Dues Withholding | 90 |
| Section 6. | Changes in Dues Structure..... | 91 |
| Section 7. | Remittance to the NCFLI and Cost of Service | 91 |
| Section 8. | Correction of Errors | 91 |
| Section 9. | Duration of Dues Withholding Article..... | 92 |

Article 34 Safety and Health..... 92

| | | |
|------------|--|----|
| Section 1. | General Statement..... | 92 |
| Section 2. | Correcting Conditions..... | 93 |
| Section 3. | Employee Rights/Responsibilities | 93 |
| Section 4. | Life Saving Equipment | 94 |
| Section 5. | Personal Protective Equipment and Clothing | 94 |
| Section 6. | Safety and Health Inspections..... | 95 |
| Section 7. | Exposure to Hazardous Materials | 96 |
| Section 8. | Ergonomic Hazards..... | 96 |
| Section 9. | Training..... | 97 |

| | | |
|--------------------|--|------------|
| Section 10. | Safety and Health Committees..... | 98 |
| Section 11. | Committee Dispute Resolution..... | 99 |
| Section 12. | Expedited Fact Finding Arbitration Procedures..... | 101 |
| Section 13. | Voluntary Protection Program..... | 103 |
| <hr/> | | |
| Article 35 | Employee Wellness..... | 104 |
| Section 1. | General Statement..... | 104 |
| Section 2. | Health Services Program..... | 104 |
| Section 3. | Wellness/Fitness Programs | 105 |
| Section 4. | Quality Work Environment | 106 |
| <hr/> | | |
| Article 36 | Annual Leave..... | 107 |
| Section 1. | General..... | 107 |
| Section 2. | Consecutive Vacation Time..... | 107 |
| Section 3. | Resolving Conflict | 107 |
| Section 4. | Leave Usage Increments | 107 |
| Section 5. | Restored Leave..... | 107 |
| Section 6. | Advanced Annual Leave | 108 |
| <hr/> | | |
| Article 37. | Administrative Leave..... | 108 |
| Section 1. | Definition | 108 |
| Section 2. | Registration and Voting..... | 108 |
| Section 3. | Inclement Weather or Emergency Conditions | 109 |
| Section 4. | Vehicle Breakdown While on Official Business | 111 |
| Section 5. | Blood Donation..... | 112 |
| Section 6. | Participation in Military Funerals | 112 |
| <hr/> | | |
| Article 38 | Court Leave | 112 |
| <hr/> | | |
| Article 39 | Family Leave | 113 |
| Section 1. | Maternity, Paternity, and Child Rearing Leave..... | 113 |
| Section 2. | Family Leave | 113 |
| Section 3. | Adoptive Leave..... | 114 |
| Section 4. | Definitions of Family Member..... | 114 |
| <hr/> | | |
| Article 40 | Sick Leave..... | 114 |
| Section 1. | General..... | 114 |
| Section 2. | Approval | 115 |
| Section 3. | Use of Sick Leave | 115 |
| Section 4. | Charge to Annual Leave..... | 116 |

| | | |
|-------------------|---|------------|
| Article 41 | Department of Labor Regional Leave | |
| | Bank Program | 116 |
| Section 1. | Purpose..... | 116 |
| Section 2. | Administration | 116 |
| Section 3. | Procedures..... | 117 |
| Section 4. | Publicity | 118 |

| | | |
|-------------------|--|------------|
| Article 42 | Educational Development/Community Service | |
| | Opportunities | 118 |
| Section 1. | Purpose..... | 118 |
| Section 2. | Approval | 119 |
| Section 3. | Recall to Work | 119 |

| | | |
|-------------------|--|------------|
| Article 43 | Performance Management System..... | 119 |
| Section 1. | Coverage | 119 |
| Section 2. | Procedures for Developing Elements and Performance Standards | 119 |
| Section 3. | Performance Standards | 120 |
| Section 4. | Annual Rating of Record | 120 |
| Section 5. | Improving Unsatisfactory Performance..... | 121 |
| Section 6. | Performance Improvement Plan | 122 |
| Section 7. | Special Circumstances | 122 |
| Section 8. | Initiation of a New Appraisal Period | 122 |
| Section 9. | Removal of “Fail” and “Need to Improve” Performance Information in Personnel Files..... | 123 |
| Section 10. | Information Sharing | 123 |
| Section 11. | Grievability and Arbitrability of Job Elements and Performance Standards | 123 |

| | | |
|-------------------|---------------------------------|------------|
| Article 44 | Performance Awards | 123 |
| Section 1. | General..... | 123 |
| Section 2. | Effect of Summary Ratings..... | 124 |

| | | |
|-------------------|--|------------|
| Article 45 | Acceptable Level of Competence for Within- Grade-Increase | 125 |
| Section 1. | General..... | 125 |
| Section 2. | Definition of Acceptable Level of Competence..... | 125 |
| Section 3. | Procedures..... | 125 |
| Section 4. | Negative Determination..... | 126 |
| Section 5. | Appeal of Reconsideration Decision | 128 |

| | | |
|-------------------|---|------------|
| Article 46 | Work Schedules for Religious Observance..... | 128 |
| Section 1. | Modifications to Work Schedules | 128 |
| Section 2. | Compensatory Overtime/Time Off | 128 |
| Section 3. | Granting and Repaying Compensatory Time Off | 128 |
| Section 4. | Non-Applicability of Premium Pay | 129 |
| <hr/> | | |
| Article 47 | Reduction in Force or Transfer of Function..... | 129 |
| Section 1. | General..... | 129 |
| Section 2. | Notification | 129 |
| Section 3. | Retention Registers | 130 |
| Section 4. | Department of Labor Employee Placement Assistance.. | 131 |
| Section 5. | Repromotion List | 132 |
| Section 6. | RIF Contract Coverage | 133 |
| <hr/> | | |
| Article 48 | Interstation Transfer..... | 133 |
| Section 1. | General..... | 133 |
| Section 2. | Procedures..... | 133 |
| Section 3. | Return to Previously Abolished Position | 134 |
| Section 4. | Interstation Transfer for Employee Convenience | 134 |
| Section 5. | Notice to NCFLI | 135 |
| <hr/> | | |
| Article 49 | Contracting Out | 135 |
| Section 1. | General..... | 135 |
| Section 2. | A-76 Competitive Sourcing/Commercial Activity Process | 135 |
| Section 3. | Personnel Considerations for Displaced Employees | 137 |
| <hr/> | | |
| Article 50 | Technology | 138 |
| Section 1. | Information Technology Committee | 138 |
| Section 2. | Hardware and Software Utilization | 138 |
| Section 3. | Training on New Technology..... | 138 |
| Section 4. | Pilot Programs..... | 139 |
| Section 5. | Identify Theft | 139 |
| <hr/> | | |
| Article 51 | Child Care Subsidy..... | 140 |
| <hr/> | | |
| Article 52 | Mass Transit Subsidy..... | 142 |
| <hr/> | | |
| Article 53 | Directed Membership and Participation in Professional Associations | 143 |

| | | |
|-------------------|---|------------|
| Article 54 | Management Rights | 143 |
| Section 1. | General | 143 |
| Section 2. | Applications | 144 |
| Article 55 | Leaves of Absence (Union Officials) | 144 |
| Section 1. | AFGE Officer or Representative..... | 144 |
| Section 2. | Period of Leave of Absence | 145 |
| Section 3. | Conditions and Return Rights..... | 145 |
| Article 56 | Honor Awards Committee..... | 145 |
| Article 57 | Reemployment Opportunities After Retirement..... | 146 |
| Section 1. | Eligibility | 146 |
| Section 2. | Selection and Approval | 146 |
| Section 3. | Reemployment | 146 |
| Article 58 | Concerted Activity | 146 |
| Section 1. | No Strike | 146 |
| Section 2. | No Lockout | 147 |
| Article 59 | Copies of Agreement | 147 |
| Section 1. | Copies | 147 |
| Section 2. | Expenses | 147 |
| Article 60 | Supplemental Agreements | 147 |
| Section 1. | Authority of Master Agreement | 147 |
| Section 2. | Appropriate Matters for Regional Negotiation | 148 |
| Section 3. | Resolution of Regional Negotiation Disputes..... | 149 |
| Section 4. | Ratification and Approval of Regional Agreements | 149 |
| Article 61 | Duration and Termination | 149 |
| Section 1. | Length of Agreement | 149 |
| Section 2. | Supplemental Agreements or Amendments | 149 |

| | |
|-------------------|---|
| Appendix A | Memorandum of Understanding between the U.S. Department of Labor and the National Council of Field Labor Locals: Leave Restriction 150 |
| Appendix B | Merit System Principles Under 5 U.S.C. 2301 152 |
| Appendix C | Prohibited Personnel Practices Under 5 U.S.C. 2302..... 154 |
| Index | 159 |