

10-28-14

EMPLOYEE RIGHTS

SECTION 1. Union Participation: The Agency and the Union agree that each employee in the unit has the right, freely and without fear of penalty or reprisal, to form, join, or assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of such right. Except as otherwise expressly provided in the Civil Service Reform Act of 1978, this right includes the right to act for a labor organization in capacity of a Union representative, officer, or steward and to present the views of the labor organization to heads of the Agencies, and other appropriate authorities.

SECTION 2. Presentation of Views: In accordance with existing statutes and regulations, employees have the right to present their personal views to Congress, the Executive Branch or other authorities without fear of penalty or reprisal.

SECTION 3. Management Notification: The Agency will assure that management officials are apprised of the rights described in Section 1, and that non-interference, restraint, coercion, or discrimination is not practiced within the unit to encourage or discourage membership in a labor organization. The Union will assure that employees in the unit are apprised of the rights described in Section 1.

SECTION 4. Whistleblower Protection: Employees are protected by the Whistleblower Protection Act, against reprisal for the lawful disclosure of information, which the employee reasonably believes evidences a violation of law, rule or regulation, or evidences mismanagement, a waste of funds, an abuse of authority, or a danger to health and safety.

SECTION 5. Off Duty Activities: Employees have the right to conduct their private lives as they desire; however, should the employee's conduct reflect negatively on the efficiency of the Agency, that behavior will be a concern of the Agency. In performing official duties, employee conduct will be guided by the Code of Conduct for Government Employees.


SECTION 6. Acknowledgement: Employees will be given a full explanation of any documents they are required to sign. After an explanation, if the employee does not understand the document, he or she may request a Union representative. If an employee refuses to sign, including for a disciplinary action, no adverse action of any kind will be taken against him or her for their refusal to sign.

SECTION 7. Weingarten Rights:

a. In accordance with 5 USC Section 7114 (a)(2)(B), the Union will be given notification and an opportunity to have a representative present at any examination in connection with an investigation that may result in disciplinary or adverse action, provided that:

(i) the employee reasonably believes that the examination may result in disciplinary action against the employee; and

(ii) the employee requests representation.

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Therefore, when an employee is being questioned by a supervisor and the employee believes the questioning may lead to disciplinary action, the employee may ask for Union representation. Upon such request the meeting will cease, and be rescheduled within the next business day, in order to allow the employee the opportunity to request Union representation.

b. When an employee believes his or her Weingarten Rights have been violated, the employee should promptly bring that to the attention of the Union or the LMER Division, Civilian Human Resources Center. Allegations of a violation of an employee's rights under subparagraph (a) above shall be promptly investigated by the Agency. The Agency will report to the Union the findings of the investigation. The Union acknowledges that any decision by management concerning the discipline of a supervisor for a Weingarten violation is in the sole discretion of the Agency. If a violation is found, the Agency will consult with the Union on corrective measures that may be put in place to prevent future violations.

SECTION 9. Personal Rights:

a. All employees shall be treated fairly and equitably in all aspects of personnel management and without regard to political affiliation, race, color, religion, national origin, gender, gender identity, sexual orientation, marital status, age, or disabling condition, and with proper regard and protection of their privacy and constitutional rights.

b. Managers and employees will deal with each other in a professional manner and with courtesy, dignity, and respect.

c. The Agency will make every reasonable effort to conduct discussions concerning personal matters in private.

d. If an employee is to be served with a warrant or subpoena, it will be done in private to the extent that the Agency has knowledge of and can control the situation.

e. Management may not discipline an employee who refuses to obey an order that is found to be unlawful by an arbitrator or a court of competent jurisdiction.

f. An employee's decision to resign or retire, if eligible, shall be made freely without coercion and in accordance with prevailing regulations.

g. The Agency will provide retirement planning contact information to bargaining unit employees who are within 12 months of retirement eligibility. The contact phone number or website may provide such information as individual counseling, elder care assistance, retirement materials, legal services counseling, life and medical insurance counseling, etc.

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h. If an employee is facing termination, the employee may resign, freely and in accordance with prevailing regulations, any time prior to the effective date. The employee may withdraw his or her resignation prior to the effective date, as long as the position is uncommitted or unencumbered. Escorts off property in connection with termination will be handled with discretion.

SECTION 10: Surveys and Questionnaires

a. The Agency will not communicate directly with bargaining unit employees through verbal or written surveys and questionnaires regarding conditions of employment without prior notification to the Union and bargaining where appropriate; this includes all questionnaires and surveys from all other agencies. Nothing in this section precludes the Union from the right to bargain over conditions of employment under the 5 USC Chapter 71.

b. Participation in surveys will be voluntary, unless the Parties agree to require participation. Employees will be assured that their responses will be confidential and their anonymity protected, unless the Parties agree otherwise.

c. In order to encourage employee participation in completion of surveys there shall be no reprisal based on the employee's responses or lack thereof.

d. The results of surveys conducted by either party regarding conditions of employment will be shared unless prohibited by current law and/or regulation. If a third party conducts a survey and the results are distributed to the Agency, the results will be shared with the Union.

e. Issues relating to the effects of patient surveys on discipline or performance appraisals are addressed in Performance Appraisal article of this CBA.

SECTION 11. Voluntary Activities: An employee may not be required to contribute money in the Combined Federal Campaign, purchase U.S. Bonds in any bond drive, or donate blood in any organized blood drive. Participation or non-participation will not advantage or disadvantage employees, and shall be solely on a voluntary basis.

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