

NTEU Chapter 207 News

Volume 2.3

Friday, February 20, 2004

Chapter 207 Shorthanded

We, the officers of NTEU 207, want to make an appeal to our membership, to each of you, to consider becoming a steward. Our Chapter is and has been understaffed for several years. What we have and continue to accomplish is due to the work and dedication of a very few individuals. Although our Chapter is entitled, by negotiation, to 25 stewards, we currently have only 7. Five of those are DIRM employees. The other two are from DIR and DRR.

Those seven employees along with our four officers, eleven in all, conduct the business of the Chapter. We are responsible for ensuring that employees' rights are protected. We ensure that management adheres to policy, law, regulation, and negotiated rules when moving employees, assigning parking spaces, conducting reorganizations, enforcing policy, or any other change that affects the conditions of your employment including your pay and benefits. We attend meetings where policy is discussed. We review policies that management wishes to change and negotiate those changes. And yes, we protect employees when they find themselves in the unenviable position of needing representation.

Why should you consider becoming a steward? If you are not from DIRM, the most important reason is so that you have a representative who is sensitive to the issues that affect your Division or Office. It is important that every Division and Office have a representative who is knowledgeable about policy, the negotiated agreement, and laws that can identify, assess, and possibly address issues that arise. Many of the issues this Chapter deals with come to us through employees asking "Did you know ... is going on?" and not through an official channel. As employees of DIRM, DIR, DRR, and DOF, we are not as aware of issues that may concern Legal, DOA, DSC, and the Offices.

Please take a minute or five and think about becoming steward. If you may be interested, please contact us at [NTEU 207 HQ](#).

Important Court Victory Upholding a Federal Employee's Right to Judicial Remedies

The following is a notice from NTEU National President Colleen Kelley

"NTEU has secured an important ruling from the Court of Federal Claims upholding a federal employee's access to judicial remedies.

"NTEU played a pivotal role in a recent Court of Federal Claims decision that preserves a federal employee's right to seek judicial review of claims against the government. The question in the case was whether language in a collective bargaining agreement stating that the grievance procedure was the "exclusive" means of resolving disputes amounted to a waiver of a bargaining unit employee's right to take his pay claims to court.

In *Mudge v. United States*, No. 00-228-C (January 26, 2004), the Court ruled that federal employees covered by collective bargaining agreements retain an individual

right to seek judicial remedies. In reaching that conclusion, the Court rejected the government's contention that a union has the power to negotiate away a federal employee's access to a judicial forum. The Court also found that, even if such a waiver were possible, the collective bargaining agreement in that case could not be read to clearly and unmistakably waive an individual's right to seek judicial redress. As amicus curiae, NTEU filed briefs and argued these issues before the Court."

The significance in this case is that even if an employee should lose a grievance, the employee could retain an attorney and take their case through the judicial process to seek redress.

CSA Timeline

The implementation of the new Corporate Success Awards has raised concern and confusion amongst employees. In a previous article, we discussed the program itself. Below are the dates associated with the program:

January 1, 2003 through December 31, 2003: Period of Consideration - The work used as the basis for consideration for a Corporate Success award for 2004 must have been performed during this time period.

January 15, 2004: Nominations - Supervisors were required to submit employees for consideration for the 2004 Corporate Success Award by this date.

January 30, 2004: Review Period - Reviewing Officials (who are designated by the Division or Office Director) review, sign, and forward nominations to the Division or Office Director.

February 17, 2004: Approving Official (the Division or Office Director or his designee) submits approved awards to Human Resources Branch, ensuring that only 33 1/3 percent of the bargaining unit and non-bargaining unit are awarded. After the awards are approved, letters will be sent to the award recipients.

Pay Period 5 (March 7 - 20) - Award recipients will receive awards, retroactive to pay period 1 in their pay.

Did you Know...

The Union has a right to receipt of final health and safety test results, such as air and water quality test.

Article 36, Section 2

States that the employer will conduct regularly scheduled air and water quality inspections every three years, however if there is just cause, the testing will be done more frequently.

Chapter 207 has been participating in the "Town Meetings" that are being held in the 801 Auditorium to discuss employees concerns about the 801 building and the 1717 H Street buildings and the studies that are going to be conducted on those properties. Chapter 207 is asking employees to participate in the study if they have worked in either of those buildings. The link listed below is where an employee can obtain the

survey to be completed. You may remain anonymous when filling out this survey. Please participate. Forward this link to co-workers so that we may get an accurate response to the survey. The deadline for completing the survey is March 5. The survey is called an Epidemiological Survey but this is the tool that will be used in determining if there is in fact any problems with the buildings and what types of illnesses people are reporting to have. FDIC management has asked Administrators of all divisions to provide names and last known addresses of individuals they know that are no longer employed at the FDIC who have cancer. If anyone knows of an employee please forward the information to the appropriate Admin. Officer in your Division. Anyone who has worked in either of these buildings is being asked to participate in this survey. At the top of page 6, there is a place to add comments if you feel the survey didn't cover a specific concern an individual may have. If an employee has worked in both buildings, please fill out two separate questionnaires, one for each building and indicate on each one that you have worked in both buildings.

Employees are asked again to participate and please get the surveys mailed to:

Christopher S. Holland, MD MPH
c/o Federal Occupational Health, USPHS
4350 East-West Highway, 3rd Floor
Bethesda, MD 20814.

Some offices were provided envelopes to mail the survey in and others were not. Please mail the survey to the above referenced address.

Please fill out the survey as if you were still working in that area. In other words record your comments based on the time you were in each building not the current building you are in now, unless of course you are still in 801 or the H Street Buildings.

<http://fdic01/division/DOA/workplace/hse/index.html>

If you would like to see a specific topic addressed in this column, send your suggestions to the Chapter Mailbox.

NTEU is here to support you! Contact us [NTEU 207 HQ](#)