

NTEU 207 News

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Did you know ...

Two types of training require budgetary consideration by management?

Article 11 of the Negotiated Agreement identifies two types of training to be available for bargaining unit employees: Type 1 and Type 2. Type 1 training is training needed by an employee to perform his or her current position. Type 2 training provides education to prepare an employee for another job available at FDIC.

Type 1 training is the most common training provided to employees. And while no specific language in Article 11 requires FDIC to provide a minimum amount of budgetary dollars for this type of training, the article does by inference through agreement to the importance of well trained employees require FDIC to provide this training to employees. Consequently, denial of training is grievable.

As to Type 2 training, Section 9 of Article 11 does require FDIC to "make a reasonable amount of funds available for Type 2 Training." Certainly, a reasonable sum can be argued but denial of Type 2 training could also be grievable.

In short, you are entitled to training, which historically has been provided on an annual basis. At the very least, you are entitled to training necessary to keep your skills current in your current position. If you have been denied training, we would like to know. Contact us at NTEU 207 HQ.

Seniority in Dispute

Below is the text of a message from NTEU National President Colleen Kelley to the FDIC Chapter Presidents.

"Several months ago the FDIC notified NTEU that it wanted to implement a single definition of "seniority" to be used nationwide for all purposes, including local office space and parking space assignments. The FDIC's proposal would define seniority in terms of only combined time with the FDIC/RTC/FHLBB and time-in-grade, and would preclude other factors frequently included in local agreements, such as time in the assigned office and/or work unit.

"In response, NTEU indicated that (1) it was opposed to this new definition to the extent that it precluded consideration of other factors; (2) the parties should continue to address this matter in local bargaining, where local needs and the desires of employees can best be taken into account; and (3) that management's attempt to open negotiations on this new definition at the national level was inappropriate. This third position is based on our interpretation of the nationwide agreement, which contains a definition for seniority and identifies the certain instances when this is to be used, as well as a framework for office space determinations that provide some national guidelines but leaves many issues on space design and allocation to local negotiations. Since the nationwide agreement provides a definition of seniority for some purposes, NTEU has taken the position that the subject matter of seniority is already covered by the agreement and that management does not have the legal

right to reopen the agreement to modify or extend the use of the definition of seniority, so that such matters can only be addressed in local negotiations.

"The FDIC eventually took this dispute before the Federal Services Impasses Panel (FSIP). NTEU argued that the FSIP lacked jurisdiction to decide the dispute on the grounds that the subject of seniority is already covered by the nationwide agreement. The FSIP recently issued its decision in which it declined to assert jurisdiction over the case, based on its decision that no "impasse" existed. The Panel's letter indicated that while the agency may be entitled to implement its last best offer because it has given the union notice and the opportunity to bargain, "a decision to implement would be at the Employer's peril, i.e., the Union could choose to file an unfair labor practice charge or an institutional grievance challenging the legality of the Employer's actions."

"[June 25, 2004], we received a communication from FDIC management that they intend to implement the new nationwide definition of seniority. NTEU immediately notified the FDIC that if it implements this change, we will file an unfair labor practice charge with the Federal Labor Relations Authority."

CSA Group Grievances Update

NTEU Chapter 207 has completed a statistical analysis of the distribution of CSA Awards by division and office as well as Corporate-wide. The analysis indicates there is an under-representation of awards to employees over 40 and an under-representation of awards to minorities within the bargaining unit Corporate-wide. On a more positive note, the analysis did not indicate any potential discrimination against women! Also, the analysis of the awards distributions within several divisions supports the allegation of discrimination based on age and/or minority status as well. Only 29 percent of bargaining unit employees over the age of 40 in DIRM received a CSA. Statistics show that both DIR and DSC also had an under-representation of awards to employees over 40, and DSC showed an under-representation of awards to minorities.

As a result of the analysis, NTEU is seeking participants for the Group Grievance filed for demographics. If you meet the criteria of one of the groups identified above and feel that your contributions should have entitled you to a CSA, we ask you to contact NTEU 207 HQ to participate in the group grievance.

Additionally, NTEU continues to seek participants for the other Group Grievances filed: 1) employees with multiple supervisors, 2) employees who worked for another employee (either as a former supervisor or acting supervisor) who received a CSA as a bargaining unit employee, or 3) employees who were on a detail for a significant period during 2003. If you feel you were unfairly denied a CSA based on one of these conditions and are interested in being named as a grievant, please send a message to the [NTEU 207 HQ](#) mailbox.

For each of these group grievances, we need a sufficient pool of participants to prove a pattern that we believe exists. We encourage you to contact NTEU if you are interested in participating.

You Are Our Eyes and Ears

Chapter 207 has 4 officers and 12 stewards. As has been mentioned in previous Newsletters, we are unfortunately not very well distributed throughout the divisions

and offices. We are, however, concerned about ensuring the rights of all employees at headquarters. As stewards and officers, we can only address issues that are brought to our attention. If you see or hear of a situation that you believe is a violation of your rights or the rights of others, please notify a steward or officer. Your confidentiality is of course paramount. Or if you prefer to remain anonymous, you can slip the information under the door of any steward. A list of officers and stewards appears on our website: <http://fdic01/resource/nteu207/OfficersStewardslist.html>

[NTEU 207 HQ](#)