

# ***NTEU 207 News***

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## **Buyout Announcements**

After many months of anticipation, FDIC has finally formally announced its intention to continue downsizing the FDIC. The following divisions issued special memoranda announcing buyouts to staff, some are all encompassing and some are restricted, Legal, DIR, DOF, DIRM, DRR, and DSC.

The Chapter has received numerous questions regarding these announcements. The most common are "why wasn't I included in the buyout," "is the buyout negotiable," and "will the union be addressing the issue?" The Chapter has contacted NTEU National regarding these questions. NTEU was notified five minutes before Mr. Bovenzi issued the memoranda to employees. Buyouts are negotiable but at this time management has not been in communication with the union on this matter and they have indicated that they have no interest in expanding the buyout to employees who have thus far been excluded. The Chapter will continue to pursue this issue with National office.

## **NTEU Files National Grievance Over Infrastructure Services Contract**

The following is a message from National President Colleen Kelley to the Chapter Presidents at FDIC:

"On September 21, 2004, the FDIC announced that it had awarded a contract to SRA International (Systems Research & Applications Corporation) for Infrastructure Support Services (ISS). According to the FDIC's announcement, this consolidates a total of 36 labor- and service-based contracts that provide infrastructure support services to the FDIC. These services include program management; client and help desk support; data center operations and local network administration; security operations and support; systems engineering and integrations; and equipment distribution.

On October 12, 2004, NTEU filed the attached national grievance. The grievance alleges that the FDIC was required to comply with the requirements of Article 17 of the Nationwide Agreement before awarding this contract to SRA. Article 17 requires that the FDIC provide NTEU with advance notice and detailed information comparing the cost of performing the work in-house versus through the proposed outside contract for any contract covering "bargaining unit work." Under Article 17, bargaining unit work is defined as either work that is currently performed by bargaining unit employees, or if the work is not currently being performed in-house, there are surplus employees in-house who could perform this work.

"In the grievance, NTEU contends that the Statement of Work is sufficiently broad to cover work currently performed by bargaining unit employees, thus triggering the requirements of Article 17. Furthermore, NTEU contends that since DIRM has announced to its employees that it expects to reduce staffing by 15–30% in the near future, upon completion of workload analyses and other contracting out studies, that

there are clearly surplus employees available who could do the work covered by the ISS/SRA contract.

“As a remedy, NTEU has requested that the FDIC immediately cease and desist from implementation of the ISS/SRA contract until such time as it fully complies with all requirements of Article 17 of the Agreement, as well as any other appropriate remedies that may be awarded by an arbitrator consistent with law, rule or regulation.”

### **Update on CSA Grievances**

FDIC has denied NTEU National's group CSA grievance for bargaining unit employees who are 1) 40 year of age and older, 2) African-American, 3) Hispanic, or 4) at or below Grade 12. NTEU has invoked arbitration, which is the last step of the decision process for this grievance. This grievance was filed after a careful review and analysis of FDIC's distribution of CSA awards. NTEU found that ample statistical evidence exists to support the allegation of discrimination for these groups of employees. In fact, the statistical analysis showed that there was less than a one percent chance that these results would have occurred randomly. That means that there was, in all likelihood, a systematic reason why these groups of employees received CSA awards at such a low rate. Statistical results such as these shift the burden to FDIC to provide a 'legitimate business reason' why these groups of employees received so few CSA awards. FDIC's response? That FDIC managers and the review process of 'checks and balances' already routed out any improper discrimination. Ultimately, an arbitrator will make a decision on this grievance.

### **Bank Examiner Post Employment Restrictions**

DIR has implemented a form called the Employee Work Plan form. This form is constructed to increase communication between employees and supervisors and help employees know how their assigned duties tie in to Branch, Divisional and Corporate Goals. There are currently proposals being negotiated on behalf of DIR BU employees to ensure that their rights are being protected. The proposals submitted state specifically that this work plan form is not tied in to an annual appraisal in any way and can not be used in support of any appraisal criteria that do not meet expectations. Other divisions may follow suit and we want employees aware of the current negotiations. The pros of this form will help employees see how their work assignments tie in to goals that will better help them justify their met criteria for CSA awards and facilitate more open communication between employees and their first line supervisors to foster open communication and encourage discussion of assignments, to ensure work is being distributed fairly and equitably. Some of the cons are that we can not be certain that managers will not use the work plans to support an employee's failure to meet expectations on their annual appraisals. This does go against the MOU currently being negotiated.

“The final version does not contain overly harsh penalties that were in earlier versions. It now contains a waiver clause and, rather than covering examinations done in the three years prior to leaving federal service, now covers just the prior 18 months and only for examinations lasting at least two months. Also, the legislation would now allow agencies to issue regulations better defining lead and supervising examiners.

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