

# Negotiations Update

NTEU National and Local Representatives are continuing to fight to obtain all National Credit Union Administration (NCUA) bargaining unit employees the rights and representation to which they are entitled. NCUA is not the first Agency that has tried to keep its employees from obtaining rights and to attempt to discourage the Union. NTEU has fought this battle before and, as always, we will continue working for us. They know how difficult these times are for employees but it is imperative that you stand with NTEU and your Chapter as we work toward a solid term agreement.

When a group of employees is initially organized, the first and hardest battle is for the negotiated contract. No matter what NCUA management attempts or how difficult the process, NTEU will not give up and we will eventually get the contract and rights every employee deserves.

**Newest Sections in Red.**

**The next Membership Meeting will be Wednesday may 9<sup>th</sup> at 8:30 pm est. – watch for details!**

**March 12 - 16 Negotiations with the assistance of the mediator continues. Most of the remaining articles deal with money issues Pay, time, travel, etc.) and are as follows:**

- ⇒ Union Representation and Official Time
- ⇒ Grievances
- ⇒ Duration
- ⇒ Mobility
- ⇒ Career Ladder
- ⇒ Examiner Certification
- ⇒ Employee Relocation
- ⇒ Compensation
- ⇒ Hours of Work
- ⇒ Travel
- ⇒ Notice to the Union of Conferences

**We did exchange counter proposals on Hours of Work and Travel, and Compensation should be exchanged prior to the next session; April 30<sup>th</sup> – May 4<sup>th</sup>.**

**February 5 - 9 Negotiations with the assistance of the mediator continues. Some progress is made and the mediator extended the negotiations by two (2) additional sessions: One in March and one in April.**

**January 22 – 26 Negotiations with the assistance of the mediator continues.**

Dec. 5 – 7 The negotiations have entered the mediation stage, as a Federal mediator now attends each session and works with the parties in an effort to resolve outstanding issues. The obvious goal in mediation is for the parties to reach an entire agreement. That is our goal, but NTEU wants the agreement to be fair, and many of the proposals NCUA has on the table are regressive and seek to take money away from most employees. But progress was made in the three-day mediation session, as the parties reached agreement on several additional articles. As it now stands, the parties have reached agreement on twenty-eight (28) articles and sixteen (16) are outstanding. The articles over which the parties have yet to agree are:

- ⇒ Union Representation and Official Time
- ⇒ Grievances
- ⇒ Arbitration
- ⇒ Mid-term negotiations
- ⇒ Duration
- ⇒ Merit promotion
- ⇒ Mobility
- ⇒ Career Ladder
- ⇒ Examiner Certification
- ⇒ Reduction-In-Force
- ⇒ Contracting Out
- ⇒ Relocation
- ⇒ Compensation
- ⇒ Hours of Work
- ⇒ Travel
- ⇒ Notice to the Union of Conferences

The negotiator scheduled two additional weeks of mediation, one week in January and during the week of February 5th, 2007. By the end of the week of mediation in February we will know whether there is any hope of a complete agreement or we are at impasse and will have to have the dispute resolved by the Federal Service Impasses Panel (the Panel). If we are forced to have the dispute resolved by the Panel, it typically takes about five or six months for the Panel to hear and decide the dispute.

**November 28 – Dec. 1 – Joint meetings with NCUA. We agreed on several additional Articles.**

**October 24 -27 Negotiations with NCUA continues. The federal mediator met with us jointly on Thursday the 26<sup>th</sup> and agreed to take over the negotiations. She sets the following dates for us to meet:**

- ⇒ **November 28 – Dec. 1, 2006 - NTEU and NCUA to meet to attempt to finalize articles they may be able to agree on,**
- ⇒ **Dec. 5<sup>t</sup>– 7, 2006 – Joint negotiations with the mediator**
- ⇒ **Jan. 22 – 26, 2007 – Joint negotiations with the mediator**

**October 3 -5 Chapter 303 negotiating team met in Alexandria to draft counter offers.**

**September 11 – 15 – Fact – to – face negotiations with NCUA.**

**August 7 – 11, 2006 – Chapter 303 negotiating team met in Alexandria to draft counter offers.**

**July 18 – 20, 2006 – Final negotiation session added to schedule.**

**June 27 – 29, 2006 –** Management agreed to an additional negotiation session during the month of June, and agreed to pay travel and per diem for two Union committee members for the session.

**June 13 -15, 2006 –** Jerry Lalu is on detail from OCC to take Colleen Newth's place on the NCUA bargaining team. The chapter 303 bargaining team [ Ken Moffett (National NTEU), Steve Jennings (R III field), Cynthia Vaughn (R II office), Sharon Holeman (CO), Greg Painter (R V field), and Heather Hammes (R IV field) ] met in Alexandria with NCUA management to exchange and review counter proposals. There are no agreements for the contract so far, but we have two weeks left.

We did agree on a Memorandum of Understanding for the implementation of new Examiner Performance Plans. I will let you know when it is actually signed and send it out to you. Basically, we insisted on training for managers prior to implementing the plans, time for managers to review the plans with examiner's, a written review under the old plan, and some time to prepare a rebuttal to the review.

**May 8 – 11, 2006 –** Negotiations were delayed, as Colleen Newth (NCUA's Labor Relations specialist) was injured during a break in negotiations and is unavailable until June. The chapter 303 bargaining team [ Ken Moffett (National NTEU), Steve Jennings (R III field), Cynthia Vaughn (R II office), Sharon Holeman (CO), Greg Painter (R V field), and Heather Hammes (R IV field) ] met in Alexandria to draft counter proposals. We did meet with NCUA to discuss their counter to our Performance Plan MOU. We are reviewing another counter they submitted to us late on May 11<sup>th</sup>.

**April 18 – 20, 2006 -** Negotiations in Alexandria continue. Chapter 303 represented by Ken Moffett (National NTEU), Steve Jennings (R III field), Cynthia Vaughn (R II office), Sharon Holeman (CO), Greg Painter (R V field), and Heather Hammes (R IV field). Finish reviewing NCUA and NTEU's initial proposals, exchange several counter proposals for several of the easier Articles to negotiate, and receive 'briefing' on the new Examiner Performance Plans. NTEU

submitted a Memorandum of Understanding (MOU) for the implementation of the performance Plans.

**March 28 – 30, 2006** – Negotiations in Alexandria continue. Chapter 303 represented by Ken Moffett (NTEU), Steve Jennings (R III field), Cynthia Vaughn (R II office), Sharon Holeman (CO), Todd Wiskur (R IV field), and Heather Hammes (R IV field). Continue reviewing NCUA and NTEU's initial proposals

**March 14 -16, 2006** – Negotiations in Alexandria, VA. Chapter 303 represented by Ken Moffett (NTEU), Steve Jennings (R III field), Cynthia Vaughn (R II office), Sharon Holeman (CO), Todd Wiskur (R IV field). We started reviewing NCUA and NTEU's initial proposals. The NCUA Bargaining Update Colleen Kelly (NTEU President) sent out on 4/21/2006 is a good representation of many of NCUA's initial proposals. If you missed it, it is now posted on this web-site.

**March 1, 2006** – NCUA will submit proposed articles.

**February 15, 2006** – NTEU must submit proposed articles.

**January 4, 2006** – NCUA executed the ground rules agreement. As required by law, NCUA has 30 days for its general counsel to review the agreement to determine if any provisions are illegal. The review can not modify the content of the agreement.

**January 3, 2006** – NTEU executed the ground rules agreement. The agreement calls for a five member team to negotiate for five weeks (March thru June). NCUA will provide time for the team members to prepare for and negotiate the contract, and will pay for two members to travel and per diem while at the bargaining table.

**December 22, 2005** – After a long discussion with NCUA, Ken Moffett (our lead NTEU negotiator) called the Chapter 303 representatives and stated, "we have a VERBAL agreement on the ground rules with NCUA." Both sides agreed to terms in the ground rules.

**December 21, 2005** – NCUA and NTEU met. We agreed to remove our proposal for a grievance procedure within the ground rules as long as: (1) NCUA pays travel and per diem for at least two union representatives for bargaining, (2) we have expedited negotiations on a collective bargaining agreement, and (3) NCUA eliminates the provision that first line supervisors can prohibit union negotiators from attending the bargaining sessions, and (4) NCUA agrees to several other items desired by the union in the ground rules.

The removal of the grievance procedure only applies to the ground rules, not the final collective bargaining agreement. It also should be noted FDIC pays the cost for all of their union negotiators to attend the negotiations -- not just two negotiators, but we can work with the restriction.

NCUA then went into a caucus to discuss the issues on the table, and they never returned. The mediator agreed to attend a meeting with the parties on December 22, 2005 at 4:00 pm to hear NCUA's response.

**December 14, 2005** - NCUA and NTEU met with the mediator. Unfortunately, due to a family emergency, the mediator was forced to leave the meeting early. At that point, very little, if anything, was accomplished at the meeting. The parties agreed to meet again on December 21, 2005 with a mediator.

**December 12, 2005** – NCUA and NTEU met, but were unable to reach an agreement. NTEU had included a grievance process within their ground rules proposals. NCUA adamantly refused this idea. NCUA stated emphatically that they would not agree to a grievance procedure because it could be deemed as a comprehensive bargaining agreement, and stated that they would litigate any grievance procedure in the ground rules. We left the meeting and requested a mediator for further assistance.

**December 7, 2005** – The FSIP representatives met with NCUA and NTEU. The NTEU delegation in any negotiation is always comprised of individuals' from the national NTEU organization and the bargaining unit members of Chapter 303. After a full airing of our differences and the bargaining history, the FSIP representatives indicated they would send a report by the end of December with a recommendation for a vote on whether to assert jurisdiction. NCUA then offered to meet next week to wrap up the negotiations. We would like a mediator there. We were assured that one last day of bargaining would not hinder the processing of the dispute by the Panel and would not delay the timing of the Panel's decision since they will not address the issue until January 2006.

**November 22, 2005** - NCUA moderated their position and will now give each employee up to one hour of official time to travel to and from the meeting with representatives from the FSIP.

**November 22, 2005** – NCUA refused to allow “official time” for travel from Alexandria to DC for two Chapter 303 representatives to attend the meeting (approximately 1 hour roundtrip). They will only allow time for the meeting itself. This certainly supports NCUA's position that the parties should not be on a “level playing field” for term negotiations. **Hopefully, the Panel will help us to “Level the playing field”.**

**November 17, 2005** – An investigative meeting with a FSIP representative is set for 9:30 a.m on December 7<sup>th</sup> at the FSIP office in Washington DC.

**November 2005** – NTEU filed a “Request for Assistance” with the Federal Service Impasse Panel (FSIP).

**October 6, 2005** – We were notified by Kurt Saunders, the FMCS Commissioner that NCUA declined to participate in mediation over the ground rules impasse issues and that he would release the parties to go to the Impasses Panel (FSIP) over ground rules.

**September 15, 2005** -- The parties reviewed the new proposal (Heather via phone). NCUA explained their position and NTEU tried to “negotiate” issues. NCUA was “stuck in the sand” over some very important issues which are: a grievance procedure for violating the ground rules, the supervisor’s sole discretion to approve or revoke “official time” for negotiations if it will interfere with the timely performance of Agency work or the performance of the team member’s workload, travel costs, bargaining schedule, and observers at the negotiations. We may be able to agree on other issues such as the work schedules of bargaining unit members during negotiations. We seem to be at an impasse over many issues, so NTEU will now seek the assistance of the FMCS and take the issues to the Federal Service Impasses Panel for resolution at the earliest possible time.

**September 14, 2005** -- NCUA transmitted a counter that indicated some movement on certain issues but contained all of the language on core issues that NTEU previously advised NCUA it would not agree to. The management offer included the provision under which line supervisors could thwart negotiations by not releasing union team members, and a bargaining schedule that would result in delays of negotiations. NCUA also offered to pay the airfare only for one (1) union team member (no hotel or per diem) for all of the negotiations (NTEU proposed that management pay travel, hotel and per diem for four team members). Needless to say, the offer is disappointing but not surprising given management’s ultimate strategy is to delay any collective bargaining agreement for its employees.

**August 31, 2005** -- The parties reviewed the new proposal (Heather via phone) and again NCUA asked questions about the proposal, but provided very little input. At that meeting, the parties agreed that NCUA would submit a counterproposal for ground rules no later than September 14, 2005.

**August 25, 2005** -- NTEU submitted a revised ground rules proposal to NCUA.

**August 18, 2005** -- The parties met in the Alexandria, VA at the NCUA offices to negotiate over ground rules. In attendance for the Union were Ken Moffett, NTEU National Negotiator; Ray Lindeman, President, NTEU-Chapter 303; Heather Hammes, Secretary; Cythinia Vaughn, Region II . In attendance for NCUA were David Marquis, Director of Examination and Insurance; Colleen Newth, Human Resources Specialist; John Ianno, NCUA Counsel; and Steven Widerman, NCUA Counsel. The parties discussed areas of concern and NCUA basically asked questions, and provided very little input.

**July 2005** – NTEU and NCUA play phone tag and finally set a date for bargaining of August 18<sup>th</sup>. There is continuing bantering over official time and travel costs for bargaining unit members. NCUA agrees to give official time while actually at the table and travel time for Heather. No costs to be paid by NCUA.

**June 28<sup>th</sup>** – NTEU provides a counter proposal for ground rules (these rules will be used to negotiate a Collective Bargaining Agreement, referred to as a CBA or Term agreement).

**April 2005 --** NTEU withdraws the unfair labor practice.

**March 2005 --** The FSIP declined to assert jurisdiction over the dispute, stating that an employer in the Federal sector is entitled to a “comprehensive” collective bargaining agreement.

**February – April 2005 –** Chapter 303 officers and stewards attend training sessions on their own time. NCUA refused to provide official time.

**January – February --** The FLRA investigates the unfair labor practice charge.

**January 11, 2005 --** NTEU submits its statement of position to FSIP.

**January 3, 2005 –** The Agency sends the final installment of information.

**December 29, 2004 –** NTEU receives a second package of information from the Agency.

**November 26, 2004 –** The Agency begins responding to NTEU’s request for information.

**October 26, 2004 –** In its effort to keep negotiations going forward, NTEU files an application with the Federal Service Impasses Panel (FSIP) asking the panel to take over the bargaining. NTEU also files an unfair labor practice charge with the FLRA. The standard the FLRA uses to find that a party is guilty of bad faith bargaining is a very difficult one to meet, but the FLRA does have the power to force an Agency to bargain.

**October 22, 2004 --** On or about this date, the Mediator meets with the Agency to present the offer he had helped the Union create. After the meeting, NCUA sends NTEU a new proposal. The Agency withdraws everything that has already been discussed and states it is now willing to discuss only ground rules for negotiations. At that point the Mediator, recognizing the nature of the Agency’s actions, declares the parties to be at impasse because the Agency is not interested in bargaining.

**October 13, 2004 –** NTEU meets separately with the FMCS Mediator. The Mediator suggests that NTEU develop a Last, Best, and Final Offer to give to the Agency. The Union includes, as it legally must, a binding arbitration provision and proposals on adequate time for local representatives. NTEU again responds to the Agency’s concerns in several areas. The Mediator agrees to present this to the Agency.

**September 30, 2004 –** The parties meet again, this time without Mediator Saunders. NTEU provides additional proposals and shows its good faith by modifying several items to meet what the Agency stated were its needs. Again, the Agency’s proposals refuse to address the critically important area of binding arbitration, adequate time for local representatives to complete their Union work, and the issue of bargaining the contract versus an interim agreement. Because it continues to insist it is only bargaining an interim agreement, the Agency continues to insist it does not need to bargain over the

legally required proper grievance procedure. Again, the Agency ends the session early and states they needed more time to discuss the proposals among themselves.

**September 22, 2004 --** FMCS Mediator Kurt Saunders meets with the parties and attempts to narrow the areas in dispute. Mediator Saunders spends 90 minutes with the Agency representatives and is told the Agency will not budge from its position that this is negotiations only for an interim understanding and they are not yet ready to negotiate a contract. And, the Agency tells the Mediator, because this is only an interim negotiation, they are not yet obligated to bargain over a binding arbitration procedure or over reasonable time for local representatives to complete Union representation work. The session was scheduled for the whole day. However, after spending 90 minutes with the Mediator, the Agency decides they need to discuss things among themselves and they end the session. NTEU did compel them to set additional dates to meet.

**September 7, 2004 –** NTEU, disgusted with NCUA's response, goes to the Federal Mediation and Conciliation Service (FMCS) for help in the negotiations. This action by NTEU finally gets the Agency to set dates for subsequent meetings.

NTEU submits a series of routine information requests to the Agency. The information is necessary for NTEU to properly conduct negotiations and includes requests for information such as copies of prior disciplinary records (necessary to determine if a proposed action was in accord with what had been given to supervisors and other employees); the identity of employees by workgroup; and copies of promotion packages and information on the age, sex, race, and national origin of employees promoted.

**September 2, 2004 --** NCUA provides another set of counterproposals. Again, these proposals do not address the need for binding arbitration for grievances, offers even less time for your local representatives to work on union issues, and fails to offer any meeting dates.

**August 30, 2004 –** NTEU finally gets NCUA to meet. NCUA provides its first set of proposals. Because of the Agency's delay in meeting, NTEU informs NCUA that there is no more time to work on an interim agreement and states the parties must start on the formal contract negotiations. NTEU provides a second set of proposals that includes proposals for the final contract. We meet and are told by NCUA that they don't want to discuss a normal negotiated grievance procedure and binding arbitration procedure, as required by law. The Agency states that it likes its own agency grievance procedure. At the end of the day, NTEU requests additional dates for bargaining. NCUA refuses to provide dates and states they will have to confer and decide when they will be available to meet again.

**August 11, 2004 --** NCUA finally submits counterproposals and offers some dates for negotiations. However, the Agency's proposals do not address the right to binding arbitration for grievances and provides very little time in which local representatives can prepare for negotiations and very little time to represent you on any issue.

**July to early August --** NTEU repeatedly asks NCUA for its counterproposals and to set a date to meet and negotiate.

**July 10, 2004** – NTEU meets with NCUA representatives. NTEU gives the Agency proposals for an interim collective bargaining agreement. An interim agreement would have made the process of negotiating the first contract easier and would have provided you some of the rights you are entitled to until the first contract was completed, particularly the right to take a grievance to a neutral arbitrator and have that decision bind both parties. This is a right guaranteed by law to employees who have elected a Union to represent them.

At this meeting, NCUA stated it would respond to NTEU's proposals but that it was not ready to meet and discuss the issues.

**July 9, 2004** – The Federal Labor Relations Authority (FLRA) certifies the election results and NTEU officially becomes your Union.

**June 30, 2004** – NCUA employees elect NTEU as the exclusive representative.