



**National Council of EPA Locals
Council #238
American Federation of Government Employees
AFL-CIO
Office of the Executive Vice President
c/o U. S. EPA, M/S ETPA-083
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September 11, 2008

Carolyn Davis, Acting Director
Office of Labor Relations
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Davis:

Introduction

Pursuant to Article 38, Section 9 of the Master Collective Bargaining Agreement (MCBA) between the Environmental Protection Agency ("EPA" or "Agency") and American Federation of Government Employees ("AFGE" or "Union"), the Union submits this Grievance of the Parties (GOP). I am the representative for Council 238 for the purposes of this grievance and all correspondence should be directed to me.

Background

On September 22, 2004, Bettye J. Carter representing AFGE and Andrew Moran representing EPA signed a Memorandum of Understanding (MOU) concerning the implementation of the Agency's Integrated Human Resources, Benefits, Payroll and Labor System referred to as PeoplePlus.

Issues

The issues of this grievance are as follows:

- The Agency violated the PeoplePlus MOU Section 15, "Ongoing Discussions Between the Parties", by failing to provide official notice and an opportunity to bargain to AFGE prior to implementing a change to the PeoplePlus codes by adding the code TWRAC "Telework Reasonable Accom".
- The Agency violated the MCBA Article 40, Section 1B, by failing to negotiate appropriate arrangements with the union over management's right to add the PeoplePlus Code TWRAC "Telework Reasonable Accom" and the impact of that decision which creates an adverse impact on bargaining unit employees.
- The Agency violated 5 U.S.C. 7117(a)(1) when it failed to bargain in good faith with the Council before adding the PeoplePlus Code TWRAC.
- The Agency violated 5 U.S.C 7106(b)(2) and (3) when it failed to negotiate procedures Management will observe and appropriate arrangements for employees adversely affected by the exercise of Management's authority in this matter.
- The Council contends that to require a unique code for telework for reasonable accommodation does not provide fair and equal treat to employees and violates the confidentiality provisions of the Rehabilitation Act of 1973, as amended; 29 C.F.R. Part 1630 - Regulations to Implement the Equal Employment Provisions of the American with Disabilities Act; the Privacy Act of 1974; Merit System Principles as found in 5 USC 2301; the MCBA Article 3; the MCBA Article 8, Sections 4(B) and 9(A); EPA's Reasonable Accommodation Procedures for AFGE Bargaining Unit Employees (NRAP); and the MOU between EPA and AFGE Council 238, which was signed by the Parties on September 22, 2004.

Discussion of Issues of This Grievance

The Union recently learned of this change to the PeoplePlus Codes. The Telework Time Reporting Code for Reasonable Accommodation (TWRAC) requires an employee with a disability, who is provided an accommodation to work from home or other off-site location, identify themselves as a person with a disability. In addition, telework is the only type of accommodation in which an employee is required to identify that they are an individual with a disability.

Remedies Sought

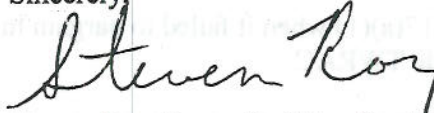
We request the Agency do the following to relieve this grievance:

1. Immediately stop implementing the use of the PeoplePlus Code TWRAC;
2. Immediately initiate negotiations in good faith with the Union over the procedures and appropriate arrangements concerning the implementation of any additional PeoplePlus Codes; and

3. Revise the coding from TWRAC to TREGW(Regular Flexiplace) on the time cards of any and all AFGE bargaining unit employees that have already used the new code.

I look forward to your positive response to the Union's grievance.

Sincerely,



Steven Roy, Executive Vice President
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