



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

DATE: March 9, 2018

MEMORANDUM TO: Supervisors of Union Officials

FROM:  Samantha Cutler, Director, Workforce Relations Division, Office of Human Resources, U.S. Department of Education, 400 Maryland Ave S.W., Washington DC 20202

SUBJECT: Implementation of New Collective Bargaining Agreement - March 12, 2018

Attached is the letter sent to the Union regarding items the Union must address within the next 30 days following implementation of the new Collective Bargaining Agreement (CBA) on March 12, 2018.

Supervisors of union officials will need to understand the institutional changes within the CBA from the first day of implementation. There have been several changes to how we account for time for union activities. Other than union official time for negotiations that meet the statutory definition under 5 U.S.C. § 7131(a), and official time ordered by the Federal Labor Relations Authority, union officials will be required to use a category of time called **Leave without Pay for Union Activities (LWPUA)**.

I encourage you to read **Article 5, Official Time and Leave without Pay for Union Activities**, in the new CBA very carefully to understand how to administer union representational time. Use of union official time under 5 U.S.C. § 7131 **will not** be a regular occurrence under the new CBA, as it was in the expired 2013 CBA. Unless you are advised by a Labor and Employee Relations Specialist in the Workforce Relations Division at the Department or FSA that a union representative is entitled to union official time (as opposed to LWPUA), the representative should be requesting excusal from work duties on LWPUA. Changes are being made to the time and attendance (T&A) system to accommodate these changes. Further information regarding coding the time will be forthcoming.

Please be advised all union office space must be vacated by the Union at headquarters and in the regions **no later than Wednesday, April 11, 2018**. The Union may request an office in the location of the Council President for representation-related, and one additional space in D.C., however, the Union must agree to pay fair market rent for use of the space before such space will be provided. Moving forward, the Union may request to use Agency conference rooms when not otherwise in use for official purposes, for meetings with employees and other representation work.

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The Department of Education's mission is to promote student achievement and preparation of global competitiveness by fostering educational excellence and ensuring equal access.

For those supervisors of the Union officials who formerly had 100 percent official time (Council 252 President, National Chief Steward, and AFGE Local 2607 President), a work space for performing their official Agency duties and responsibilities must be made available for them effective **March 12, 2018**. These employees will be returning to duty. Please work with these employees to set their work hours/schedules, assignments, and establish performance plans in REACH. Only the Union President is entitled to *up to* 50 percent LWPUA time for representational work (time is leave without pay for union activities – not union official time) and all other representatives will have a specific amount allotted by the Union President and communicated to the Agency no later than **March 30, 2018**. Once we have the distribution of time, you will be notified.¹

Unless a union representative is provided LWPUA hours, or union official time, he/she may not be excused on union activities. However, if a union representative elects to use annual leave, you should treat that request as any other request for annual leave. As a reminder, if a union representative becomes entitled to statutory official time, the Workforce Relations Division will so advise you. If by chance a union representative reports to you that he or she is entitled to statutory official time for representation work, please *immediately* contact the Workforce Relations Division to discuss before approving.

We understand the implementation of the new CBA will bring challenges and changes to the way labor-relations matters were handled in the past. Our office stands ready to help the Agency navigate this new terrain. Please contact your servicing Labor and Employee Relations Specialist if you have any questions or need assistance.

Attachments:

Collective Bargaining Agreement –March 12, 2018

Letter to Claudette Young, President, AFGE Council 252, Subject: Implementation of New Collective Bargaining Agreement – March 12, 2018

cc: All Union officials

¹ The actual number of hours used by union official (LWPUA or union official time) will need to be monitored on a weekly basis for impact on Union representatives' performance standards. Although the Council President (CP) is allowed *up to* 50 percent LWPUA, this does not mean that the CP will actually use this much time for representational work.