

## MEMORANDUM

SUBJECT: Grievance of New PeoplePlus System & Implementation

FROM: Joe Edgell, Senior-Vice President, National Treasury Employees Union (NTEU), Chapter 280

TO: David Bloom, Acting Chief Financial Officer, Office of the Chief Financial Officer  
Steven Fine, Acting Assistant Administrator, Office of Environmental Information

DATE: November 15, 2017

### Basis for the Grievance

This grievance is filed under CBA Article 34 by NTEU Chapter 280 on behalf of all affected bargaining unit employees, whether named in this grievance or not, for implementation of the new PeoplePlus time-keeping system. Named affected parties include [REDACTED]. EPA committed an Unfair Labor Practice in violation of 5 U.S.C. § 7116 and Article 44 for failing to negotiate in good faith. EPA also violated CBA Articles 5, 17, 19, 20, 33, 54, and subsequently executed agreements incorporated into the CBA such as the Headquarters Maxiflex Pilot Program and continues to violate these provisions every day this system is in use. The system's implementation also violates various statutory provisions applicable to work schedules within the federal government contained in United States Code, Title 5. Implementation of this system also constitutes, at a minimum, "waste" as "the taxpayers [are] not receiving a reasonable value for money in connection with any government-funded activities due to an inappropriate act or omission." See [EPA IG website](#). Allowing this program to continue squandering thousands of hours of employee time is wasteful and at a minimum constitutes mismanagement.

### Correct Level for This Grievance

CBA Article 34, Section 8 specifies that step 1 of a grievance will be directed to "the management official at the level having the necessary authority" over a matter when "the immediate supervisor does not have the authority over the matter grieved." The only EPA officials with authority over the matter, that is, with the authority to fix this awful, wasteful system, are the officials who imposed this system: the Acting AAs for OCFO and OEI. The named and unnamed employees have tried repeatedly to resolve issues with their supervisors but their supervisors remain powerless to fix this system or address the problems. Thus, this grievance is properly before you as step one in the process.

### Discussion

The NTEU-EPA CBA contains the schedules applicable to the bargaining unit, as well as the parameters for implementing those schedules. The agency's new timekeeping system imposes new requirements on employees that were not bargained as part of the CBA. These new requirements, therefore, violate the CBA and must be withdrawn until the agency properly

negotiates. Should the agency decide that it wants to impose new requirements, it must do so during the normal timeframe for reopening the CBA, not through imposition of new requirements in a timekeeping system.

The system also disallows employee activities and schedules that are clearly allowed under the CBA and federal law. Both the prohibitions and the un-bargained-for new requirements violate the CBA. NTEU is, however, not yet fully aware of all ways that the new system violates the CBA and continues to have new violations brought to its attention regularly. Despite NTEU's lack of fully understanding all violative aspects of the system, we are challenging at least the following problems:

- The system wastes hundreds of employee hours just to record daily, weekly, and by-pay-period time when the old system took only a few minutes. This system is an example of the wastefulness of government that the Union is working to combat.
- The system requires employees to input fictional work schedules just to be paid and to document their actual schedules worked through email to their supervisors.
- The system imposes sign in and sign out requirements not required by the CBA.
- The system requires a virtual punch clock for employee arrivals and departures, including when an employee goes to lunch.
- The system alters employee schedules without their consent or appropriate notice.
- System limits employees to taking a half hour lunch even though OPM rules and the CBA allow for longer lunches so long as the employee nonetheless puts in a full day of work.
- If employee enters end time that is 8.5 or more hours after the start time to reflect the unpaid lunch period, the system interprets the extra time as paid time. This requires employees to sign in and sign out for their lunch periods, which the CBA does not require.
- Different requirements are imposed for different schedules not required by the CBA.
- The system and the agency are requiring people to "Attest" to hours that they did not actually work.
- High exception errors that are blocking people from getting paid.
- Earned credit hours not being accepted by the system. This prevents people from earning additional hours who have their maximum statutorily-allowed 24 hours.
- Managers cannot override "high exceptions," which block employees from getting paid even though the errors are the system's fault and not the employee's.
- System requiring employees to take lunch within six hours of their start time.
- System requiring entry of time that people did not work. For example, system not recognizing a 4:00 start time; employee required to enter at least 4:00:01.
- The system does not allow use of credit hours earned earlier in the same pay period.

The time-keeping system that ostensibly is designed to improve accountability and save money does just the opposite. It literally wastes hundreds of hours of people's time returning incomprehensible errors for activities that are allowed under the CBA. Imposing this not-ready-for-prime-time system on EPA employees constitutes "waste" as defined in the fraud, waste, and abuse guidelines.

As these problems and violations recur every day of every pay period, these violations are continuing violations. This grievance is, therefore, timely filed.

**Relief Sought**

1. The agency should immediately roll back the timekeeping system to the old version until the agency can adjust its new system to be fully compliant with the CBA;
2. the agency must immediately bring the system into consistency with the CBA and applicable federal law; and
3. the agency should grant all other appropriate remedies under law, rule, and/or regulation.

cc: Sarah Riger, Attorney, NTEU National Office  
Tim Seidman, Attorney, NTEU National Office  
Krysti Corbett, Director, LER  
Arthur Elkins, Inspector General