

**MEMORANDUM**

**SUBJECT:** Grievance of New People Plus System & Implementation, Step 2

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

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

**DATE:** January 5, 2017

**Introduction**

EPA's roughly 14,000+ employees have been wasting thousands of hours each week trying to enter time in your new People Plus system. The system has denied them the right to earn credit hours, interfered with their right to be on certain schedules, and forced them to falsely attest to hours just to get paid. The Collective Bargaining Agreement (CBA) protects them from this arbitrary administrative action. We ask that you work directly with us to address each of these legitimate claims, rather than summarily denying claims you know to be legitimate given the difficulties you've had with the system and had reported to you by EPA managers.

**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 that violates the CBA. Named affected parties include:

[REDACTED]

This Step 2 grievance incorporates, by reference, the content of our Step 1 grievance. EPA committed an Unfair Labor Practice in violation of 5 U.S.C. § 7116 and CBA 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 including, but not necessarily limited to the Headquarters Maxiflex Pilot Program. EPA continues to violate these provisions every day this system is in use. Each day of violation is a new violation with a new time clock under the CBA. 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

sucking thousands of employee hours is certainly wasteful. Whatever savings was to be gained by migrating to the new system has certainly now been spent on wasted time.

### **Timeliness of this Grievance**

Step 1 of the grievance was filed within 30 days of notice of the matter. See CBA Article 34, Section 8. Each of the affected employees grieved problems that occurred within 30 days of NTEU's original filing. The grievance is, therefore, timely. Keep in mind that if you deny someone earning hours or pay, they have a right to grieve that denial within 30 days of the denial. As the denials continue to occur, each new denial constitutes a new offense and restarts the clock.

Furthermore, your Deputy's response states that the unions were briefed months ago on the new system. While we were briefed, we were not told that the system would be denying CBA-guaranteed rights of employees. The agency could only claim that we were untimely if we had been notified of these problems when we were briefed, which we were not. In fact, the briefings we received stated the opposite. We were told that the next version of People Plus would be rosy, that it would be compliant with the CBA, and that angels would sing from the heavens.

### **Correct Official to Hear the 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. Managers have informed NTEU that they wish they could join us in this grievance. Thus, this grievance is properly before you as step two in the process. We do not believe that your Deputy was the correct official for step one. Nonetheless, we appeal to you in Step 2 because the agency directed our complaint in step one to him.

### **Request for Mediation**

Another denial of our grievance makes no sense as we currently intend to take this to arbitration if it is denied at each step of the process. Taking this matter to arbitration seems like a further waste of taxpayer dollars piled on what you know are the thousands of dollars in wasted employee time.

As a result, NTEU Chapter 280 is open to attempting mediation with the agency to resolve this grievance. CBA Article 34, Section 10 notes that "[e]ither before or after a grievance is filed, [an] alternative dispute resolution (ADR) process may be entered into by mutual agreement of the affected employee..., the Union and the Employer." We think this grievance is worth attempting to resolve through that process.

**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;
3. the agency should immediately credit employees with missing pay and hours that they have been unable to legitimately record under this system;
4. the agency should stop requiring employees to falsely certify their time in order to get credit for hours worked;
5. the agency should stop requiring employees to attest their time before they worked that time, or, alternatively, should change the attestation language in a manner satisfactory to the Union to capture that some time is being certified before actually being worked; and
6. the agency should grant all other appropriate remedies under law, rule, and/or regulation.

Unless you grant all relief requested above to the satisfaction of NTEU, we request a face-to-face meeting with you prior to your decision. Note that ADR as discussed above would satisfy our request for a face-to-face meeting.

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