

## **MEMORANDUM**

**SUBJECT:** Grievance of People Plus System & Implementation, Step 3

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

**TO:** Mike Flynn, Acting Deputy Administrator

**DATE:** March 2, 2018

### **Introduction**

The Office of Chief Financial Officer informed the unions and employees in June 2016 that the new version of People Plus had the objective “of improving the efficiency of EPA’s time and attendance and labor cost accounting functions.” Since the rollout late last year, EPA employees have wasted thousands of hours each week trying to navigate a piece of software the does not function properly, denies employees their collective bargaining agreement rights, and in many cases, forces them to falsely attest to time just to get paid. The Office of Chief Financial Officer has ignored NTEU’s entreaties to work together to fix the problems in both steps 1 and 2 of our grievances. We now direct this to you as step 3 of the process.

### **Basis for the Grievance**

This grievance is filed under CBA Article 34 by NTEU Chapter 280 on behalf of all affected bargaining unit employees named in our prior filings. This Step-3 grievance incorporates, by reference, the content of our Steps 1 and 2 grievances and is filed on the same basis as those grievances and under the same legal authorities. Both prior filings are attached.

### **Correct Official to Hear the Grievance**

The step 1 grievance was filed with the Chief Financial Officer. He did not respond and instead asked the Deputy Director of the Office of Technology Services (OTS) to respond. We believe he was not the correct official to respond because he lacked authority to address our grievance and implement our requested solutions. The OTS Director’s response was unsatisfactory, so as required in the NTEU-EPA Collective Bargaining Agreement (CBA), we elevated our complaints back to the CFO. Once again he chose not to respond, instead directing his OTS Director to respond. Again, he was not the correct official to respond because he lacked authority to resolve the problem. Since the last grievance was properly filed with the CFO, you are the CFO’s boss and this step is properly before you.

Additionally, CBA Article 34, Section 8 specifies that 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.” NTEU’s view is that 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,

or people above them with authority to direct them to resolve problems. Given that the CFO was unable or unwilling to address our concerns, as required by the CBA, we appeal to you.

### **Request for Mediation**

In our last grievance, we requested mediation, allowable under the CBA. Despite EPA's stated views that alternative dispute resolution (ADR) is a favorable process and despite EPA having an entire office devoted to alternative dispute resolution, our request did not get serious consideration, as do none of our requests for mediation. Given that, we renew our request to mediate this. 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 Union and the Employer." We think this grievance is worth attempting to resolve through an ADR 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;
6. the agency should work close with Chapter 280 to improve the usability and functionality of the system; and
7. 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 to discuss the matter prior to your decision.

cc: Sarah Riger, Attorney, NTEU National Office  
Tim Seidman, Attorney, NTEU National Office  
Diane Lynne, President, NTEU Chapter 280  
Randy Ferrell, LER