

PPQ & NAAE

Green Book

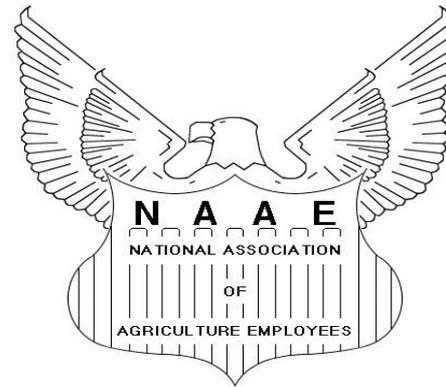
Agreement

Part I



United States Department of
Agriculture, Animal and Plant
Health Inspection Service, Plant
Protection and Quarantine

&



National Association of
Agriculture Employees

The PPQ & NAAE Green Book Agreement

- **Background on the negotiations history**
 - **National Association of Agriculture Employees (NAAE) certified April 21, 1976**
 - **August 18, 2011 PPQ & NAAE Green Book Agreement completed**
 - **Started negotiations more than 19 years ago**

The PPQ & NAAE Green Book Agreement

- **Applies only to NAAE bargaining unit employees**
- **Is a “new” agreement (many changes)**
- **Red Book was originally approved May 7, 1986**
- **Replaces the Red Book**

The PPQ & NAAE Green Book Agreement

ARTICLE 16 GRIEVANCE PROCEDURES

- **Provides the process for dealing with issues (grievance) during the term of the Green Book (at least 3 yrs.)**
- **Grievances should be addressed promptly**
- **Should be dealt with in good faith**
- **No retaliation for an employee filing a grievance**
- **Resolved at the lowest administrative level and on an informal basis**
- **Assigned to an Employer representative with the authority to deal with the issue**

The PPQ & NAAE Green Book Agreement

What is a grievance?

- **Any complaint by a bargaining unit employee concerning any matter relating to the employment of the employee**
- **By the union: any complaint concerning any matter relating to the employment of an employee in the b.u.**
- **Any complaint by b.u. employee, the Union or Employer concerning:**
 - 1. the effect or interpretation, or a claim of breach, of this Agreement; or,**
 - 2. any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment**

The PPQ & NAAE Green Book Agreement

What is excluded from being grieved?

- 1. any claimed violation of Subchapter III of Title 5 of the United States Code (relating to prohibited political activities);**
- 2. retirement, life insurance, or health insurance;**
- 3. a suspension or removal under Section 7532 of Title 5 of the United States Code (in the interest of national security);**

The PPQ & NAAE Green Book Agreement

- 4. the classification of any position which does not result in the reduction in grade or pay of any employee;**
- 5. any examination, certification, or appointment;**
- 6. any termination of benefits payable under Chapter 53, Subchapter VI of Title 5 of the United States Code (relating to grade and pay retention in certain reduction in grade actions);**
- 7. non-selection to a position filled pursuant to Article 45 Voluntary Transfers;**

The PPQ & NAAE Green Book Agreement

- 8. termination of a probationary employee during the probationary period, except as permitted by law;**

- 9. non-selection for noncompetitive and competitive promotion from a group of properly ranked and certified candidates, except to the extent the grievance challenges the process or procedures used resulting in the non-selection, including but not limited to disparate treatment, pre-selection, prohibited discrimination, or improper panel make-up;**

The PPQ & NAAE Green Book Agreement

10. notices of proposed actions which, if effected, would be covered under this procedure; and,

11. granting of, failure to grant, or the amount of a performance award, quality step increase, or other kinds of honorary or discretionary awards, except to the extent the grievance challenges the process or procedure used.

The PPQ & NAAE Green Book Agreement

B. The following matters are excluded from the coverage of this Article when an affected employee, at his/her option, elects to use a statutory appeals procedure:

- 1. a formal complaint of discrimination filed pursuant to 29 C.F.R., Part 1614 and filed after a grievance filed pursuant to this Agreement;**
- 2. any action taken under Reduction-In-Force (RIF) procedures appealable to the Merit Systems Protection Board (MSPB);**

The PPQ & NAAE Green Book Agreement

- 3. an alleged prohibited personnel practice, including, but not limited to a prohibited personnel practice under Section 2302(b)(1) of Title 5 of the United States Code (relating to equal employment opportunity violations); and**
- 4. matters covered by Sections 4303 and 7512 of Title 5 of the United States Code (relating to reduction in grade or removal of an employee for unacceptable performance and adverse actions taken for cause).**

The PPQ & NAAE Green Book Agreement

Who can file a grievance?

- **Bargaining unit employees either singly or jointly**
- **The Union**
- **The Employer**

The PPQ & NAAE Green Book Agreement

Management must provide a reasonable amount of official time to work on a grievance

- **Determination of what constitutes a reasonable amount of official time must be determined based on the facts and circumstances of each case.**
- **Additional time may be granted, upon request, when it is practical and reasonable**
- **Reasonable- acceptable and according to common sense or normal practice**

The PPQ & NAAE Green Book Agreement

Grievances should be **consolidated when two (2) or more employees file individual grievances involving the same or similar facts, events, and the same or similar issues arising out of the same incident**

The PPQ & NAAE Green Book Agreement

Steps of the Grievance Procedures

Informal Grievance – discussion between the employee(s) and the supervisor

Step 1 Responsible Official

Step 2 Responsible Official

Step 3 Responsible Official

The PPQ & NAAE Green Book Agreement

Grievance Content

- **Informal discussion between grievant and supervisor either orally or in writing**
 - 1. must be made clear it is a grievance**
 - 2. subject of the grievance**
 - 3. specific relief sought**
- **Supervisor responsibility (authority to resolve or not)**
- **Informal decision must be appealed within 14 calendar days from date of decision or when decision was due**
- **Deadlines may be extended by mutual agreement**

The PPQ & NAAE Green Book Agreement

Formal Grievances

All Formal Grievances must be filed in writing to Labor Relations and be signed by the aggrieved employee(s).

All Formal Grievances must contain:

- 1. name of management official alleged to have committed the action grieved (including title, grade and organization);**
- 2. specific articles and sections of the Agreement alleged to have been violated;**
- 3. statement of the circumstances giving rise to the grievance including date of the alleged violation;**
- 4. name, position, grade and organizational unit of grievant with address and telephone number**

The PPQ & NAAE Green Book Agreement

Formal Grievances cont.

- 5. date and name of supervisor at informal grievance;**
- 6. date grievance submitted to Labor Relations;**
- 7. name of union representative (if any);**
- 8. general and specific relief and corrective action sought in the grievance**

The PPQ & NAAE Green Book Agreement

Representational Rights (and Formal Discussions)

- 1. Employee has the right to be represented and advised by a Union Representative;**
- 2. Union has the right to attend any formal meetings which the employee may attend during processing of grievance;**
- 3. Settlement or adjudication of the grievance**

The PPQ & NAAE Green Book Agreement

Filing Deadline

All grievances under this Article must be filed within thirty (30) calendar days following:

- 1. the date of the incident which gives rise to the grievance; or**
- 2. the date upon which the aggrieved became aware of the matter or incident out of which the grievance arises.**

Grievances which are continuing in nature may be raised at any time.

The PPQ & NAAE Green Book Agreement

Filing Deadline

A grievance may be amended at any time if new information is obtained in response to a 7114(b) request submitted prior to invocation of arbitration. The Labor Relations Branch Chief will be promptly notified of the amendment prior to arbitration.

A grievance amended based upon information received in response to a 7114(b) request submitted after invocation of arbitration may be returned to the Step 1 Responsible Official unless the Parties have mutually agreed to a different course of action

The PPQ & NAAE Green Book Agreement

Filing Deadline

Grievances returned because of a needed amendment or alleged filing at the incorrect level, or any of technical error will not have the elapsed time count towards the 30 day period to initiate a grievance. The grievant will have up to 30 calendar days from date of receipt to resubmit the grievance.

Mutually agreed to conflict resolution procedures will hold all time frames in abeyance.

Timelines may be mutually extended.

The PPQ & NAAE Green Book Agreement

Employer's Grievance Procedures

Grievances initiated against the union (not employees).

Formal grievance process.

CONTACT LABOR RELATIONS

The PPQ & NAAE Green Book Agreement

Information Requests (7114(b) (4))

- 1. Employer's obligation to provide information. Before denying information contact LABOR RELATIONS.**
- 2. Timelines are held in abeyance when an information request is submitted.**
- 3. Period to amend grievance in response to information provided.**

The PPQ & NAAE Green Book Agreement

Formal Grievance Procedures

Step 1

Formal grievance to Labor Relations. LR identifies and notifies parties of the Step 1 designee. Next, there will be a Step 1 meeting between the parties normally not later than 10 days after receipt of grievance. The parties may invoke mediation at no cost to either party, which must be concluded within 30 days. If no mediation is elected, then a decision will be issued within 21 days from the date grievance was received. The decision will include the appeal rights and the name of the Step 2 designee.

Deputy Administrator is the Step 1 designee

Grievances concerning the removal of an employee

The PPQ & NAAE Green Book Agreement

Formal Grievance Procedures

Step 2

The grievance must be appealed within 14 days from receipt of the decision to the Step 2 designee or 14 days from the date the decision was due whichever is shorter. The Employer will acknowledge receipt of the grievance. The parties may conduct a meeting to discuss the grievance within 10 days. The Step 2 decision will be provided within 21 days of receipt of the grievance. The decision will contain appeal rights to arbitration or Step 3.

The PPQ & NAAE Green Book Agreement

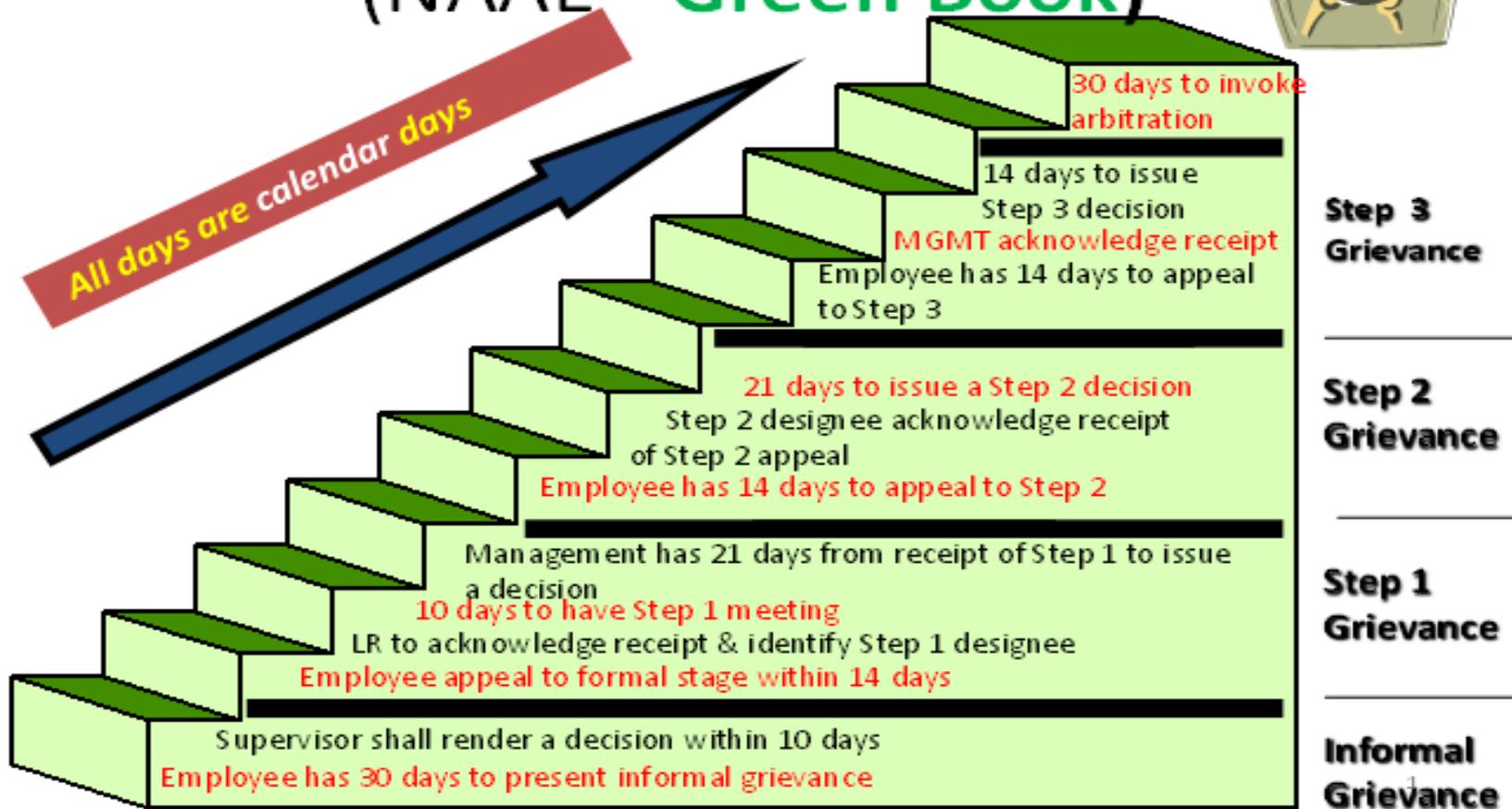
Formal Grievance Procedures

Step 3

The grievance must be appealed to Step 3 within 14 days of receipt of the decision, or within 14 days of when the decision was due, whichever is shorter. The Step 3 designees will acknowledge receipt of the grievance within 14 days. The parties may mutually agree to a meeting to discuss the grievance. A decision will be issued within 14 days from date of receipt of the grievance. The decision will include the Union's right to invoke arbitration.

The PPQ & NAAE Green Book Agreement

Grievance Time Periods: (NAAE - Green Book)



Questions?

The PPQ & NAAE Green Book Agreement

APHIS LABOR RELATIONS:

- **Peter Brownell, LR Specialist** **970-203-4476**
- **Ron Dale, LR Specialist** **970-219-3300**
- **Frank King, LR Specialist** **540-775-2557**
- **Robi Maple, LR Specialist** **803-396-9150**

http://inside.aphis.usda.gov/mrpbs/labor_relations.shtml

The PPQ & NAAE Green Book Agreement

National Association of Agriculture Employees:

- **Sarah Rehberg** **President** **734-229-1654**
- **Michael Randall** **National VP** **808-838-2705**
- **Jody Feliciano** **Secretary** **810-844-2724**
- **Jim Triebwasser** **Treasurer** **218-720-5282**
- **Arlo Wiltenburg** **ER VP** **734-229-1681**
- **Willis Gentry** **WR VP** **956-726-2258**

<http://www.aginspectors.org/>