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AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
COUNCIL of NATIONAL ARCHIVES LOCALS

Date: August 8, 2025
From: David Castillo, President, AFGE Council 260
Subject: Agency Processing of Group Grievances
To: Ovnelle Millwood, H

This statement is to notify the National Archives and Records Administration (NARA) that the American Federation of Government Employees (AFGE) is invoking the negotiated grievance procedure as outlined in Article 27, Section 8 of the National Agreement between NARA and AFGE. This grievance is an institutional grievance, and the procedure is being invoked to seek remedy for violations of 5 U.S.C. § 7116(a)(1) and (8), Article 27 of the Collective Bargaining Agreement, and all other applicable provisions of the Collective Bargaining Agreement, laws, rules, and regulations.

Description of Violation & Basis for Grievance:

On July 23, 2025, the employer remanded group grievances filed by AFGE regarding a reduction in force (RIF) affecting bargaining unit employees and regarding workplace harassment and unsafe working conditions in the Office Presidential Libraries. The employer held that under Art. 27, Sec. 5, all employees in a defined group must submit authorizations to be covered by the grievance. The Union promptly submitted authorizations for the RIF grievance, but declined to submit them for the Office of Presidential Libraries Grievance. In both instances, the Union noted that it considered the agency's request improper, and its refusal to process the grievance on these grounds to be a violation of the agreement. The basis on which that RIF grievance and the Office of Presidential Libraries grievance were remanded is the subject of the instant grievance.

The agency's insistence that Section 5 applies to group grievances violates the contract and/or the Statute for three reasons.

I. The bargaining history of Section 5 does not reflect the agency's interpretation.

As a preliminary matter, it is worth drawing attention to the origins of the representation authorization form the union typically uses. Upon information and belief, the union created this authorization form and its predecessor versions on its own, and for its own purposes, decades ago, well before any references to submitting authorizations were incorporated into the parties' collective bargaining agreement.

The union had its own internal reasons for using an authorization form. These included: tracking assignments of representatives to particular cases or persons; ensuring that represented

employees understood that they were authorizing union representatives to act for them in particular cases; confirming that an employee wished to proceed with a given individual representational action; and, as a matter of convenience, assuring supervisors and management officials that they should interact with a named union official in a given individual representational case.

This voluntary practice on the union's part is the backdrop against which Section 5 was bargained into the parties' 2024 agreement. In that agreement, bargaining history reflects that the parties were endeavoring to resolve a particular problem: a recurring scenario at a particular location in which multiple union officials were asserting that they were the representatives of a given employee. The parties established the Section 5 procedure to clearly establish a representative of record for a given individual representational case.

If the parties understood Section 5 to have the expansive concessionary implications the agency is now asserting, this would have been reflected in the bargaining history.

II. The structure of Article 27 does not support the agency's reading.

Article 27 contains no treatment of group grievances until Section 8. As such, the Section 5 authorizations procedures should be understood to apply to individual grievances only. Individual and institutional grievances are the only categories of grievance that are defined in Section 2 of the article. As such, nothing in the article should be construed as pertaining to group grievances until we arrive at Section 8. This is why Section 8(f), providing that "[t]he time limits for filing an institutional, group, or promotion grievance will be the same as discussed in Section 7 of this Article..." is necessary at all.

III. The agency's interpretation conflicts with duties under §7111 and §7114 of the statute.

Under Section §7111, an agency "shall accord exclusive recognition to a labor organization if the organization has been selected as the representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast valid ballots in the election." Under §7114 of the statute, a labor organization which has been accorded exclusive recognition is the exclusive representative of the employees in the unit it represents and is entitled to act for, and negotiate collective bargaining agreements covering all employees in the unit. Filing a group grievance is an instance of acting for a subset of "all employees in the unit" who are affected by a charged violation of contract, law, rule, or regulation. The entitlement to act for all employees in the unit must involve an entitlement to act for a defined group of employees in a unit, as it relates to a particular representational action.

Under the agency's interpretation of Section 5, only those employees who submit authorizations would be covered by the resolution of a grievance affecting multiple employees. Inability to submit an authorization could result from any number of factors, including extended absence or medical inability to authorize. The agency's position would therefore result in exactly the scenario the Statue imposes duties on both agencies and exclusive representatives to avoid: some

employees in the bargaining unit benefit from union representation in workplace disputes, while others do not.

Proposed remedy: That the employer cease refusing to process group grievances without individual authorizations from employees that are members of the purported group. That the employer resume processing any group grievances that it ceased processing as a result of its erroneous interpretation of Article 27. That the employer post and electronically transmit an appropriate remedial notice in accordance with Authority precedent.

Sincerely,

David Castillo
President
AFGE Council 260