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AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
COUNCIL of NATIONAL ARCHIVES LOCALS

Date: November 26, 2019
From: Ashby Crowder, Principal Representative, AFGE Council 260
Subject: R Performance Plans
To: Ann Cummings, R; Tara Jones, HPL

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 26, Section 8 of the National Agreement between NARA and AFGE. This grievance procedure is being invoked to seek remedy for violations of Articles 18 and 34 of the contract; 5 USC §7116(a)(5); and all other applicable provisions of the collective bargaining agreement, laws, rules, and regulations. The grievance has both group and institutional components. For the group aspects, the Union is filing on behalf of all affected bargaining unit employees in the Office of Research Services (R). Because the institutional and group issues are interrelated, they are included in one document to facilitate the consolidation of these matters into one arbitration hearing, absent settlement, before a neutral arbitrator selected from the panel of arbitrators the parties have established for the Washington, D.C. region.

Description of Violation & Basis for Grievance: This grievance concerns FY2020 performance plans, and the related Performance Plan Changes guidance document, issued to bargaining unit employees in R. Plans issued to bargaining unit employees consist of multiple sub-elements that are rated individually but grouped to make up critical elements. This method of plan development is not consistent with Article 18, which intends for the critical element to be the most basic unit at which ratings will be assigned. Per Article 18, critical elements consist of “one or more duties and responsibilities,” but the article does not provide for individual ratings of these duties and responsibilities.

The R plans also conflict with the employer’s duty to bargain under Article 34 of the collective bargaining agreement and 5 U.S.C. §7116(a)(5). The agency has unilaterally established sub-elements, and has unilaterally established how sub-element ratings are weighted and tallied.

The plans also do not consist of critical elements and performance standards specifically defined for each employee’s position, as required by the contract. Many plans contain elements not applicable to the position. For example, some employees’ plans refer to use of electronic information systems used exclusively in units other than those in which the employee works.

Finally, in establishing quantifiable standards under the new plans, the agency has not observed procedures established in Article 18, Section 10.

Proposed remedy: That the employer create and issue performance plans in accordance with NARA policy and the collective bargaining agreement. That the agency fulfill all bargaining

obligations to include, as necessary, impact and implementation bargaining over the relative weight assigned and calculation methods for sub-elements. That the agency withdraw the Performance Plan Changes document submitted to employees and bargain over this implementation guidance to the extent required by statute.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ashby Crowder", with a long horizontal flourish extending to the right.

ASHBY CROWDER
Principal Representative, AFGE Council 260

cc: Mitchell Buffone (C-260)