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AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
COUNCIL of NATIONAL ARCHIVES LOCALS, Council 260

Date: April 27, 2023
From: Ashby Crowder, AFGE
Subject: AC Duty Station and 50-Mile Telework
To: Laurence Brewer, AC

STATEMENT OF GRIEVANCE

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 of the National Agreement between AFGE and NARA. This grievance is a group grievance, filed on behalf of all affected bargaining unit employees. This grievance procedure is being invoked to seek remedy for violations of Section I of the mid-term bargaining agreement that is an addendum to the 2019 National Agreement between AFGE and NARA, 5 CFR §531.605, and all other applicable laws, rules, regulations, and provisions of the collective bargaining agreement.

Organization: Office of the Chief Records Officer

Description of Violation & Basis for Grievance: On or around April 26, 2023, unit employees in the Office of the Chief Records Officer were advised that if they reside and telework more than 50 miles away from their duty station, they are required to report to their duty station a minimum of two days per pay period, even if they are on approved leave on the days when they normally would report, unless they are on approved leave for the entirety of the pay period. This is a misapplication of the applicable regulations and provisions of the collective bargaining agreement.

Section I.A.2.d of the mid-term addendum to the collective bargaining agreement provides that "Under normal circumstances, the Agency will not change an employee's official duty station if they are on approved leave on the days they are scheduled to report to the official duty station."

The parties contemplated the scenario of ordinary leave use affecting the number of days an employee would report to the official duty station in person, and established that such use of approved leave would not affect the designation of official duty station and therefore, when applicable, the employee's locality pay adjustment. The parties therefore clearly contemplated that such a scenario would occur and did not prohibit it.

5 CFR §531.605(d)(2) provides that

"An authorized agency official may make an exception to the twice-in-a-pay-period standard...in appropriate situations of a temporary nature, such as the following:

- (i) An employee is recovering from an injury or medical condition;
- (ii) An employee is affected by an emergency situation, which temporarily prevents the employee from commuting to his or her regular official worksite;
- (iii) An employee has an extended approved absence from work (e.g., paid leave);
- (iv) An employee is in temporary duty travel status away from the official worksite; or
- (v) An employee is temporarily detailed to work at a location other than a location covered by a telework agreement.

The situation of ordinary use of approved leave in the parties MOU is among the "appropriate situations " that the parties identified in collective bargaining.

Requested remedy: That the agency rescind erroneous guidance provided to employees and provide corrected guidance; That the appropriate agency officials consider and adjudicate leave requests in accordance with the applicable provisions of the collective bargaining agreement; That the agency refrain from making duty station adjustments not in accordance with this agreement and applicable laws and regulations.

Sincerely,

Ashby Crowder

ASHBY CROWDER
President, AFGE Local 2578
Principal Representative, AFGE Council 260

cc: Mitchell Buffone, AFGE C-260