



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

**DATE:** March 9, 2018

**MEMORANDUM TO:** Claudette Young, President, AFGE Council 252, 500 West Madison St., Ste. 1426, Chicago, IL 60661

A handwritten signature in cursive script, appearing to read "Samantha Cutler".

**FROM:** Samantha Cutler, Director, Workforce Relations Division, Office of Human Resources, U.S. Department of Education, 400 Maryland Avenue S.W., Washington DC 20202

**SUBJECT: Implementation of New Collective Bargaining Agreement - March 12, 2018**

As previously informed through past communications, the Agency is moving forward with implementation of the new Collective Bargaining Agreement (See attached). On Monday, March 12, 2018, the CBA will be placed on [connected.ed.gov](http://connected.ed.gov) and sent to all employees.

In preparation for implementation, the following action items must be completed:

1. All office space currently occupied by Union officials at headquarters and in the regions for representation work must be vacated no later than **Wednesday, April 11, 2018**. Under the terms of the new CBA, the Agency will only provide a space for the Council 252 President and an additional space in Washington D.C. in the Department's facilities, if desired. Fair market rent will be charged for use of the referenced office space, which will include a reasonable estimate of costs for customary office furnishings, (i.e. desk, chairs, filing cabinets provided with the space). If office space in Chicago for you as the Council 252 President, and an additional space in D.C. are desired, *and* the Union would be interested in paying fair market rent for use of the office space (one space or both), please let me know no later than close of business (COB) on **Friday, March 16, 2018**. If you are interested, you may retain use of your current space in Chicago and the current office space in DC (located within the Department of Education facility) pending further information on cost and location of the office space should there be any changes.
2. All Agency equipment currently assigned to the Union – to include computers, laptops, scanners/printers, and cell phones - must be turned in no later than COB on **Monday, March 26, 2018**, to Jennifer Myers. Ms. Myers' mailing address is: Jennifer Myers, 400 Maryland Avenue, SW, Room 210-22, Washington, D.C. 20202. The Department of Education's UPS account may be used to cover the cost of returning the equipment. Any equipment assigned to the Union that is not turned in or cannot otherwise be accounted for by **March 26, 2018**, will be addressed separately.

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*The Department of Education's mission is to promote student achievement and preparation of global competitiveness by fostering educational excellence and ensuring equal access.*

3. One hundred percent official time for any positions, to include the following positions - Council 252 President, Local 2607 President, and National Chief Steward - will cease on **Monday, March 12, 2018**, the effective date of the new CBA. Effective March 12, 2018, the National Council 252 President may receive *up to* 50 percent Leave without Pay for Union Activities (LWPUA). The remaining hours in the bank of leave without pay may be distributed by you as the Council 252 President to up to ten union representatives (one at each existing Region). The Agency must be notified no later than Friday, March 30, 2018, of the distribution of the 4,927 bank hours to National Council positions and each internal Local representative in accordance with Article 5, Section 5.06. The notification may be sent to the Chief, Labor Relations, or designee.
4. Union officials on 100 percent official time prior to March 12, 2018, must report to their supervisors on **Monday, March 12, 2018**, for assignment of work space, work assignments and performance work plans, work hours, etc. The provisions in the new CBA will govern the relationship between the Union, as the exclusive representative of bargaining unit employees, and the Agency.
5. Except for reasonable union official time approved for negotiations conducted under 5 USC 7131(a) consistent with the CBA, and official time ordered by the Federal Labor Relations Authority, Union officials will be required to use a category of time called Leave without Pay for Union Officials (LWPUA), as articulated in Article 5, Official Time and Leave without Pay for Union Activities (Article 5), of the CBA.
6. All union officials, *without exception*, must request permission in advance to leave their assigned work on official time and LWPUA. (Section 5.09(D). Unless union officials have been designated LWPUA hours, they **may not** be excused on union activities, except for those instances where official time under 5 U.S.C. § 7131 (a) or (c) is specifically approved on a case-by-case basis. If annual leave is requested in lieu of LWPUA, the annual leave request will be administered in accordance with the provisions of PMI 630-2.
7. All Union officials must prepare a biweekly report of official time and LWPUA through the T&A system beginning **March 19, 2018** (pay period 09). The report must be provided to their supervisor. (Article 5, Section 5.10)
8. As a reminder, all labor relations business with the Union will continue at the level of recognition through you as the Council 252 President or your designee, throughout the term of the March 12, 2018, CBA. All email addresses for the Locals will be discontinued on March 12, 2018. The email address for the Union Council 252 will continue in accordance with the terms of the new CBA.
9. The Agency is in the process of implementing the changed provisions in the dues withholding article. (Article 6)

All past practices referenced in Agency regulations and policies that stem from the expired 2013 CBA for the bargaining unit are not enforceable effective March 12, 2018. The Agency will be reissuing affected regulations and policies to reflect the removal of these references as soon as

possible. In the interim, a Human Capital Memorandum will be issued to inform Agency personnel of this matter.

The Agency looks forward to working with the Union as we prepare for and implement the new CBA.

**Attachments:**

Collective Bargaining Agreement –March 12, 2018

cc: All Designated Union Representatives

