

NATIONAL LABOR RELATIONS BOARD PROFESSIONAL ASSOCIATION

TO: John F. Ring, Chairman
Peter B. Robb, General Counsel

FROM: Karen Cook, NLRBPA President
Ryan H. White, Board-side Grievance Chair

SUBJECT: Grievance Regarding Bad-Faith Bargaining Over Term Collective Bargaining Agreements and Insistence to Impasse Over Permissive Subjects of Bargaining

DATE: August 10, 2020

Pursuant to Article 10 of the Agreement between the NLRB and the NLRB Professional Association and Article 10 of the Agreement between the General Counsel and the NLRB Professional Association, the Union files this grievance on behalf of the Union.

Facts

The Agency has failed and refused to bargain in good faith over new collective-bargaining agreements. For example, the Agency has engaged in surface bargaining, prematurely declared impasse on July 17, 2020, and insisted to impasse over permissive subjects of bargaining. The collective bargaining has also occurred amidst unremedied unfair labor practices and grievances.

On July 29, 2020, the Agency requested the assistance of the Federal Service Impasses Panel, submitting all of the Agency's outstanding proposals. These include proposals addressing permissive subjects of bargaining, including but not limited to: Art. 3, § 1; Art. 10, § 1(i) and (k); Art. 10, § 5; Art. 18, § 5; Art. 20, § 1(b); Art. 21 §1(b), § 3(G) and (I), § 4 (E), § 5(A) and (B); Art. 25, § 2, § 3; Art. 30, § 5; Art. 33 § 5(d); Art. 34 § 2(k); Art. 36, § 2(c); Art. XX (Ground Rules), § 14, § 15.

Contractual, Statutory, and/or Regulatory Provisions Violated

- 5 U.S.C. § 7116(a)(5) and (1)
- Any other applicable statutes, rules, and/or regulations

Requested Remedies

- Post and electronically distribute a notice that the Agency has violated the law
- Request to withdraw any pending requests filed with the Federal Service Impasses Panel
- Submit an agreement consisting of TA'd provisions and the Union's most recent proposals for ratification by the Union followed by agency-head review OR return to the table and negotiate in good faith for a minimum of 60 days, followed by assistance with a federal mediator, and continue to negotiate in good faith until released by the mediator
- Any other appropriate remedies