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ARTICLE 4

EFFECT OF LAW AND REGULATION

SECTION 1

A. In the administration of all matters covered by this Agreement, all management officials and employees are governed by all existing and/or future laws.

B. All government-wide regulations of the Office of Personnel Management (OPM), General Services Administration (GSA), Office of Management and Budget (OMB), Office of Government Ethics (OGE), and other government agencies with authority to promulgate such regulations, in effect as of the effective date of this Agreement, have full force and authority. To the extent they may be inconsistent with the provisions of this Agreement, the government-wide regulations will supersede and govern.

C. To the extent that provisions of any Department policy, regulation, rule, instruction, or manual, including personnel policies contained in the FDA's IOM, are in specific conflict with this Agreement, the provisions of this Agreement will govern.

SECTION 2

A. Any rule or regulation published after the effective date of this Agreement, over which the Employer is obligated to bargain to the extent required by law, will not be enforced for bargaining unit employees either 1) until the Parties have fulfilled their bargaining obligations in accordance with the FLMRS, or 2) if it conflicts with the specific terms of the Agreement. An exception to this provision will be if the Parties mutually agree to accept enforcement of the rule, regulation, etc. If they agree, the rule or regulation will be effective upon agreement.

B. Further, Section 2A above shall not apply to any government-wide rule or regulation that the Employer is obligated by law to implement immediately upon issuance of the regulation.

SECTION 3

The Employer will make an electronic link available from the DHHS website to OPM directives, GSA Federal Travel Regulations, HHS Travel Manual, DHHS regulations, DOL Office of Workers' Compensation Programs, etc.

SECTION 4

In accordance with Article 3, the Employer will notify the Union of changes to Department policies, regulations, rule, instruction or manuals, including personnel policies contained in the FDA's IOM, affecting conditions of employment as required by 5 U.S.C. § 7114. This section affects changes in personnel policies or working conditions that do not conflict with this Agreement and is not intended to override the provisions of Section 1C above.

Peter E. Heck 7/26/06

07/26/06