

FDA NTEU AGREEMENT UNIFORMS FOR PERSONNEL CONDUCTING IMPORT ACTIVITIES

SCOPE: This agreement covers the requirement for personnel conducting import activities for FDA to wear uniforms. It describes the core uniform, provides for optional pieces of clothing which can be added, and describes the type of work that determines if uniforms will be required. It will apply to all Districts regardless of their location.

IMPLEMENTATION: FDA Headquarters will solicit a vendor to be the source for the pieces of the uniform. An original set will be procured and provided to employees required to wear uniforms. Thereafter, employees will be responsible for maintenance, upkeep and requesting replacement pieces as provided in this agreement.

(1) DESCRIPTION OF UNIFORM

A) SHIRT/BLOUSE:

[See "NOTE" at (3) A)]

Long or Short Sleeved collared dress shirt

Light Blue or White color

65% Polyester blend¹

Left breast pocket

Replica FDA badge patch over left breast pocket

FDA Administration patch on the left shoulder

Identification Plate over right breast (FDA logo & District Office Name)

B) TROUSERS/SLACKS:

Option 1

Utility ("Dockers-Style") Trousers, cuffed

Dark Blue (Navy) color

65% Polyester blend

Pleated front, 2 side pockets, 2 rear pockets (with closures)

Straight cuff

Zipper front

Wide belt loops

OR

Option 2

Cargo Trousers

Utility style trousers

Dark Blue (Navy) color

65% Polyester blend

2 side pockets, 2 rear pockets (with closures)

Side pleated cargo pockets with Velcro closure scalloped flaps

Straight cuff

Zipper front

Wide belt loops

C) BELT

Classic style black leather belt with silver buckle

D) OUTERWEAR

Option 1

Windbreaker, Unisex waist-length Outershell with collar
Dark blue (Navy), 100% Nylon outer with light weight lining
Storm front closure with Zipper opening
Two outside pockets
Elastic-type cuffs with Velcro fasteners
Replica FDA badge patch over left breast pocket
FDA Administration patch on the left shoulder
Identification plate over right breast

OR

Option 2

Hip Length Parka with storm collar
Dark Blue (Navy) color
100% nylon shell with Polartec or similar insulating layer
Storm flap front closure, zipper front
Elastic and Velcro cuffs
Extra wide knit waistband, inside waist drawcord
Two outside pockets
One sleeve pocket to accept pens/pencils
One inside pocket with closure (zipper or Velcro)
Replica FDA badge patch over left breast pocket
FDA Administration patch on the left shoulder
Identification plate over right breast

E) SAFETY SHOES (DISTRICT SUPPLIED ITEM)

Black, lace safety shoe, or
Black, Chukka style lace safety boot
Safety/steel toe
Slip resistant type of sole
[For currently worn foot wear, government supplied safety foot wear can be worn until time for replacement at which time this restriction will become effective. It is effective immediately for all new purchases of foot wear for those required to wear the uniform.]

F) COVERALLS (DISTRICT SUPPLIED ITEM)

Coveralls may be worn as needed and obtained via the normal District Office procedures. Style & color to be set by the District.

G) POLO SHIRT (OPTIONAL ITEM)

Polo or Golf style short sleeve shirt, collared, button neck
Light Blue color
100% Cotton or similar material
Replica FDA badge patch over left breast pocket
FDA and District Identification Plate worn over right breast

H) MATERNITY SHIRT/BLOUSE:

Long or Short Sleeved collared dress shirt
Light Blue or White color
65% polyester blend
Left breast pocket
Replica FDA badge patch over left breast pocket
FDA Administration patch on the left shoulder
Identification Plate over right breast (FDA logo & District Office Name)

I) MATERNITY TROUSERS/SLACKS:

Option 1

Utility ("Dockers-Style") Trousers
Dark Blue (Navy) color
65% polyester blend
Elastic waist, 2 side pockets, 2 rear pockets (with closures)
Straight cuff
Zipper front

OR

Option 2

Cargo Trousers
Utility style trousers
Dark Blue (Navy) color
65% polyester blend
2 side pockets, 2 rear pockets (with closures)
Side pleated cargo pockets with Velcro closure scalloped flaps
Straight cuff
Elastic Waist with wide belt loops

J) BALL CAP (OPTIONAL ITEM)

Unisex, Five panel high crown baseball cap
Dark Blue (Navy)
65% or more Dacron Polyester
Dry band sweatband
Adjustable backstrap
Replica FDA badge patch on front centered over bill

K) TIE (OPTIONAL ITEM)

75% or higher Dacron Polyester and Wool
Dark Blue (Navy) color

L) CARDIGAN SWEATER (OPTIONAL)

V-neck style cardigan
Dark Blue (Navy) color
100% cotton fleece cotton
2 side pockets
FDA Administration patch on the left shoulder

M) RAIN GEAR (OPTIONAL)

Raincoat Style with hood
Safety color (yellow, orange or similar)
100% PVC coated polyester or "Goretex" type material as available
from the vendor.
Storm fly front
Outside flap pockets
Ventilated cape back
Replica FDA badge patch over left breast pocket
FDA Administration patch on the left shoulder

N) SOCKS (OPTIONAL)

Variable length
Black, navy blue or white color
Cotton, wool or synthetic blend (as available from vendor)

(2) UNIFORM APPLICATION

A) Uniforms will be required to be worn by all operational personnel (Investigators, Inspectors, and Inspector Technicians) who are routinely performing (or be expected to perform) import work such as wharf examinations, sample collections, export examinations, etc. [At District expense and as approved by District management, other individuals may be allowed to wear articles of the FDA uniform.] Work necessitating the wearing of the uniform includes the following situations:

- 1) when dealing directly with other federal agents in uniform; and/or,
- 2) at border/import ports of entry such as post offices, airports, rail docks, seaports, land/truck ports; and/or,
- 3) at an Importer Warehouse, Bonded Warehouse or Cargo Control Facility, or where products are still in import status; and/or,
- 4) when working in their assigned Resident Post office if the office is located at a site referenced in 2 or 3 above. [When an employee is

expected to work the entire day in a site not listed in 2 or 3 above, wearing the uniform is optional.]

B) Typical work being performed will include field examinations, wharf examinations, sample collections or other activities involving the manipulation or examination of imported products subject to FDA jurisdiction.

C) Wearing of uniforms in other sites or conducting other work is optional and at the employee's discretion.

(3) INITIAL PURCHASE & MAINTENANCE

A) FDA will make an initial purchase for each employee required to wear uniforms. This initial purchase shall constitute the core uniform and consist of 5 shirts, 5 trousers, a belt and outerwear. [NOTE: At the employee's option, one Polo shirt may be purchased as part of the initial purchase, in lieu of one of the shirts as described in (1) A).] Employees will have access to an allowance allocation on an annual basis after the first fiscal year of implementation so that they may purchase optional items. If the first purchase is done with FY 2001 monies, then the allowance will begin in FY 2002.

B) Employees will be expected to maintain this original set with replacements as needed utilizing the uniform allowance (see below).

C) FDA will negotiate with the vendor to require hemming/length tailoring for all trousers and pants, male and female.

D) Items indicated as being supplied by the District are items provided by FDA for any operational person and in addition to this specific Uniform Policy (e.g. safety shoes and coveralls). At District option and expense, other individuals may be allowed to wear uniform attire.

E) Employees will be expected to maintain and clean their own Uniforms. If a District has a cleaning service utilized for other FDA apparel (e.g. coveralls and lab coats) an employee may use that service. In Districts where employees are not afforded a cleaning service, the Agency will reimburse dry cleaning receipts submitted with a Claim for Reimbursement by the employee. Employees will maintain the uniforms in a good state of repair and appearance.

F) In order to ensure consistency in the overall look of the uniforms, any alterations not performed by the vendor must first be approved by the local District Office management.

G) FDA will negotiate with the Vendor as liberal return policy as possible whereby employees will be given up to sixty (60) days to return uniform items.

(4) UNIFORM ALLOWANCE & NOTIFICATION

A) FDA will maintain an "employee allowance" for uniform purchase on a Fiscal Year Basis. The fiscal year allowance amount will be \$400. This is adjustable thereafter based on item (5) below. Employees will be required to replace required uniform items or make any purchases by August 1 of every year. FDA will negotiate with the vendor to provide a notice to employees 30 days prior to

August 1 reminding them of the cutoff date for allocating the allowance. In the event the vendor is unable or unwilling to provide this notice, either NTEU or FDA will send a broadcast message on or before July 1 of each year via e-mail to each employee reminding them they have until August 1 to allocate any "employee allowance".

B) This allowance will be prorated based on the amount of time an employee spends doing work requiring the uniform to be worn. An employee performing work as described in (2) A) 51% or more of their time will receive the full allowance. All other employees who are required to wear a uniform will be entitled to 1/2 the allowance. Each year, by August 1, the employee will complete the Uniform Allowance Declaration certifying whether or not they perform these duties 51% or more of their time, or less than 51%. The Certification will be forwarded to their immediate Supervisor who will verify the information and endorse the declaration as appropriate. When normally assigned duties change that would modify an existing Certification, a new Certification should be submitted. Information that may be used to determine the amount of time could include hours spent in sample collections, import inspections or wharf exams; days spent performing the duties described in (2) A) or B); or other indicators that support the intent of the Uniform Agreement.

C) FDA will negotiate with the vendor to establish and maintain records by employee showing purchases, amounts, etc. The negotiations will include a requirement the Vendor advise each affected employee of their fiscal year purchase history no later than July 1 of each contract year.

D) After the vendor contract is established, each District will identify a District Coordinator. The Coordinator will handle administrative details regarding uniform acquisition, including placing orders for uniforms, receipt, distribution and any returns of uniforms. The District Coordinator will maintain the Uniform Allowance Declarations as described in (4) B) above.

E) Employees will be required to request the purchase of items against the allowance to maintain the original set of clothing purchased. If not needed to maintain the required items, on an individual basis, employees may purchase any of the Optional Items at the employee's discretion.

F) The allowance is not one large pool. It is set aside by the employer for individual employee use but will be deobligated on August 1 of each fiscal year if not used by and in accord with the terms of this agreement. Any monies not used by August 1 of each contract year by an employee are no longer available for that or another employee.

(5) INFLATION ALLOWANCE FOR CORE UNIFORMS

The allowance figure for uniforms will be adjusted based on the change in cost from one year to the next of the cost of one shirt, one pair of trousers and a windbreaker style of jacket. These pieces of the uniform will establish a base figure. Effective FY 2001, an increase or decrease in this core average by the

vendor will trigger a like percentage increase or decrease in the yearly allowance.

(6) OPTIONAL ITEMS

A) The following items may be purchased using the uniform allowance in addition to maintaining the core uniform pieces of apparel: Polo Shirt, Ball Cap, Cardigan Sweater, dress tie, and rain gear. Maternity clothing is included as Optional Items for allowance purposes.

B) The uniform will include black, navy blue or white socks (or hosiery) purchased by the employee or using the uniform allowance, if available from the vendor. Socks will be maintained by the employee at no cost to the government.

(7) FORMAL MEETING & UNIFORM CATALOGUE

(A) Each District will hold an employee meeting to inform affected employees of the new uniform policy. Each employee will be provided with a copy of this agreement. The NTEU chapters in each District will receive notice of the employee meeting according to the District process for notification of formal meetings. At the conclusion of the staff meeting, NTEU will be provided up to 30 minutes to meet with the affected employees. This agreement does not mandate the travel of resident personnel or the attendance of personnel not affected. District Management should make reasonable efforts to include affected resident employees in the staff meeting or schedule another type of briefing for them with NTEU presence and opportunity for post-meeting discussions..

(B) FDA will negotiate with the vendor to provide each affected employee with a copy of a uniform catalogue; additionally to provide 1 copy of the catalogue for every 4 employees in each District within 45 days after a contract agreement; and, to provide updated copies every November 15 of the contract year. FDA will negotiate with the vendor to allow each District to request additional copies for newly hired employees as needed during the contract year.

(8) NEW EMPLOYEES

New employees who are affected by the agreement will be provided with a copy of this agreement during orientation to his or her department.

(9) NOTIFICATION OF CHANGE

FDA will notify NTEU of any proposal for change in the Uniform Agreement prior to implementation. This will include changes in the uniform, who is required to wear the uniform or when. If NTEU wishes to raise concerns about the uniform policy, the NTEU representative signing this agreement will notify the FDA representative signing this document and those concerns will receive consideration.

(10) TRANSITION PERIOD

All employees must be in compliance with the uniform policy within 90 days after a contract agreement is reached with a vendor. At the time of signing of this agreement, a vendor contract has not been established.

(11) APPEARANCE COMMITMENT

FDA and NTEU are in agreement with the implementation of a standard, professional uniform for personnel performing import work as described in this agreement. This agreement does not require or support any recurring, mandatory uniform inspection scheme; e.g. daily or weekly inspections. Normal supervisory observations of employee dress and attire will occur as is customary with any FDA employee whether covered under this agreement or not. FDA employees who are required to wear the uniform are expected to wear the full/core uniform whenever a uniform is required. The addition of and/or substitution of an item with an Optional item listed in this agreement is permissible; e.g. polo shirt in lieu of collared dress shirt, wearing a tie, etc.

(12) RETURN OF UNIFORMS

When an employee leaves FDA service, they will return all pieces of the uniform which were issued with any FDA patches or logos (badge, Administration patch or logo) to District Management for proper disposal or reuse. Any such pieces that become unusable or unfit for wear will also be returned to District Management for proper disposal.

(13) UNIFORM COMPLAINT PROCESS

Each District will appoint a person to be responsible for receiving and resolving complaints from employees regarding the form, fit or function of uniforms or other vendor problems. If this is a bargaining unit member, District Management retains the right to appoint a management representative to jointly receive and handle such complaints. Similarly, if a non-bargaining unit member is the appointed person, NTEU retains the right to appoint a bargaining unit member to jointly receive and handle such complaints. On June 1 and December 1 of each year, the appointed person(s) will provide a copy of each complaint to the ORA Project Coordinator who will provide a copy to the designated NTEU/FDA employee representative. At least annually, the Project Officer and employee representative will meet to review and discuss the complaints.


(14) TERM OF AGREEMENT

This agreement shall be in effect upon signature and shall run concurrently with the FDA-NTEU Collective Bargaining Agreement. Procedures for review which are specified in Article 3 of the CBA, October 1, 1999, will be followed.

This agreement is effective upon signature.

FOR THE AGENCY:

FOR NTEU:



Deborah D. Ralston
Director, Office of Regional Operations

10/25/00
Date



Katherine T. Lane
Chief Negotiator

11/6/00
Date

¹ Wherever the term "65% Polyester blend" is used in this document, it refers to the target amount (60-70%) and type of synthetic fiber to provide wash and wear characteristics and to be comfortable/breathable and means the rest of the garment will be cotton. Small variations in this specification are acceptable based on vendor capability to supply the item.

UNIFORM ALLOWANCE DECLARATION

For purposes of determining my eligibility for a uniform and/or uniform allowance according to the FDA NTEU Agreement, Uniforms For Personnel Conducting Import Activities:

(CHECK ONE)

- Yes, 51% or more of my time is involved in import activities necessitating the wearing of a uniform.
- Yes, less than 51% of my time is involved in import activities necessitating the wearing of a uniform.

Employee Signature

Date

SUPERVISORY CONCURRENCE (Required)

(CHECK ONE)

- Concur
- Non-Concur (Provide statement for reason of non-concurrence below)

Supervisor Signature

Date