

December 21, 2020

**MEMORANDUM**

TO: HHS and FDA Chapter Presidents

RE: HHS and FDA — National Grievance/ULP Regarding Unilateral Move to eTelework

**SUMMARY: NTEU has filed a national grievance/ULP challenging HHS's unilateral move to eTelework and changes to employees' telework agreements.**

Today, NTEU filed the attached national grievance and unfair labor practice charge against HHS for its actions in implementing an eTelework system in the FDA without notice or bargaining. Among other things, the new eTelework system requires employees to renew their telework agreements every six months. No such requirements exist in the 2010/2014 Consolidated Collective Bargaining Agreement (CCBA). While telework was one of the articles that the Federal Service Impasses Panel (Panel) imposed in April 2019, the Panel declined to assert jurisdiction over six other articles, and the parties are still negotiating those articles with the assistance of a federal mediator. Because there is still no complete successor collective bargaining agreement to the 2010/2014 CCBA, on December 12, 2019, an arbitrator ruled that HHS committed an unfair labor practice by implementing the April 2019 Panel order prematurely. (These issues are discussed in my chapter presidents' memos dated July 17, 2020 and November 18, 2020.) Now HHS seeks to make additional illegal changes to the terms and conditions of employment of bargaining unit employees, without any notice or bargaining with NTEU.

NTEU will, of course, continue to challenge any action by HHS that violates the parties' 2010/2014 CCBA or the statute.

Anthony M. Reardon  
National President

Attachment