



Animal and Plant
Health Inspection
Service

Plant Protection and
Quarantine

1400 Independence, S.W.
Washington, DC 20250

Voice: 202-799-7163
Fax: 202-690-0472

MEMORANDUM

To: All PPQ Bargaining Unit Supervisors (Direct or Indirect Reports)

From: Osama El-Lissy
Deputy Administrator

Date: OCT - 1 2014

Subject: Obligations and expectations when dealing with unions and bargaining unit employees

At all levels of PPQ, managers and supervisors have obligations and specific requirements they must follow when dealing with our unions and the employees they represent. Our obligations, which result from statute, negotiated agreements, or executive orders, are not optional. Therefore, I expect our managers to comply with and fulfill them. The primary requirements include:

- pre-decisional involvement (PDI),
- consultation,
- statutory notice,
- formal discussions, and
- Weingarten Rights

Our unions are the National Association of Agriculture Employees and the National Association of Plant Protection and Quarantine Office Support Employees.

PDI and Consultation

Throughout PPQ, we are required to engage our union representatives by way of PDI or consultation. PDI is required by Executive Order 13522 *Creating Labor-Management Forums to Improve Delivery of Government Services*. Consultation is also required through our national contracts, which are also known as collective bargaining agreements.

What is PDI or consultation?

PDI is collaboration in which employees, through their unions, are given the opportunity to shape decisions that affect the mission and the quality of employees' work lives. These discussions should occur not only prior to management's decision on a matter but also when a decision is made to review an issue. The following topics are examples of matters that require PDI or consultation:

- the relocation of an office;
- a change in working conditions;

- a change in an office's number, type, and grade of employees;
- decisions about the technology, methods, and means to perform work, deliver training, and ensure safety and protect health; and
- changes in bargaining unit standard job position descriptions.

Very few topics are inappropriate for PDI or consultation. Inappropriate topics would include individual grievances, discipline, or equal employment opportunity (EEO) claims, and Privacy Act restrictions.

Statutory Notice

Statutes and contracts with our unions require us to notify our unions of any substantive change in conditions of employment that we propose. Notification must be marked as “notice” and must be sufficiently specific for the unions to respond with changes clearly identified. These official notices are required when a decision affects the working conditions of bargaining unit employees, even if:

- we engaged the union in PDI or consultation;
- union representatives were present at a formal discussion when the decision was discussed;
- the union had a designee on the working group or committee and had input on the decision.

If you need assistance with appropriate notification requirements, then consult one of the labor relations specialists listed at the end of this memorandum.

Formal Discussions

Federal labor law gives our unions the right to be present when one or more management officials and one or more bargaining unit employees convene a formal discussion. This normally will include grievance meetings, town hall discussions, and work unit meetings if changes in working conditions or policy will be discussed. Formal discussions do not include discussions on work assignments, progress reviews, performance appraisals, performance counseling, or counseling on conduct.

To discuss changes in working conditions with an employee without inviting the union to participate is improper because doing so bypasses the union and could lead to an unfair labor practice (ULP) claim being filed against the Agency. Therefore, managers and supervisors should give the unions advance notice of such meetings and provide the information they need to participate such as the meeting's:

- date and time,
- location,
- conference call number, and
- purpose.

Even if an employee of the unit is a union representative, the manager or supervisor calling the meeting must still notify the unions.

Weingarten Rights

Managers or supervisors must give the unions the opportunity to be present at an examination of a bargaining unit employee by an agency representative in connection with an investigation if:

1. the employee reasonably believes the examination may result in disciplinary action; and
2. the employee requests representation.

PPQ Unions

National Association of Agriculture Employees

The NAAE represents all permanently employed professional PPQ officers, Smuggling Interdiction and Trade Compliance officers, and all permanently employed nonprofessional employees of PPQ other than administrative employees. The current collective bargaining agreement is known as the *Green Book* and is available at:

http://inside.aphis.usda.gov/mrpbs/labor_relations/downloads/greenbook.pdf

National Association of PPQ Office Support Employees

The NAPPQOSE represents all clerical, secretarial, and administrative employees of PPQ in the field, excluding headquarters and training. The NAPPQOSE contract is available at:

http://inside.aphis.usda.gov/mrpbs/labor_relations/downloads/collective_bargaining_ppq.pdf

If you have any questions about expectations when dealing with one of the unions or with bargaining unit employees, then please talk with your servicing labor relations specialist:

- Field Operations Raleigh
 - Mr. Robi A. Maple, telephone 803 396-9150
- Field Operations Fort Collins
 - Mr. Peter B. Brownell, telephone 970-494-7418

You may also call APHIS-AMS Labor Relations Officer Frank King at 202-799-7074.

The Labor Relations website is:

http://inside.aphis.usda.gov/mrpbs/labor_relations.shtml