

ARTICLE 23 Employee Rights

Section 1.

The employer and the Union will recognize and respect the dignity of employees, supervisors and managers.

Section 2.

A. 5 USC 7102 provides that each employee shall have the right to form, join or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and each employee shall be protected in the exercise of such right. Except as otherwise provided under 5 USC Chapter 71, such rights include the right:

1. to act for ESC in the capacity of a representative and the right, in that capacity, to present the views of ESC to the heads of agencies, and other officials of the executive branch of the Government, the Congress, or other appropriate authorities; and
2. to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees.

B. Employees temporarily assigned to a managerial or supervisory position or a position outside the bargaining unit may not serve as a Union representative and are temporarily outside of the bargaining unit.

Section 3.

Employees may inform their supervisors of, and may document, their belief that an order or instruction violates law, rule or regulation. Nonetheless, employees are expected to comply with supervisory order(s) or instruction(s) unless, under the circumstances, the task(s) poses an imminent risk of death or serious bodily harm coupled with a reasonable belief that there is insufficient time to seek effective redress.

Section 5.

A. During an examination of an employee in connection with an Agency investigation by a representative of the Agency, an employee may exercise rights under 5 USC 7114(a)(2)(B) and request the assistance of a Union representative.

B. The Agency, as appropriate, will provide a Kalkines warning to an employee being investigated.

C. When an employee being interviewed is accompanied by a Union representative, the role of the representative includes:

1. Requesting that the interviewer clarify questions;
2. Clarifying responses provided by the employee;

3. Assisting the employee in providing favorable extenuating facts;
4. Suggesting other employees who may have knowledge of relevant facts; and
5. Advising and/or conferring privately with the employee during the course of the meeting, unless doing so would unduly disrupt the examination.

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