



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

June 24, 2020

OFFICE OF MISSION SUPPORT

Ms. Cathie McQuiston
Deputy General Counsel
AFGE, AFL-CIO
80 F Street NW
Washington, DC 20001

Mr. Gary Morton
President
National Council of AFGE #238
Philadelphia, PA 19103

Dear Ms. McQuiston and Mr. Morton:

EPA prides itself on following the law and doing the right thing. Part of our statutory duty is to work with and notice our certified unions which represent EPA employees. In these difficult and unprecedented times, communication and cooperation are paramount. Unfortunately, AFGE has failed to communicate internally with its local representatives, which has resulted in false accusations towards EPA leadership and management. These false accusations have negatively affected employee morale and led to a loss in productivity.

In recent letters from Gary Morton, AFGE Council 238 President, to EPA Administrator Andrew Wheeler, there were several false claims about the agency's communications with AFGE and bargaining unit employees regarding the agency's plans for returning to the workplace. Specifically, AFGE accused the agency of not discussing or bargaining the agency's reopening plans with AFGE, and not being transparent about the gating criteria it is using to make decisions on the reopening of facilities. These accusations are completely untrue, and ultimately stem from a lack of communication among AFGE representatives.

Administrator Wheeler has repeatedly communicated an extensive, transparent, data-driven, measured and deliberate approach to returning to agency offices and facilities that ensures our employees' health and safety. Throughout the COVID-19 pandemic and prior to the reopening of any facility, we held seven briefings with AFGE and our other unions to discuss the agency's status and plans for reopening. AFGE has been regularly informed as the agency moves through its rolling reopening.

On May 27, 2020, we provided formal notice to AFGE of the agency's return to workplace plan. We have also provided formal notice to AFGE of local reopening plans. Subsequently, AFGE requested a briefing and to engage in bargaining on the agency's plans. We

held the briefing on June 17, 2020 and are currently scheduling negotiations with AFGE's designated chief negotiator.

The agency held two additional briefings with AFGE to demonstrate the agency's facility status dashboard, which identifies the status of the gating criteria for each agency facility. AFGE was notified of the first dashboard demonstration on June 5, 2020 (which was subsequently held on June 12, 2020). AFGE was already aware of the pending demonstration when Mr. Morton sent his letter on June 8, 2020, accusing the agency of not being transparent regarding the gating criteria. Shortly after the demonstration on June 10, 2020, the dashboard was made available to all employees, including AFGE bargaining unit employees and representatives.

AFGE's false accusations about the agency's communications with the union ironically stem from AFGE's own failure to communicate within their union. Beginning in late July 2019, AFGE requested that all communications from the agency be directed to AFGE's General Counsel's office (AFGE National), instead of Council 238 leadership and/or local presidents. Over the last 11 months, few matters have been delegated by AFGE National to Council 238 or the local presidents. Under the provisions of the AFGE Collective Bargaining Agreement, the agency is obligated to communicate with AFGE's designated representative. As such, the agency has continued to direct all communications to AFGE National. This includes all briefings throughout the COVID-19 Pandemic, and formal notices of the agency's return to workplace plans.

Apparently AFGE National has not effectively disseminated the information shared by the agency to AFGE representatives. In addition to Mr. Morton's recent letters, local AFGE representatives have claimed they were unaware or not notified of the agency's return to workplace plans. In one case, a local AFGE president asked that they be copied on communications to AFGE National so that they can receive agency communications in a timely manner. It is baffling that local AFGE representatives are suggesting management should bypass AFGE's designated representative and internal communication process. Instead of publicly accusing the agency of not being transparent with the union, we strongly urge AFGE to focus on improving its communications among representatives.

Over the last few months, the agency has devoted countless hours to ensure AFGE has been informed throughout the COVID-19 Pandemic. It is troubling that AFGE continues to misrepresent the agency's communications. Despite the numerous briefings, demonstrations and resources provided by the agency, AFGE conveys ignorance about the agency's plans for reopening. Most concerning, the union's persistent and recent misrepresentations are stoking fear in employees about returning to the workplace. We urge AFGE to devote time to ensuring local representatives and bargaining units are equally and factually informed. In these difficult and unprecedented times, communication and cooperation are paramount. While we will continue to communicate and cooperate with AFGE, we hope to see improved communications and cooperation within AFGE.

Sincerely,



Nicole M. Patterson
Acting Director
Labor and Employee Relations Division
Office of Human Resources
US Environmental Protection Agency