



AFGE Council 238

March 19, 2024

Deputy Administrator Janet McCabe
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004
mccabe.janet@epa.gov

RE: AFGE/Agency Term Bargaining
RESPONSE REQUESTED BY MARCH 21, 2024

Dear Deputy Administrator McCabe:

The purpose of this letter is to make you aware of a serious problem with the way the Agency is bargaining the Duration Article of the Collective Bargaining Agreement (CBA) with the American Federation of Government Employees. If we do not receive your response by close of business on **Thursday, March 21, 2024**, we must infer that you support the Agency's untenable position at the CBA bargaining table. The parties must complete negotiations with mutually acceptable language that protects EPA employees and the AFGE CBA into the future.

Background

As you know, AFGE has been bargaining with the Agency for almost two years. Over that time, the parties have successfully navigated through many difficult roadblocks, and our efforts have resulted in agreement on 39 Articles. One last issue remains: Whether, at the end of the term of this CBA, the agreement (1) will remain in effect while the parties bargain any future agreement, as is the case in virtually all Federal contracts including the contracts the Agency has with its other unions, or (2) can unilaterally expire, leaving employee rights in peril.

The Agency is insisting that the AFGE agree to a contract that can simply be ended by one party, a stance that is reminiscent of the previous administration. The Agency's extreme position jeopardizes the prospect of reaching agreement, and the announcement of our joint bargaining success is in serious trouble.

The Impact

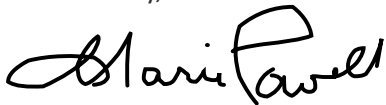
The impact of this situation on employees is dire. It appears that there is a deliberate attempt to discourage the Union from protecting its members and our CBA and to disregard Executive Order 14025.

We are acutely aware that the Agency believes AFGE previously agreed to language that would allow the contract to expire unilaterally. However, AFGE does not share this perspective and would not have willingly consented to such conditions. The bottom line is: there was no agreement and no meeting of the minds on the Duration Article language.

President Biden announced his intent to lead the most pro-union Administration in the history of our nation. We are asking for a chance to realize the President's vision together and for the Agency to respect the new CBA we have created together.

The highest priority for the parties should be to join together in good faith and hammer out this last issue dividing us and get to agreement on the overall contract. After that, both parties can announce to our communities, in a joint statement, that bargaining is complete and a fair CBA that we can all stand behind will be put in place.

Sincerely,



Marie Owens Powell
President
AFGE Council 238



Joyce Howell
Lead Negotiator
AFGE Council 238

cc: Vice President Kamala Harris
Rep. Debbie Dingel, Labor Caucus Co-Chair
AFGE President Everett Kelley
Coalition of EPA Unions
AFGE Council 238 Bargaining Unit Employees