



**EPA WORKERS FOR  
A FAIR CONTRACT**

**#protectepa**

Employee Rights  
at EPA

Collective  
Bargaining  
Agreement (CBA)

**AFGE**

# Overview of Employee Rights

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- Right to Union membership
- Right to private lives
- Merit System Principles
- Prohibited Personnel Practices
- Additional Principles
- Right to Union representation
- Right to Obtain Information
- Employee Examinations
- Whistleblower Rights
- Right of Access to Documentation
- Participation in Voluntary Activities
- Right to Debt Collection Protection
- Right to Proper Payment
- Right to Notice of Benefits
- Disclosure of Personal Identifiable Information (PII) by the Agency
- Religious Accommodations

# Right to Union Membership

- Right to form, join, or assist a Union
  - Protection from penalty or reprisal
  - Temporary assignments outside the bargaining unit may affect union representation
    - Temporary Supervisory Promotion
    - Detail in another office
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- A yellow triangular graphic is located in the bottom right corner of the slide, pointing towards the top right.

# Right to Private Lives

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- Pursuit of private lives without harassment or bullying
  - EPA Order 4711 Procedure for addressing allegations of workplace harassment
- Confidentiality of leave requests
- Freedom of expression on social media (off-duty)
- Freedom of association and right to protest (off-duty)

# Right to Private Lives (Limitations)

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- General limitations on monitoring:
  - Off duty – permitted if there is a reasonable business-related concern
- Freedom of expression on social media:
  - Off duty - Unless there is a reasonable business-related concern, the Agency and its representatives, in their official capacity, **will not** monitor a bargaining unit employee's activity **while the employee is not on duty time or Agency equipment.**
  - On duty – don't do it
- Search personal belongings: permitted at Agency discretion
- PIV entrance/exit or log-in/log-out times: permitted with PMO/HR approval

# Right to Private Lives

- Employees will not be required to work for no compensation except for limited circumstances:
  - Employees who have reached the federal pay cap where a waiver is not permitted or
  - for identified essential personnel during a lapse in appropriations employees

Merit  
Systems  
Principles –  
5 U.S.C.  
2301 (b)(1)  
through (9)

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Fair recruitment and advancement

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Equal treatment

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Equal pay for equal work

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High standards of integrity

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Efficient use of workforce

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Effective education and training\*

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Protection against arbitrary action

Prohibited  
Personnel  
Practices - 5  
U.S.C.  
2302(b)(1)  
through (14)

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Discrimination

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Coercion of political activity

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Deceive or obstruct right to compete for  
employment

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Nepotism

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Whistleblower protection

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Protection against reprisal

# Additional Principles



Fair work assignments and employee direction

- Environm



Orders and Instructions: Employees should discuss conflicting orders with their immediate supervisor to resolve the conflict.



Manager accountability **(New)**

*"In cases where the Council 238 or a local Union president is concerned about a trend of complaints, the Agency agrees to meet with the Union to identify potential corrective measures to address the issue(s). Corrective measures may include, but are not limited to training, 360 reviews, other potential actions."*

## Additional Principles

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- Personal belongings and agency equipment policies
- Privacy in service of warrants or subpoenas
- Right to resign/retire
- Termination or removal
  - Employee has the right NOT to resign
  - Employee shall have the right to review documents relied on to support the reasons for Agency action
  - The employee may designate a representative to attend meetings with the Agency

## Right to Obtain Information

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- Communication with management officials
  - 2<sup>nd</sup> level supervisor
  - HR
  - Finance – right to proper payment
  - EEO Counselor
- Right to Contact Union Representatives and voice concerns

# Right to Union representation

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- Weingarten Rights
  - If **prior to or during** any examination of an employee ... and there is reasonable belief by the employee that the examination may result in disciplinary action ...the employee has the right to Union representation IF REQUESTED
  - If a Union representative is not available, the examination should be rescheduled as soon as practicable
- Garrity and Kalkines warnings
  - Criminal misconduct
  - Self incrimination
  - Statement of Rights and Obligations

# Whistleblower Rights

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- Whistleblowing is defined as the disclosure of information that an employee *reasonably believes* evidences:
  - A violation of any law, rule or regulation;
  - gross mismanagement
  - waste of funds
  - abuse of authority
  - dangers to public health/safety
  - Censorship related to scientific research if censorship meets one of the above-listed categories.
- Complaints can be filed with the Office of Special Counsel (OSC) and Inspector General (IG)
- Protection from retaliation

**\*\*Whistleblowers or employees engaging in whistleblowing activity may request Union Representation\*\***

## Additional Rights

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- Access to personal documentation
- Voluntary participation in agency activities – right to decline
- Right to proper and timely payment
  - Debt waivers
- Notice of benefits and open enrollment periods
- Religious Accommodations



Questions

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## Resources

- [AFGE 2024 CBA](#)
- AFGE Council 238:  
<https://afge238.org/>
- Your Local