

Proposal for Negotiation Ground Rules

I. Chief Negotiators / Negotiation Teams / Observers / SMEs

1. Chief Negotiators:

- Each party designates a chief negotiator, who will be the chief spokesperson and responsible for initialing tentatively agreed proposals. The chief negotiator has the authority to call caucuses.

2. Team Members:

- Attendance at negotiation sessions is limited to designated bargaining team members, not exceeding four (4) per side per session, excluding the Chief Negotiators.
- The Parties will exchange a list of full names and titles of their negotiating team and alternates 60 calendar days prior to the start of initial bargaining sessions.

Non-Agency Employee Representatives:

- The Union may include non-Agency employee representatives at no cost to the Agency. These representatives must comply with Agency rules regarding access to facilities and equipment use.
- Any non-local members will not be paid for by the Agency.

3. Alternates:

- Each team will have two (2) alternates. Notification of alternates will occur within two (2) weeks after signing the ground rules. Alternates have full rights and authority as team members when substituting. Substitutions will be communicated as soon as known.

4. Conduct at the Table:

- One person speaks at a time; no profanity; adherence to civil discourse; punctuality for negotiations and returning from breaks; electronic devices on silent mode, with one device per side for research.

5. Observers:

- Each side may have up to one (1) observers per session. Union observers will not be on official time unless otherwise entitled. Observers will be introduced as “observers” at the table.

- Observers will not be allowed to participate or provide input to bargaining sessions or caucuses. The respective chief negotiator is responsible for ensuring observer conduct abides by this agreement.

6. Subject Matter Experts (SMEs):

- SME(s) will be utilized as a neutral party providing facts and subject matter clarity to assist both Parties with negotiating issues. SMEs will only be allowed to participate in or provide any testimony to the section or article that is currently being negotiated.

II. Facilities and Equipment

1. Meeting Location:

- Sessions will occur at an Agency facility unless unavailable, in which case the Agency will arrange for a non-Agency location at no cost to the Union. Notice of location will be provided 30 calendar days before the first session.

2. Caucus Room:

- The Agency may provide the Union team with a conference room with a printer and supplies for exclusive caucus use. This room will remain locked between sessions. Relocation will be communicated as soon as practical.

III. Bargaining Day Schedule

1. Daily Schedule:

- Bargaining will be between the hours of 8:00 a.m. and end at 4:30 p.m. Times of bargaining will be mutually agreed upon. It is understood the parties will have two (2) 15-minute breaks and a lunch break. Dependent on the matter being bargained, sessions may run three (3) consecutive days weekly, except for federal holidays, unless otherwise agreed.

2. Proposal Exchange:

- Proposals on open Articles for mid-term bargaining must be exchanged 10 calendar days before the first session in PDF and MS Word formats via email.

3. Order of Articles:

- The order of Articles to be bargained will be agreed upon 30 calendar days before the first session.

4. Caucuses:

- Only chief negotiators can call caucuses, limited to 30 minutes unless mutually agreed otherwise.

5. Reporter:

- A mutually agreed-upon reporter will take notes and assist in preparing proposals. If parties are not able to mutually agree upon a single reporter, the parties are responsible in appointing a reporting for their separate negotiation team.

6. Technology:

- Technology may be used to display proposals during sessions. Proposals should be in MS Word format and provided to the reporter.

IV. Official Time / Travel and Per Diem

1. Official Time:

- Official time will be granted for all Union bargaining unit employee team members for activities related to mid-term bargaining.

2. Travel and Per Diem:

- For face-to-face sessions, the Agency will cover travel and per diem for Agency employees on the Union's bargaining team, excluding observers. Travel and per diem will comply with the Federal Travel Regulation.

V. Commitments / Negotiability / Impasse

1. Binding Commitments:

- The chief negotiator can make binding commitments subject to ratification and Agency Head review. Tentatively agreed sections will be initialed and dated by the chief negotiators.

2. Negotiability Disputes:

- Negotiability disputes will be resolved informally or tabled until the end of negotiations. Formal declarations and appeals will follow if necessary.

3. Impasse:

- Impasse occurs when agreement cannot be reached after three complete exchanges of proposals. Parties may request the Federal Mediation and Conciliation Service (FMCS) or a private mediator. The cost of a private mediator will be borne equally between the Agency and the Union. Unresolved proposals may be submitted to the Federal Service Impasses Panel (FSIP).

VI. Ratification and Approval

1. Union Ratification:

- The Union will submit the agreement for ratification within 30 calendar days of completing a tentative agreement. Results will be reported within 35 days. If not ratified, renegotiation will follow.

2. Agency Head Approval:

- The Agency Head will review and approve or disapprove the agreement within 30 calendar days of execution, per 5 U.S.C. §7114(c). The agreement becomes effective upon approval or on the 31st day following execution. Disapproved provisions will be renegotiated.

3. Negotiability Disputes:

- Remaining negotiability disputes will be severed, and an agreement on agreed articles will be concluded. Once disputes are resolved, articles will be reopened for negotiation on remaining issues.

VII. Disputes / Mutually Agreed Changes / Expiration

1. Dispute Resolution:

- Disputes over the ground rules' application or interpretation will be handled through arbitration as provided in the Master Agreement.

2. Amendments:

- Ground rules may be changed by written mutual consent.

3. Expiration:

- These ground rules will expire on January 31, 2028.