

Glossary - Chapter 15

This chapter contains a glossary of terms used by NFFE Local 1998. There is a very helpful glossary of labor-management terms on the Office of Personnel Management (OPM) website: <http://www.opm.gov/lmr/glossary/index.asp>. Also, Article 3 of the Master Agreement contains a list of definitions.

<u>A</u>	
A-76	See "OMB Circular A-76"
ADJUDICATE	In the context of Passport Services, this means to make a decision or determination on a passport applicant's citizenship/nationality status, identity, and entitlement to a U.S. passport.
ADR	See "Alternate Dispute Resolution".
AFL-CIO	See "American Federation of Labor, Congress of Industrial Organizations"
AGENCY	In the federal sector labor-management context, the "Agency" means a department or branch of the U.S. government, such as the Department of State, the Department of Defense, the Environmental Protection Agency, etc. In that context, "agency" means either all of Passport Services or all of the Department of State. So, while the Los Angeles Passport Agency has the word "agency" in its title, when a ULP is filed, the "agency" in that context is the whole of Passport Services.
AGENCY HEAD REVIEW	Requirement that negotiated agreements be reviewed for legal sufficiency by the head of the agency (or his/her designee). § 7114(c)(1). This must be accomplished within 30 days from the date the agreement is executed. § 7114(c)(2). If disapproved, the union can challenge those determinations by filing a negotiability petition or an unfair labor practice (ULP) charge with FLRA. If not approved or disapproved within that time, the agreement goes into effect and the legality and enforceability of its terms is decided in other forums (e.g., grievance or unfair labor practice proceedings). § 7114(c)(3). During the 30-day period the incumbent union is protected from challenge by a rival union. 5 CFR 2422.12(c).
AGENCY SHOP	A requirement that all employees in the unit pay dues or

	fees to the union to defray the costs of providing representation. In 1 FLRA No. 64 the Authority held that § 7102 prohibits agency shop requirements. See also, 22 FLRA No. 57, 38 FLRA No. 57, and 44 FLRA No. 8. Compare with 56 FLRA No. 157 (requiring the agency to deduct \$2.00 from each biweekly paycheck of each bargaining unit employee who has not joined the union unless the employee requests that a deduction not be made is contrary to 5 CFR 550.312(a)).
AGREEMENT	See "Collective Bargaining Agreement"
ALTERNATE DISPUTE RESOLUTION	Alternate Dispute Resolution is a form of mediation, often conducted by the Federal Mediation and Conciliation Service (FMCS).
AMERICAN FEDERATION OF LABOR, CONGRESS OF INDUSTRIAL ORGANIZATIONS	The 10 million-plus member strong national umbrella organization of labor organizations of which the IAMAW (and NFFE and Local 1998) are a part.
APPROPRIATE ARRANGEMENT	One of three § 7106(b) exceptions to § 7106(a) management rights. Under § 7106(b)(3) a proposal that interferes with management's rights can nonetheless be mandatorily negotiable if the proposal constitutes an "arrangement" for employees adversely affected by the exercise of a management right and if the interference with the management right isn't "excessive" (as determined by an "excessive interference " balancing test). See, e.g., <i>American Federation of Government Employees v. Federal Labor Relations Authority</i> , 702 F.2d 1183 (D.C. Cir. 1983) and 21 FLRA No. 4. For more on this exception, see the remarks under management rights.
ARBITRATION	See "Arbitrator".
ARBITRATOR	An impartial third party to whom the parties to an agreement refer their disputes for resolution. Section 7121(b)(1)(C)(iii) mandates that negotiated grievance procedures provide for binding arbitration of unsettled grievances. Most commonly labor arbitrators perform grievance arbitration--i.e., they interpret and apply the terms of the agreement (including established practices) and, in the Federal sector, laws and regulations (see applicable laws, above) bearing on conditions of employment. But they are also occasionally asked to perform interest arbitration--i.e., they resolve bargaining impasses by dictating the terms of the agreement. Lists of

	qualified labor arbitrators are provided, upon request and for a fee, by the Federal Mediation and Conciliation Service (FMCS). Nothing, however, prevents the parties to an exclusive recognition relationship from creating their own panels of arbitrators from whatever sources they agree are appropriate.
AUTHORITY	See "Federal Labor Relations Authority".
<u>B</u>	
BARGAINING	A process--sometimes informal, sometimes deliberate--of offer and counteroffer whereby parties to the bargaining process try to reach agreement on the terms of exchange. Formal bargaining processes vary.. Sometimes the formal requirements facilitate the process of reaching agreement; sometimes they become an end in themselves; and sometimes they are deliberately used in order to avoid or delay agreement. The process, as far as negotiations between collectivities is concerned--e.g., firms, unions, nations, and branches of government (e.g., budget negotiations between the President and the Congress)--has been analyzed into four subprocesses by Walton and McKersie in <i>A Behavioral Theory of Labor Negotiations</i> , 1965: distributive ("fixed pie") bargaining; integrative ("variable pie") bargaining (cf. "interest-based bargaining"); attitudinal structuring (cf. "partnering"); and intra-organizational bargaining, with real-world bargaining usually being a variable mixture of all four subprocesses.
BARGAINING UNIT EMPLOYEE	The government staff members who are eligible to join the Union and for whom the Union, as the exclusive representative, is obligated to represent (e.g., in grievances and in bargaining). Examples include Passport Specialists, Contact Representatives, Operations Officers (in the Passport Agencies/Centers) Paralegal Specialists and Processors. Staff members who are not BUE include supervisors, managers, and the office secretary.
BUE	See "Bargaining Unit Employee".
BUSINESS REPRESENTATIVE	Staff members of NFFE and the IAMAW who are responsible for providing representational guidance and other services (e.g., help with recruiting) to Union Stewards and Union members.
BYPASS	Dealing directly with employees rather than with the exclusive representative regarding negotiable conditions of employment of bargaining unit employees. A bypass is an

	unfair labor practice prohibited by section 7116(a)(5). See, e.g., 57 FLRA No. 38. It is not, however, a bypass to solicit information that would assist management in making a nonnegotiable determination. See, e.g., 10 FLRA No. 24, 19 FLRA No. 48, and 19 FLRA No. 56.
<u>C</u>	
CBA	See "Collective Bargaining Agreement".
CHIEF STEWARD	The Chief Steward is a nationwide Union representative who provides representational guidance to the Union Stewards around the country.
COLLECTIVE BARGAINING AGREEMENT	<p>Collective bargaining agreements (CBA's) take many forms (e.g., midterm agreements, memoranda of understanding (MOU), supplemental agreements, oral agreements, and past practices. Section 7103(a)(9) defines a collective bargaining agreement as "an agreement entered into as a result of collective bargaining pursuant to the provisions of this chapter." CBAs set forth some of the conditions of employment of unit employees, various rights and obligations of the parties to the agreement (i.e., the exclusive representative and the activity or agency), the negotiated grievance procedure, dues withholding provisions, reopeners, as well as the duration of the agreement. CBAs cannot contain provisions that interfere with management rights (unless they are § 7106(b)(3) "appropriate arrangements," or § 7106(b)(1) "permissive subjects of bargaining " on which management has "elected" to bargain), nor even restate agency or Governmentwide regulations that interfere with (i.e., place restrictions on the exercise of) management rights, for that would give them an existence independent of the regulations. (See, e.g., 19 FLRA No. 24, #3 (RIF regulations) and 47 FLRA No. 79, #1 (performance regulations)). However, see 38 FLRA No. 89, #1, where the Authority held that a proposal requiring the agency to establish and administer a drug testing program in accordance with the Constitution, laws, rules, regulations, and the contract, interfered with the right to determine internal security practices, but still was negotiable because it was an appropriate arrangement under § 7106(b)(3).</p> <p>Since the most important conditions of employment for most employees covered by the Federal Service Labor-Management Relations Statute are established by laws</p>

	<p>and regulations, many of the conditions of employment one finds in CBAs are restatements, and/or selected quotations of those laws and regulations and, to the extent the laws and regulations give the agency discretion over the matter and the matter is otherwise negotiable (e.g., not in conflict with management rights), agreed-upon supplements to those laws and regulations. Negotiated agreements are subject to agency head review for legal sufficiency. § 7114(c)(1).</p> <p>Refusing to put an agreement into writing is an unfair labor practice (ULP). § 7103(a)(12). Although disputes over the meaning and application of the CBA normally are processed through the agreement's grievance-arbitration procedures, some types of violations can also be processed by the Authority under its unfair labor practice procedures. See, e.g., 21 FLRA No. 117; 22 FLRA No. 25; compare with 15 FLRA No. 132. See 51 FLRA No. 72 for a description of the analytical framework that FLRA uses to determine whether there has been a repudiation of the agreement--i.e., whether (1) the breach was clear and patent and (2) the provision breached went to the heart of the agreement. Also see 52 FLRA Nos. 22 and 42. Under section 7116(d), "issues which can be raised under a grievance procedure may, in the discretion of the aggrieved party, be raised under the grievance procedure or as an unfair labor practice under [§ 7116], but not under both procedures." See 52 FLRA No. 62 (grievance barred because the issue was the same as in an earlier-filed ULP charge) and compare with 52 FLRA No. 37 (no bar because the unfair labor practice issue is not the same as the negotiated grievance procedure issue).</p> <p>An expired agreement's provisions dealing with mandatory subjects of bargaining remain in effect. Provisions dealing with "permissive" subjects, on the other hand, can be unilaterally terminated. See 4 FLRA No. 100, 6 FLRA No. 9, 14 FLRA No. 89, and 15 FLRA No. 21. In 55 FLRA No. 37, FLRA said the following about terminating permissive subjects: "A party's right to terminate unilaterally a permissive bargaining subject is not contingent on first satisfying a bargaining obligation as to the substance, impact or implementation of the change."</p>
CONDITIONS OF EMPLOYMENT	Under § 7103(a)(14), COE "means personnel policies, practices, and matters, whether established by rule, regulation, or otherwise [e.g., by custom or practice],

	<p>affecting working conditions, except that such term does not include matters--(A) relating to political activities prohibited under subchapter III of chapter 73 of this title; (B) relating to the classification of any positions; or (C) to the extent such matters are <i>specifically provided for by Federal statute[.]</i>" (Emphasis added.) The fact that a statute deals with a matter doesn't mean that everything related to that matter isn't a condition of employment. In 55 FLRA No. 18, the Authority said the following: "The appropriate inquiry . . . is whether a statute at issue provides the Agency with the discretion to agree to the proposal."</p> <p>The duty to bargain is limited to the mandatorily negotiable conditions of employment of bargaining unit employees. In FLRA's words: "[M]atters concerning conditions of employment are subject to collective bargaining when they are within the discretion of an agency and are not otherwise inconsistent with law or applicable rule or regulation." 53 FLRA 625, 648; 21 FLRA 61, 10-11. Unilateral changes in COE are unfair labor practices. For examples of what doesn't constitute a COE, see: 3 FLRA No. 8 (appeal system for military appraisals), 7 FLRA No. 18 (hunting and fishing on military reservation), 8 FLRA No. 75, #1 (management access to investigatory files), 11 FLRA No. 99 (classification of positions), and 13 FLRA No. 73 (recycling discarded paper). Examples of what does constitute a COE include: work schedules, appraisals, dress code, desk moves or desk sharing.</p>
CONTRACT	See "Collective Bargaining Agreement"
<u>D</u>	
DFR	See "Duty of Fair Representation".
DUTY OF FAIR REPRESENTATION	<p>5 U.S.C. § 7114(a)(1): "An exclusive representative is responsible for representing the interests of all employees in the unit it represents without discrimination and without regard to labor organization membership." See <i>NTEU v. FLRA</i>, 800 F.2d 1165 (D.C. Cir. 1986), where the court held that the union's duty of fair representation is limited to matters as to which the union is the exclusive representative.</p> <p>(In that case, the union, which provided the services of an</p>

	<p>attorney to members in Merit Systems Protection Board (MSPB) proceedings, told an employee facing removal that the union wouldn't provide him with attorney services because he wasn't a member of the union.) The court dismissed the ULP because the right to appeal to MSPB does not arise out of the collective bargaining agreement and the employee was free to designate non-union representatives. Also see 28 FLRA No. 118, where FLRA said the following: "Where the union is acting as the exclusive representative of its unit members, we will continue to require that its activities be undertaken without discrimination and without regard to union membership under section 7114(a)(1). We will not, however, extend those statutory obligations to situations where the union is not acting as the exclusive representative" See 49 FLRA No. 71 for an example of a violation of this duty (members-only poll regarding seniority-based benefit system administered by union) and 46 FLRA No. 81 where FLRA found no violation because the nonmember employee against whom discipline was proposed had a right to have a representative of her own choice.</p>
<u>E</u>	
EMERGENCY SITUATION	<p>Management Rights under the law - specifically § 7106(a)(2)(D) - gives Management the right "to take whatever actions may be necessary to carry out the agency['s] mission during emergencies" doesn't come up in negotiability disputes very often. In all but one of the cases decided thus far, FLRA has held that this right is interfered with by proposals attempting to define "emergency" because such definitions would be inconsistent with management's right to independently determine whether an emergency exists. See, e.g., 22 FLRA No. 13, 29 FLRA No. 84, 30 FLRA No. 52, and 49 FLRA No. 84, #1. However, in 55 FLRA No. 42, it said that it would no longer follow this precedent. It there found that a proposed "definition" that was interpreted as not limiting the situations in which the agency could take actions in an emergency did not interfere with the right to take actions during emergencies. For additional decisions on this right, see, e.g., 25 FLRA No. 61, #4 (proposal requiring management to negotiate on the changes it will make in the rotational system during an emergency interferes with the right to "take whatever actions may be necessary"). See also 14 FLRA No. 91, #2 (proposal requiring three</p>

	days notice of changes in hours of work , even during emergencies, interferes with this right).
EMPLOYEE	See "Bargaining Unit Employee".
<u>F</u>	
FAIR LABOR STANDARDS ACT	The law passed in 1938 that, among many other things, instituted the 40-hour workweek and the 8-hour workday, and which required time-and-one-half pay for overtime work.
FD1	See "Federal District 1"
FEDERAL DISTRICT 1	When the National Federation of Federal Employees (NFFE) affiliated with the IAMAW in 1999, NFFE kept its name and identity. For IAMAW organizational purposes, NFFE became "Federal District 1". There are many districts in the IAMAW, but NFFE is a district unto itself.
FEDERAL LABOR RELATIONS AUTHORITY	The main government agency charged with handling labor-management relations and disputes in the federal sector, and ensuring compliance with the Federal Service Labor-Management Relations Statute. The FLRA is made up of the Authority, the office of General Counsel, and the Federal Service Impasses Panel.
FEDERAL LOCAL	In the IAMAW terminology, there are "Local Lodges" that are part of a district. There are also federal locals as well. NFFE Local 1998 (our local) is designated as FL1998. This allows the NFFE locals to keep their designation numbers and not have to make any changes. For example, the IAMAW already had a LL1998 (which represents employees of a private sector business in Hawaii).
FEDERAL MEDIATION AND CONCILIATION SERVICE	An independent agency that provides mediators to assist the parties in negotiations. Although the bulk of its work is in the private sector, it also provides its services to the Federal sector--see § 7119(a). FMCS also maintains a roster of qualified private arbitrators, panels of which are referred to the parties upon joint request.
FEDERAL SERVICE	Entity within FLRA that resolves bargaining impasses, chiefly by ordering the parties to adopt certain contractual

IMPASSES PANEL	<p>provisions relating to the conditions of employment of unit employees. It was created as a strike-substitute (strikes are prohibited in the Federal sector--see 7 FLRA No. 10, where the Authority decertified the Professional Air Traffic Controllers Organization (PATCO) because it had engaged in a strike) or other economic tests of strength that frequently determine bargaining outcomes in the private sector. The Panel uses many procedures for resolving impasses. Under section 7119(c)(5)(B)(iii), FSIP may "take whatever action is necessary and not inconsistent with this chapter to resolve the impasse." For example, if the parties can't agree on particular provision(s)--i.e., contractually determined conditions of employment, FSIP has authority to tell them what to put (or not put) in their contract. However, it is not a ULP to refuse to comply with a FSIP order dealing with a permissive subject of bargaining. See 15 FLRA Nos. 65 and 100 - 104. See 5 CFR 2470 ff for FSIP's regulations.</p>
FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS STATUTE	<p>The primary legal reference for federal union matters is the Federal Service Labor-Management Relations Statute (FSLMRS), codified at 5 U.S.C. 71 (Title 5, United States Code, Chapter 71). It is sometimes referred to as simply, "the Statute". The FSLMRS is the statutory basis for the Federal Labor Relations Authority (FLRA) and the Federal Service Impasses Panel. It includes such topics as Management Rights, Representation Rights, the duty to bargain in good faith, and standards of conduct for labor organizations.</p> <p>Actions that can be taken under this statute include: an Unfair Labor Practice Charge (ULP), an Exception to an Arbitrator's Award, a Negotiability Appeal, and a Request for Information. The Union's collective bargaining agreement ("contract") with Management and the negotiated grievance procedure originate from requirements in the FSLMRS.</p>
FL	See "Federal Local".
FL 1998	See "NFFE Local 1998". "FL" stands for "federal local".
FLRA	See "Federal Labor Relations Authority"
FLSA	See "Fair Labor Standards Act"
FMCS	See "Federal Mediation and Conciliation Service"

FSIP	See "Federal Service Impasses Panel"
FSLMRS	See "Federal Service Labor-Management Relations Statute"
<u>G</u>	
GRIEVANCE	Under § 7103(a)(9) a grievance "means any complaint--(A) by an employee concerning any matter relating to the employment of the employee; (B) by any labor organization concerning any matter relating to the employment of any employee; or (C) by an employee, labor organization, or agency concerning--(i) the effect or interpretation, or a claim of breach, of a collective bargaining agreement; or (ii) any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment[.]" In <i>Treasury, Customs Service v. FLRA</i> , 43 F.3d 682 (D.C. Cir. 1994), the court said that the reference to any law, rule, or regulation "can be only interpreted . . . to confine grievances to alleged violations of a statute or regulation that can be said to have been issued for the very purpose of affecting the working conditions of employees--not one that merely incidentally does so."
<u>H</u>	
<u>I</u>	
IAM	See "International Association of Machinists and Aerospace Workers"
IAMAW	See "International Association of Machinists and Aerospace Workers".
IAMAW FD1 NFFE FL 1998	The full abbreviated name of our local: "International Association of Machinists and Aerospace Workers, Federal District 1, National Federation of Federal Employees, Local 1998"
INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS	The Union which NFFE affiliated with in 1999.

<u>J</u>	
<u>K</u>	
<u>L</u>	
LABOR ORGANIZATION	See: "Union"
LL	Stands for "Local Lodge".
LOCAL	A subunit of a labor organization. NFFE has about 200 locals, each with its own Union President, Vice President, Stewards, etc. NFFE Local 1998 is 1 of those 200.
LOCAL LODGE	See "Local".
LOCAL 1998	See "NFFE Local 1998"
<u>M</u>	
MACHINISTS	Another name for the members of the IAMAW
MANAGEMENT	The Employer. For NFFE Local 1998, Management is the Department of State, Bureau of Consular Affairs, Passport Services.
MANAGEMENT OFFICIAL	Under § 7103(a)(11), an individual who formulates, determines, or influences the policies of the agency. Under § 7112(b)(1), such individuals are to be excluded from appropriate units . Because management officials are not "employees" within the meaning of the Federal Service Labor-Management Relations Statute (FSLMRS) (§ 7103(a)(2)(iii)), they do not, among other things, have the FSLMRS-protected right to represent unions. See §§ 7102 and 7120(e). In <i>AFGE Local 2513 v. FLRA</i> , 834 F.2d 174 (D.C. Cir. 1987), the court said the following about supervisors, which probably would also apply to management officials: Congress has not prohibited supervisor's from joining unions. It is inconceivable that supervisor-members' right to belong to a union includes nothing more than paying dues and participating in various health plans. While Congress expressly prohibited

	supervisors from assuming policy- making and representative functions within the union, § 7120(e), there is no evidence that Congress intended to deny supervisors one of the most essential vestiges of union-membership, the right to cast a vote in the election of their union's officials.
MASTER AGREEMENT	The name of the collective bargaining agreement negotiated by NFFE Local 1998 and Passport Services, which went into effect on July 20, 2009.
MERIT SYSTEMS PROTECTION BOARD	An independent body that guards the merit systems under which Federal employees work. The board handles appeals of personnel actions, such as a 30-day suspension or removal from the job. NFFE Local 1998 only represents dues-paying Union members before the MSPB.
MSPB	See "Merit Systems Protection Board"
<u>N</u>	
NATIONAL FEDERATION OF FEDERAL EMPLOYEES	Created in 1917, the oldest labor organization dedicated to representing federal workers. This is the Union of which Local 1998 is a part.
NEGOTIATIONS	See "Bargaining".
NEGOTIABILITY APPEAL	When Management declares a Union proposal to be nonnegotiable, the Union may request a written statement to that effect. The Union may then file a Negotiability Appeal with the FLRA. The appeal is a challenge to the declaration by Management. If the FLRA rules for the Union, then Management is obligated to bargain with the Union over the proposal. If the FLRA rules for Management, then there is no bargaining obligation.
NFFE	See "National Federal of Federal Employees".
NFFE LOCAL 1998	The Union that represents all of the bargaining unit employees of Passport Services.
<u>O</u>	
OFFICE OF LABOR-MANAGEMENT STANDARDS	A division of the Department of Labor, this government agency is responsible for monitoring federal labor organizations. Its responsibilities include monitoring and certifying democratic elections, and ensuring that unions

	accurately complete financial reports, such as the LM-4.
OFFICIAL TIME	At one time treated as a term of art created by § 7131, involving paid time for employees serving as union representatives. However, in 39 FLRA No. 44 the Authority said the following: [S]ection 7131(d) relates only to the granting of official time in connection with labor-management relations activities. . . . However...section 7131(d) does not preclude parties to a collective bargaining agreement from agreeing to provide official time [sic] for other matters; that is, matters other than those relating to labor- management relations activities. . . . Consistent with an agency's broad discretion to grant paid time in a variety of circumstances, parties may agree in their collective bargaining agreements to provide official time for other matters. . . . To the extent that earlier Authority decisions suggest that all collective bargaining agreement provisions dealing with official time must relate solely to labor-management relations activities, they will no longer be followed. Under § 7131(a), union negotiators (no more than the number of management negotiators) who also are unit employees are statutorily entitled to official time to negotiate agreements (but not to travel and per diem--see <i>BATF v. FLRA</i> , 104 S.Ct. 439 (1983)). Section 7131(b) prohibits use of official time for the performance of internal union business. Section 7131(c) provides for official time for employees "participating for, or on behalf of, a labor organization" in FLRA proceedings. See, e.g., 47 FLRA No. 48. And § 7131(d) allows the parties to negotiate the amount of official time that shall be granted to specified union representatives for the performance of specified representational functions.
OLMS	See "Office of Labor-Management Standards".
OMB CIRCULAR A-76	This is the document issued by the Office of Management and Budget that addresses which job functions can be contracted out and which cannot. Those that cannot be contracted out are called "inherently governmental functions".
<u>P</u>	
PANEL	As in "The Panel" – see "Federal Service Service Impasses Panel".
PLACID HARBOR	See "William W. Winpisinger Education and Technology Center".

PRESIDENT	The chief spokesperson for NFFE Local 1998. The Union President is elected by all dues paying Union members.
<u>Q</u>	
<u>R</u>	
RECORDING SECRETARY	The Recording Secretary is a nationwide Union representative who provides representational guidance to the Union Stewards. The RS is responsible for maintaining the list of Union members and their addresses.
RS	See “Recording Secretary”
<u>S</u>	
SECRETARY-TREASURER	The Secretary-Treasurer is a nationwide Union representative who provides representational guidance to the Union Stewards. The S/T is the chief financial officer of the Union, and is responsible for the Union's funds and for filing the reports with the OLMS.
SENIOR STEWARD	The chief Union representative in each Passport Agency/Office/Center. The Senior Steward performs the same functions as the Steward, but in a leadership capacity for that office. The Senior Steward is a member of the NFFE Local 1998 Executive Board.
SF-1187	The form that must be submitted in order to join the Union.
S/T	See “Secretary-Treasurer”
STATUTE	As in “The Statute” – in federal labor-management relations parlance, “the statute” refers to the Federal Sector Labor Management Relations Statute, codified at 5 <i>U.S.C. Chapter 71</i> .
STEWARD	Union representative to whom the union assigns various representational functions, such as investigating and processing grievances and representing the union at various meetings, such as § 7114(a)(2)(A) formal discussions and § 7114(a)(2)(B) <i>Weingarten</i> meetings. For NFFE Local 1998, in each Passport Agency/Office/Center, there is at least one Senior Steward and one Steward.

<u>T</u>	
<u>U</u>	
ULP	See: "Unfair Labor Practice Charge".
UMC	See "Union-Management Council"
UNFAIR LABOR PRACTICE	A violation of 5 U.S.C. 7116. Also see "Unfair Labor Practice Charge".
UNFAIR LABOR PRACTICE CHARGE	A complaint by the Union against Management (or by Management or an employee against the Union) submitted to the FLRA, alleging a violation of 5 U.S.C. 7116.
UNION	A labor organization within the meaning of § 7103(a)(4)--i.e., "an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an agency concerning grievances and conditions of employment"
<u>V</u>	
VICE PRESIDENT	In NFFE Local 1998, the Vice President is the Union representative in the second highest ranking position in the Union, behind the Union President. Prior to the revised union bylaws going into effect in 2004, each Passport Agency/Office/Center had its own Vice President (now termed "Senior Steward") and there was no nationwide VP (the Secretary-Treasurer was the only other nationwide Union rep).
<u>W</u>	
WEINGARTEN RIGHTS	Under § 7114(a)(2)(B), a bargaining unit employee being examined in an investigation (an investigatory examination or interview) is entitled to union representation if the examination is conducted by a representative of the agency, the employee reasonably believes that the examination may result in disciplinary action, and the employee asks for representation. A performance evaluation is not a <i>Weingarten</i> exam--see 5 FLRA No. 53. In resolving a split in the circuits, the Supreme Court held that Inspector General agents are representatives of the

	<p>agency for the purposes of section</p> <p>7114(a)(2)(B). <i>NASA et al. v. FLRA, et al.</i>, 527 U.S. 229 (1999). Also see <i>Office of Inspector General, Dept of Justice v. FLRA</i>, 266 F.3d 778 (D.C. Cir. 2001) where the court, in upholding the Authority's decision in 56 FLRA No. 87, rejected the agency's contention that an OIG agent isn't a "representative of the agency" when conducting a criminal investigation.</p>
WINPISINGER	See "William W. Winpisinger Education and Technology Center".
WILLIAM W. WINPISINGER EDUCATION AND TECHNOLOGY CENTER	Located in Hollywood, Maryland (near Placid Harbor), this is the main site where Union representatives obtain training.
WORKING CONDITIONS	See "Conditions of Employment".
WWW	An abbreviation for the "William W. Winpisinger Education and Technology Center".
<u>X</u>	
<u>Y</u>	
<u>Z</u>	
<u>1</u>	
1187	See "SF-1187".
1917	The year that NFFE was formed.
1981	The year that NFFE Local 1998 was certified as the exclusive representative of the employees of Passport Services.
1998	The designation number for our local. NFFE Local 1998 was founded in 1981, therefore the number "1998" does NOT refer to the year our local was formed - the number does not mean anything at all.

<u>3</u>	
\$306,401.09	The amount of back pay, interest, and liquidated damages that BUE received in 2005 as a result of the Union's FLSA grievance filed in 2004.
<u>5</u>	
5 U.S.C. 71	Title 5 of the United States Code, Chapter 71. See "Federal Service Labor-Management Relations Statute".

Revised April 17, 2012