

VOCAL 2910

The Voice of the Library of Congress Professional Guild

AFSCME 2910

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Employee privacy & confidentiality threatened

The assault on employee rights – the assault on Guild rights

By Saul Schniderman and Melinda Friend

Charles Carron, the Director for Workforce Management, has taken two actions which, if successfully implemented, will violate the privacy and confidentiality of the Library's professional staff and cause a serious rupture in the 30-year relationship between the management of the Library of Congress and its professional union - the LC Professional Guild, AFSCME Local 2910.

On October 16, 2006, Mr. Carron, who heads the Library's labor relations program, filed a grievance against the Guild over how its representatives report official time for representational activity. He has demanded a level of specificity in reports to management which goes far beyond our contract and what has been the standard operating procedure for use of official time since 1985. To remedy his grievance, Mr. Carron requires Guild officers and stewards to provide "sufficient detail" and further stipulates that "any insufficiently documented official time from September 1, 2006, and ongoing be converted to annual leave or Leave Without Pay (LWOP)."

By "sufficient detail," Mr. Carron intends to force the Guild to submit reports which would essentially indicate who comes into the Guild office or meets with a steward by identifying the name of the division involved, the nature and subject of the discussion, and how many hours were spent on each meeting. For example, Mr. Carron wants your Guild representatives to write on a form kept by Library management: "discussed complaint of harassment with employee from the Arts and Sciences Cataloging Division" for two hours. Without naming the employee, it could nevertheless be obvious who that employee is. He does require that the Guild name any member of management with whom we meet and describe the nature of that discussion so his office can "verify" that such contact took place. Such reporting will have a chilling effect on Guild communications at all levels.

Threats to punish your Guild leaders and to impose representational requirements that will violate your privacy rights are moves that could drive us out of business. Could this be interpreted as union busting? These tactics have no place at the Library of Congress, or in any workplace in America.

At the same time, Mr. Carron also officially reopened Article 6 (Guild Representation) of our contract to codify and enforce his changes on the use of official time. Our contract only specifies that we indicate broad categories for use of official time such as "discussion of

complaint,” “presentation of grievance,” and “preparation for bargaining.” Like Mr. Carron’s grievance, the new contract language which he proposes tries to bully us into compliance: “Failure to provide sufficient information . . . will result in conversion of the official time to annual leave or Leave Without Pay (LWOP). If the Guild believes the time thus converted actually qualified as official time, the Guild may grieve pursuant to Article 36 [Negotiated Grievance Procedure].” This means a Guild official or steward will be stripped of annual leave or docked in pay while the grievance works its way through a slow and uncertain process.

Mr. Carron’s actions are unwarranted since an inquiry by the Inspector General in 2004 found no misuse or excessive use of official time by union representatives at the Library of Congress. Incidentally, the Inspector General’s inquiry was initiated by an anonymous call to their hotline alleging misuse of official time by the unions.

If the Guild did provide the details to Mr. Carron, he could then review each line to determine if the time requested is “reasonable” for the purpose it was used. He could then deny official time for particular instances - something like a “line-item veto.” He could use this information in a myriad of ways to question representational activity and to challenge assertions made by the Guild about matters of concern to professional employees at the Library.

Your Guild representatives do not and never have misused or abused the official time which is granted to us, so we have no idea what has prompted Mr. Carron to assault the Guild in this fashion. If successful, Mr. Carron’s grievance against

us and his proposed contract provision will diminish the union’s effectiveness by potentially limiting official time, intimidating employees who participate in or consult the union, and possibly punishing an employee who represents the union.

If we are to continue to be treated with fairness and respect and to strive for improvements in the quality of our work lives, we need to protect the privacy and confidentiality rights of employees who choose to participate in the Guild. Guild representatives need reasonable official time to perform their duties without overhanging threats from management.

We believe that an employee’s right to privacy and confidentiality and our union’s right to represent employees without interference and restraint are rights that need to be expanded and protected - not curtailed and violated.

Please discuss these issues with your colleagues and assist us by standing up for the Guild at this critical time. If we are to continue improving our work lives at the Library of Congress, we need to go forward, not backward.

(Saul Schniderman is a copyright cataloger and president of the Guild. Melinda Friend is an archivist and chief steward of the Guild.)

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Specific details or general categories?

When engaging in representational duties, should Guild officers and stewards report their official time to management in specific detail or in general categories? Since 1985 Guild reps have been reporting their time in these categories: “discuss complaint,” “grievance preparation”, “consultation preparation”, “EEO discussion”, “meeting with management”, thus protecting the anonymity of the employee(s) and their division. Similarly, the Office of Personnel Management (OPM) - which governs executive branch employees asks agencies to report on four broad categories of official time: term negotiations, mid-term negotiations, dispute resolution and general labor-management relations used for union activity.

Article 8 of the Collective Bargaining Agreement states the following:

Employees shall have the right during working hours to contact the following officials or offices:

1. appropriate Guild representatives;
2. Human Resources Services;
3. Equal Employment Opportunity Counselors, Officers or Dispute Conveners;
4. a supervisor or management official of a higher rank than the employee's immediate supervisor;
5. Dispute Resolution Center;
6. Office of the General Counsel;
7. Health Services Office; and
8. other official internal common service offices.

Normally, an employee will be allowed to telephone or visit the aforementioned offices. Upon notification to his/her supervisor an employee may be requested to delay making a visit when workload or other organization exigencies require that the employee remain at his/her worksite. Employees have the responsibility to exercise their right judiciously and expeditiously. **Employees may be required to state the general purpose of the contact but will not be required to discuss in detail with their supervisor the reasons they wish to contact any of the above officials or offices.** (emphasis added)

So when *employees* exercise their right to visit the Guild office and use official time, they *may* be required to state the “general purpose” of the visit. When *Guild stewards* report to management about the visit they - if Mr. Carron is successful - *will* be required to report information concerning the nature of the discussion, e.g. performance evaluation for employee in the Eastern Law Division, which could identify the employee to his/her supervisor. You may not have to incriminate yourself, but Mr. Carron wants us to, in effect, snitch on you. So you be the judge: specific details or general categories?

Voluntary Leave Bank Rolls to Entire Library Staff

By Sara W. Duke

Guild members, you have outdone yourselves! The success of the four-year Guild Voluntary Leave Bank Pilot Program has led to the development of a Library-wide program. Watch for enrollment opportunities in the next two to three weeks! A new enrollment period for current members and for new members who wish to join the Voluntary Leave Bank will be underway in December and January.

To join the Voluntary Leave Bank you must fill out a form (forthcoming) and donate either 4, 6, or 8 hours of annual leave, depending on your length of Federal service. A member of the Human Resources staff will remove that deduction manually during Pay Period 1 of 2007. The Board does waive the minimum donation if you are in a negative leave situation or are already in the Voluntary Leave Transfer Program. Remember: if you joined the Guild Voluntary Leave Bank Pilot Program you must resubmit an application for the Library-wide program. Don't miss out on the opportunity to be a Voluntary Leave Bank member!

Once again, you may also donate "use or lose" leave and accrued annual leave directly through webTA. We provide instructions in this newsletter. "Use or lose" leave donated to the Bank will be deducted in 2006. Your donation of "use or lose" leave is essential for the Leave Bank Board to provide a generous allotment of leave to your colleagues undergoing a medical emergency.

Think of the Leave Bank as an insurance toward receiving a paycheck during a medical emergency for yourself or a family member, as well as a means to assist colleagues in need. In 2006 the Board awarded up to 160-hour allotments to Bank members who might have otherwise gone without pay - that's an entire month! With your assistance, by donating the minimum membership amount, and better yet "use or lose" leave, the allotments we grant will be even greater in 2007.

Watch the Voluntary Leave Bank web site in the next few weeks. For instructions on how to become a member see: <http://www.loc.gov/staff/leavebank/bank.pdf>.

There is a special bonus for Guild members who have been members at any time during the four year pilot program period. If you join the Library-wide program and were a pilot program member, then you are eligible to tap into the 800 or so hours that have accrued during the pilot program as an extra bonus.

Questions and Answers Voluntary Leave Bank Program

What is a leave bank?

A leave bank is a pooled fund of annual leave. Employees who want to join the Bank must make a minimum contribution of annual leave during an open enrollment period. This pooled leave is then available for use by members of the Bank who need

such leave as this because of a medical emergency.

Do I need to be a Guild member to join the Leave Bank?

No. Membership is available to every employee of the Library of Congress.

How may I contribute to the leave bank?

There are two ways employees may contribute: 1) fill out the membership form (forthcoming) to become a Leave Bank member by joining the Leave Bank and donating the minimum contribution and 2) donate additional annual leave that you have accrued and do not intend to use directly through webTA.

How much is the minimum contribution?

Depends on how much federal service you have performed : 4 hours (less than 3 years), 6 hours (3 or more years but less than 15), and 8 hours (15 years or more).

May part-time employees make a smaller minimum contribution?

No. Contribution is based on years of service. The allotment of hours you may receive from the Bank is the same as those for full-time employees.

May I donate my "use or lose"?

You may donate more than the required number of hours to the Bank, and in fact "use-or-lose" and other donations of annual leave are welcome. There are limits to the total amount of annual leave you may donate to the Bank. See the Voluntary Leave Bank Pilot Program Handbook, available on-line at <http://www.loc.gov/staff/leavebank>. Employees may donate accrued annual leave directly through webTA.

May I donate leave without joining the

leave bank?

Yes. You may donate at any time during the year, not just during the open enrollment period. The hours you donate may insure that someone gets a paycheck during a medical emergency. However, if you do not become a member then you may not receive leave from the Bank should you or a family member experience a medical emergency.

Why should I join the leave bank?

As "insurance" against loss of income while you or a family member experience a medical emergency. In order to receive leave from the Leave Bank during the 2007 leave year, you must join during this open enrollment period.

When may I join the leave bank?

You may join the Leave Bank during the open enrollment period, which will be announced soon. New Library of Congress employees may join within thirty days of hiring outside of the open enrollment period.

How do I join or donate leave to the bank?

To become a member of the Leave Bank fill out an application to donate leave, during either an open or individual enrollment period.

When is the minimum contribution deducted?

The minimum contribution is deducted during the first pay period of the leave year, in January 2007. New employees will have their deduction taken upon joining the Leave Bank. Part-time employees may have deductions from one or more pay periods until the minimum contribution is met.

How much leave may I receive from

the leave bank?

Leave Bank members with a medical emergency may receive at least one percent of the Bank balance thirty days after the end of the open enrollment period. This is a yearly maximum and, once exhausted, you may not be approved for additional Bank leave for the remainder of the leave year. In 2006, Leave Bank members were eligible to receive up to 160 hours of leave from the Bank to cover medical emergencies. Leave Bank members will receive an announcement about the 2007 leave year allotment by e-mail.

How do I apply to receive leave from the leave bank?

Fill out an application to receive donated leave under the Leave Bank Program, and attach a medical certificate. The medical certification must provide a brief description of the onset, beginning date, nature, severity, duration, and/or frequency of the medical emergency. This certification must provide an anticipated ending date for the medical emergency. You must provide evidence that you have exhausted your annual and sick leave, and will be in leave-without-pay status for at least twenty-four hours as a result of the medical emergency. Submit the application to the Health Services Office (LM G40). The application will then go to the Voluntary Leave Bank Board for approval. Remember, only Voluntary Leave Bank members are eligible to receive leave from the Bank!

Who is on the Leave Bank Board?

By law, a Bank Board consists of three members, at least one of whom must represent a labor organization or employee group. The Library of Congress in negotiation with bargaining unit representatives have agreed that the Voluntary Leave Bank Program board will

consist of two management officials and one employee designated by one of the four labor organizations at the Library of Congress.

What are their responsibilities?

The Board reviews all applications from Voluntary Leave Bank members who are eligible for donated leave under the Voluntary Leave Bank program and approves or denies the applications. In addition, the Board determines the amount of Bank leave to award to an approved program recipient.

Do I have to repay the bank?

No. However, unused hours will have to be returned to the Leave Bank.

How does the Voluntary Leave Bank differ from the Voluntary Leave Transfer Program?

The Voluntary Leave Bank is a pool of hours to which members contribute. Any eligible member may withdraw from the Bank to receive a paycheck during a medical emergency for which the member would otherwise be in an LWOP (Leave Without Pay) situation. The Voluntary Leave Transfer Program requires direct donations to individuals undergoing a medical emergency that would otherwise put them in an LWOP situation. The Leave Bank Board recommends membership in the Leave Bank and enrolling in the Voluntary Leave Transfer Program to maximize opportunities during medical emergencies. Both programs require certification of the Health Services Office.

(Sara Duke is a curator in the Prints and Photographs Division.)

With thanks to each and every pioneering Leave Bank Pilot Program Member!

