

Contract Language Working Group
National Council on Federal Labor-Management Relations
Sample Contract Language Articles
September 16, 2015

Note from the Contract Language Working Group: The sample contract language articles listed below are considered samples or templates for parties to use as a starting point and to save time during negotiations on these subject matters. These samples or templates are not intended to be all inclusive or comprehensive. Parties are free to add or to delete language when using these templates during negotiations.

Rights of Management

5 U.S.C. 7106:

(a) Subject to subsection (b) of this section, nothing in this chapter shall affect the authority of any management official of any agency -

(1) to determine the mission, budget, organization, number of employees, and internal security practices of the agency; and

(2) in accordance with applicable laws –

(A) to hire, assign, direct, layoff, and retain employees in the agency, or to suspend, remove, reduce in grade or pay, or take such other disciplinary action against such employees;

(B) to assign work, to make determinations with respect to contracting out, and to determine the personnel by which agency operations will be conducted;

(C) with respect to filling positions, to make selections for appointments from -

(i) among properly ranked and certified candidates for promotion; or

(ii) any other appropriate source; and

(D) to take whatever actions may be necessary to carry out the agency mission during emergencies

(b) Nothing in this section of the contract shall preclude any agency and any labor organization from negotiating –

(1) at the election of the agency, on the numbers, types, and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty, and the technology, methods, and means of performing work.

Employees' Rights

Each employee shall have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and each employee shall be protected in the exercise of such right. Except as otherwise provided by law such right includes the right -

- a) To act for a labor organization in the capacity of a representative and the right, in that capacity, to present the views of the labor organization to heads of agencies and other officials of the executive branch of the Government, the Congress, or other appropriate authorities; and
- b) To engage in collective bargaining with respect to conditions of employment through representatives chosen by employees.

Equal Employment Opportunity

The Employer and the Union agree to cooperate in providing equal opportunity in employment for all persons, to prohibit discrimination because of age, race, color, religion, sex, national origin, disability, or reprisal, and to promote the full realization of equal opportunity through a continuing affirmative employment program.

The Employer agrees to provide information on the EEO Program to all employees in their orientation packet. The Employer further agrees to furnish EEO refresher training to all bargaining unit employees no less than one time during each calendar year.