

Department of Homeland Security Labor & Employee Relations Reform

merica

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT



Message from the President

"The agencies that join the Department of Homeland Security tomorrow will retain their longstanding responsibilities. And, of course, the individuals who join the Department will retain their rights as federal workers. Each agency, with its own proud and honored tradition, will also gain a new mandate and must adopt a new mind set."



- George W. Bush

Message from the Director



"The design team has done excellent work identifying a broad range of human resource options in the areas of pay, performance, labor-management relations, discipline and appeals. This information will be invaluable as we continue the process of fulfilling our mandate to establish a world class personnel system that will best enable the Department of Homeland Security to protect America while at the same time protecting Merit System principles."

Background

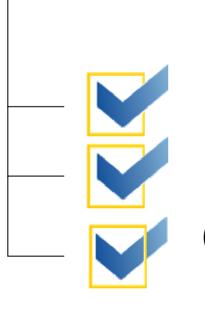
Homeland Security Act of 2002





Background

DHS/OPM HR System Design Team



Membership
Purpose
Options Development



Proposed Regulations 5 CFR 9701

Adverse Actions – Subpart F

Appeals – Subpart G

Labor - Management Relations – Subpart E



- Waivers
 - I. Suspension of 14 days or less
 - II. Removal, suspension for more than 14 days reduction in grade, furlough for 30 days or less
 - III. Administrative Law Judges
 - IV. National Security
 - V. Senior Executive Service
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Employees Covered

Initial Service Period

Actions Covered



 Single Process for Unacceptable Performance and Misconduct



- Standard for Action
 - -Proof
 - -Nexus



Mandatory Removal Offenses (MRO)
 "Direct and Substantial Impact"

- Notice
- Reply
- Decision



- Procedures
 - -Notice
 - -Reply
 - -Decision



Waivers

- MSPB
 - Consultation
 - -2 year review
 - Coverage



- Summary Judgment
- Timeframes
- Discovery
- OPM Intervention
- Standard of Proof
- Settlement Discussions



- Decision to Reverse Agency Action
- Mitigation
- Attorney Fees
- Judicial Review
- Actions Involving Discrimination
- VEAP



Mandatory Removal Offenses

- Adjudicating Official Review
- Panel Review



- Purpose
 - Designed to be flexible and contemporary enable rapid threat response
 - Provide for deference to Department's mission.

Recognize right of employees to organize and bargain collectively

- Homeland Security Labor Relations Board
 - Composition

Duties and Powers

Judicial review

Federal Labor Relations Authority



- Representation rights and duties
 - Standards of conduct for Union officials

- Meetings with employees
- Information requests



- Appropriate Unit
 - Definition

- Exclusions



- Management Rights and duty to bargain
 - Core management rights
 - Impact and implementation bargaining
 - Non-negotiable Department regulations
 - Impact on collective bargaining agreements
 - Time limits
 - Consultation
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Grievance Procedures

Appealable adverse actions

Performance ratings



Contact Information

For more information, visit us on the web at www.OPM.gov

Victoria Williams

<u>Victoria.williams@opm.gov</u>

202-606-1725

Lynn Heirakuji

Lynn.Heirakuji@dhs.gov

202-357-8239

