



United States Department of State

Bureau of Human Resources

Washington, D.C. 20522

January 20, 2012

Robert Arnold, President
NFFE Local 1998

Dear Mr. Arnold:

By this letter, the Department of State agrees that if the attached settlement agreement dated January 20, 2012 for FMCS case number 58362A between the United States Department of State, Passport Services ("Agency") and the National Federation of Federal Employees, Local 1998 ("Union") is executed, NFFE will be reimbursed \$220.40.

The Agency and the Union agree that the Union will be reimbursed by July 1, 2012 in the form of a check made out to National Federation of Federal Employees, Local 1998.

Sincerely,

A handwritten signature in black ink, appearing to read "S. J. Polson", written over a horizontal line.

Steven J. Polson
Chief Labor-Management Negotiator

January 20, 2012

FMCS Case Number: 58362A

Issue: Right to Union Representative during Performance Improvement Plan (PIP) Performance Discussion Meetings

This Settlement Agreement is entered into and between the United States Department of State, Passport Services ("Agency" or "Management") and the National Federation of Federal Employees, Local 1998 ("Union"), collectively referred to as the "Parties." The allegation made in the NFFE grievance was whether the Agency violated Article 6 Section 3c of the Collective Bargaining Agreement between the Agency and the Union when the Agency denied a bargaining unit member the ability to have a union representative present during performance discussion meetings held pursuant to a Performance Improvement Plan ("PIP").¹

The Parties do now wish to fully and finally resolve the above-referenced grievance, without the need for arbitration.

Therefore, the Parties Mutually Agree as Follows:

1. The Parties agree to the following clarification with regard to the second paragraph of Article 6 Section 3c:

Article 6 Section 3 c., second paragraph means that a Union representative will be allowed to participate in PIP performance discussions between a supervisor/manager and an employee when the employee requests a union representative, and the union has grieved the placement of the employee on a PIP (and/or how the PIP is being conducted), if the grievance addresses any performance issue.

Thus, as long as a grievance references a performance related issue for a particular employee, a union representative will be allowed to participate in any performance related meetings (including but not limited to PIP meetings), for that particular employee at the employee's request, until the underlying grievance is resolved.

2. By signing this settlement, the Union agrees to withdraw the grievance.

3. The Agency agrees that no employee, Union official, or individual involved with this case will suffer any retaliation in any manner (including disciplinary or performance based actions) for participating in the case and that the Union as an entity will suffer no retaliation.

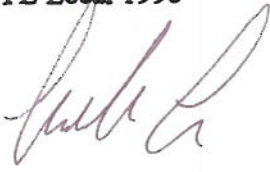
4. The Parties agree that if there are any disputes over the application or interpretation of this agreement that cannot be settled by the Parties, then either Party can submit a grievance in accordance with Article 20 of the Master Agreement.

5. Since the arbitration was postponed through no fault of either party, and since the selected arbitrator will not charge a cancellation fee, neither party is responsible for payment of any kind to the arbitrator.


For the Union:



Robert Arnold, President
NFFE Local 1998


Michelle Salisbury; S/T
NFFE Local 1998

For the Agency:



Steven J. Polson
Chief Labor-Management Negotiator