

ARTICLE 1
COVERAGE AND RECOGNITION

Section 1.01 - Recognition.

- (1) The Union is recognized as the sole and exclusive representative for all bargaining unit employees as defined in the following Sections of this Article.
- (2) As the sole and exclusive representative, the Union is entitled to act for and to negotiate agreements covering all employees in the bargaining unit. The Union is responsible for representing all employees in the bargaining unit without discrimination and without regard to Union membership.
- (3) Management agrees that in regard to the bargaining unit, it will not enter into other agreements, understandings, or contracts with any other organization, association, group of employees, or union on matters concerning the conditions of employment of the bargaining unit.
- (4) Management and the Union agree that, in regard to the bargaining unit, they will not do anything by custom or practice that will contravene or violate this Agreement. The parties recognize that changes may be made to this Agreement when required by law, Government-wide regulation, or other appropriate authority outside the Department, such as the Comptroller General.

Section 1.02 - Bargaining Unit. Bargaining unit employees include all eligible employees of the offices listed on the description of the consolidated unit which is attached as Appendix A.

- (1) The Union represents employees in a nonprofessional unit and a professional unit as described in Appendix A.
- (2) "Professional employee" is defined by Public Law 95-454 (Title VII of the Civil Service Reform Act of 1978 (5 U.S.C. 7103)). Examples of "professional" positions in the Department's professional unit are: accountants, architects, attorneys, engineers, and economists, as well as other similar fields.

Section 1.03 - Position Exclusions. The following groups of employees are excluded from the units:

- (1) Any management official or supervisor;
- (2) A confidential employee;
- (3) An employee engaged in personnel work in other than a purely clerical capacity;
- (4) Any employee primarily engaged in investigation or audit functions relating to the work of individuals employed by an agency whose duties directly affect internal security of the agency, but only if the functions are undertaken to ensure that the duties are discharged honestly and with integrity; and
- (5) Temporary employees with appointments not to exceed six (6) months or less.

Section 1.04 - Scope and Future Application. If the Union, in the future, becomes certified as exclusive representative for employees of the Department not now included with the bargaining unit, this Agreement shall extend automatically to those employees. Management and the Union agree that when a new group of employees is added to the bargaining unit, any past practices that exist with respect to those employees shall continue unless such practices contravene or violate specific provisions of this Agreement, any law, Governmentwide regulation, or other appropriate authority outside the Department. If the past practice is discontinued, the Union shall be given an opportunity to bargain in accordance with the Statute.

With regard to past practices in existence at the time of the execution of this Agreement, those practices shall be discontinued if such practices contravene or violate specific provisions of this Agreement, any law, Governmentwide regulation, or other appropriate authority outside the Department. If any past practice is discontinued, the Union shall be given an opportunity to bargain in accordance with the Statute.

Section 1.05 - Exclusions from the Unit. If Management makes the decision to exclude any position from the existing bargaining unit as it stands on the effective date of this Agreement, before Management takes the action, the Local Union representative shall first be notified. Upon receipt of the notice, the Local Union representative may meet with Management within five (5) working days to attempt to resolve the matter. If the matter is not resolved, either party may follow the applicable Federal Labor Relations Authority (FLRA) procedures.