




**UNITED STATES DEPARTMENT OF COMMERCE**  
**International Trade Administration**

Washington, D.C. 20230

DIRECTOR GENERAL OF THE U.S. AND  
FOREIGN COMMERCIAL SERVICE

**DATE:** December 4, 1996

**FROM:** Lauri Fitz-Pegado   
Assistant Secretary and Director General

**TO:** Elizabeth W. Stroud  
Director for Human Resources  
Management

**SUBJECT:** Transmittal of Collective Bargaining Agreement  
for Agency Head Review

The Collective Bargaining Agreement between the U.S. and Foreign Commercial Service (US&FCS) and the American Foreign Service Association (AFSA) was approved and signed on the afternoon of December 3, 1996, by F. Allen Harris, President of AFSA and me. We were supported by our respective negotiating teams and had a photographer to recording the official signing.

The Agreement is hereby forwarded to your office for agency head review. If you have any technical questions on the agreement please refer them to my senior advisor (Scott Bozek) on 482-2393.

**cc:** Scott Bozek, Senior Advisor DG/HRD  
Kathleen Taylor, OGC  
Deanna Shepherd, PTO



**GROUND RULES AGREEMENT  
BETWEEN THE AMERICAN FOREIGN SERVICE ASSOCIATION  
AND THE U.S. & FOREIGN COMMERCIAL SERVICE**

This agreement is entered into by and between the U.S. & Foreign Commercial Service, Department of Commerce (US & FCS) and the American Foreign Service Association bargaining unit within US & FCS (AFSA). The purpose of the agreement is to establish basic ground rules for negotiations between US & FCS and AFSA (the parties) regarding: re-negotiation of the collective bargaining agreement, proposed changes to conditions of employment, procedures which management will observe in exercising their authority, appropriate arrangements for employees adversely affected by management's actions, and mid-term bargaining.

**Section 1: Preamble**

In the interest of sound labor-management relations, the parties agree to conduct negotiations as expeditiously as *practicable* and to bargain in good faith to reach agreement.

**Section 2: Negotiating Teams**

A. The negotiation team for each of the parties shall consist of up to 6 individuals, including non-employees of US & FCS who may be present at any negotiating session. The parties, at their discretion, may change the individuals present during the negotiation of any group of articles.

B. Technical experts may, at the mutual consent of the parties, be present at negotiations to provide briefings to the parties on issues related to the specific topic being negotiated. Such experts will not be counted as members of either party's bargaining team.

C. Each party will provide the other with a list of its negotiating team not later than ten work days prior to the date negotiations are to start.

D.. US&FCS recognizes that effective and efficient negotiations may require a substantial commitment of time on the part of both parties. US&FCS will adjust the workload of employees serving on the parties negotiating teams while the parties are actively engaged in the negotiation process. Such adjustments will be made proportional to the amount of time spent in negotiations and to the amount of official time spent in preparation for negotiations, unless doing so will significantly interfere with the completion of US&FCS's critical day-to-day operations or the performance of its overall mission.

## **Section 5: Negotiations**

A. Negotiations shall begin within 15 work days after the exchange of counter-proposals unless the parties agree otherwise.

B. Negotiations normally shall be conducted at least two days a week, every week until negotiations are concluded. The parties will meet each day of scheduled negotiations from 9:30 AM to 3:30 PM unless the parties mutually agree to extend or shorten the period of negotiations. The parties may mutually agree to cancel negotiations on a specific day.

C. During negotiations, either bargaining team may call caucuses. Caucuses will be limited to 30 minutes unless a longer period is mutually agreed upon by both parties.

D. When the parties reach a preliminary agreement on an article or a mutually agreed upon group of articles, section(s) thereof, that issue, article, group, or section shall be initialed by the chief negotiators. Nothing in this sub-section shall preclude the reopening of any article or section when the negotiation of a subsequent article or section would create a conflict within the collective bargaining agreement or upon mutual consent of the parties.

E. Each team may take its own notes. No transcribing or recording of the proceedings will occur.

## **Section 6: Negotiations Facilities**

A. Negotiations will be held in space provided by US&FCS at the Department of Commerce or any other mutually agreed upon location. Caucus space will be provided for each party at the same location.

B. Reasonable use of US&FCS facilities to complete tasks related to the negotiations while on official time may be made by the AFSA negotiation team members at their work site.



## Section 7: Dispute Resolution

A. Mediation and impasse shall be handled according to the appropriate statute, rule, or regulations.

### B. Negotiability Disputes

1. The parties agree that they will not pursue the decisional involvement of Foreign Service Labor Relations Board (FSLRB) in any negotiability dispute between them over contract proposals or counter-proposals until they have attempted to settle the matters voluntarily up to and including the use of mutually acceptable alternative dispute resolution (ADR) techniques. If the parties cannot agree on the ADR techniques to be used, they will jointly request the assistance of the Collaboration and Alternative Dispute Resolution Program (CADR). If ADR does not resolve all the questions of negotiability, any remaining negotiability issues may be formalized and sent to the FSLRB in accordance with its rules and regulations.

2. If any portion of the negotiated agreement is disapproved upon agency head review or otherwise unresolved due to a negotiability dispute, the remaining agreed upon articles *may* be executed and implemented, except to the extent that they are dependent on the disputed portions for their implementations.

### C. Ground Rules Disputes

1. The parties agree to cooperate in the expeditious resolution of any dispute arising over these ground rules so that the bargaining process is not unduly delayed.

2. The parties agree that the first step in the dispute resolution process should be mediation. If the parties cannot mutually agree on a mediator, a mediator will be requested from CADR.

3. If mediation does not resolve the dispute, the parties will request a panel of arbitrators from the Federal Mediation and Conciliation Service. The parties shall select an arbitrator from the panel by mutual agreement or by alternatively striking after a coin toss. The winner of the coin toss will strike last. If the selected arbitrator is unavailable, another arbitrator will be selected from the panel or a new panel requested.

4. The parties agree that they will request that the arbitrator issue a decision within one calendar week of the hearing in dispute.

5. US&FCS and AFSA will each pay half of the arbitrator's fees and expenses. AFSA will pay its own attorney's fees.

6. The party requesting a transcript will pay for it unless both parties receive copies in which case the cost will be split.

**Section 8: Ratification of Negotiated Changes**

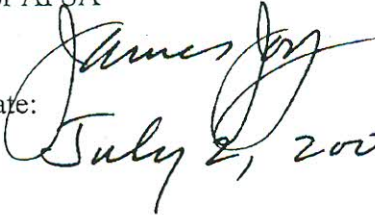
A. AFSA reserves the right to ratify any agreement regarding negotiated changes between the parties, and will have obtained such ratification of the final agreement in a timely manner after completion of the Agency head review.

B. Upon completion of Agency Head review, US&&FCS will provide to AFSA clean copies of the agreed upon items for ratification.


**Section 9: Duration and Coverage of Ground Rules**

Where there is conflict between the Ground Rules Agreement (GRA) and the Collective Bargaining Agreement (CBA), the CBA governs. Once executed, this ground rules agreement will remain in full force and effect, and absent the objection of one party, will be utilized in negotiations for the period of one year from the signing. If such objection exists, both parties agree to conduct negotiations in good faith without the ground rules.

For AFSA

  
Date: July 2, 2001

For US&FCS

  
Date: JULY 12, 2001