

ENRD Union FAQs (quick read version)

1. Can lawyers at DOJ unionize?

Yes, attorneys within ENRD have a statutory right to unionize. This is true regardless of what section they are in.

2. What can we bargain over?

We can bargain over conditions of employment, although not issues (like our pay and health benefits) set by statute. 5 U.S.C. § 7102(2). For instance, we can bargain over telework policies, flexible scheduling, and remote work policies. Moreover, while DOJ employees' base salary is set by law, other financial benefits, such as performance awards, bar dues, student loan repayment programs, and transit reimbursements are subject to bargaining.

3. Can a collective bargaining agreement really create workplace policies that differ from those suggested by the President or OPM, or mandated by DOJ policy? (e.g., can we really get a different telework plan?)

Yes. With some exceptions, a collective bargaining agreement does not supersede statutes or regulations. But collective bargaining agreements supersede agency and OPM policies and executive orders. See 5 U.S.C. § 7117(a). Thus, DOJ's new 6-day-per-pay-period policy would not constrain our ability to bargain over telework, including achieving an agreement that requires fewer in-office days than DOJ's current policy mandates.

4. How could a union help protect us from Schedule F, or other priorities of an administration that is hostile to federal workers?

A union could help in the event of major personnel or civil service changes in a few ways. The first is by lobbying Congress on this issue on our behalf. More information on NTEU's legislative and policy efforts around schedule F are available [here](#). Second, depending on the details of what the administration attempts to implement, the union may be able to help us contest its implementation at DOJ. The union would at a minimum be a resource for us in determining what our rights are and in providing information about its implementation that we may otherwise lack--and may be able to file a protest on our behalf if necessary. And finally, in the event a new administration were to attempt to erode protections for DOJ employees, NTEU could file a lawsuit on behalf of its members. For instance, when the last administration issued its EO on Schedule F, NTEU promptly filed a [lawsuit](#).

5. How much are union dues?

Union dues are determined as a percentage of your income, and therefore would depend on your grade and step. But we expect dues for a GS-15 employee to be around \$25 per pay period (about \$650/year).

6. Could I be penalized, punished, or fired for unionizing or participating in union activities?

No! Federal law protects the rights of federal employees to organize and bargain. And while retaliation is uncommon in the federal sector, in the unlikely event that management seeks to retaliate or otherwise penalize an employee, our union dedicates resources to handling allegations of retaliation and representing employees who believe they have been the subject of retaliation, including, as necessary, by bringing claims in the appropriate forum (the Federal Labor Relations Authority, if the retaliation occurs prior to the certification of the union, or in arbitration, if there is an existing contract).

7. What leverage would ENRD employees actually have in reaching a collective bargaining agreement with management? If no agreement is reached, would I be asked to strike?

Federal employees are prohibited from striking. 5 U.S.C. § 7311(4); *see also* 5 U.S.C. § 7103(a)(2). Our leverage comes from the fact that management is statutorily required to engage in good faith bargaining, 5 U.S.C. § 7117(a)(1), and, if there's still an impasse, the dispute is submitted to an independent and impartial body, the [Federal Service Impasses Panel](#), for resolution. Although we aspire and expect to reach a voluntary agreement with management, the Panel may take whatever action it deems necessary to resolve the dispute, including the imposition of contract terms—which is not appealable.

8. How long will it take to get a union organized and a contract negotiated?

The timeline of this organizing effort depends on us. A majority of ENRD attorneys will need to sign [Form 1187](#)s before NTEU will file an election petition with the Federal Labor Relations Authority. We aspire to have an election by October 2024. If a union is certified, NTEU would seek to put in place an interim agreement while it negotiates a full-term contract. How long it takes to negotiate a full-term collective bargaining agreement will depend on a variety of factors, but we expect to have a full contract in 12-18 months.

9. Could the union negotiate for compensation if I work more than 40 hours per week?

As with other areas of bargaining, the proposals we make at the bargaining table will be driven by our needs and goals. Our primary goal is to ensure that employees are recognized for their contributions to ENRD's mission. We could choose to pursue some or all of these options at the bargaining table: (1) clarifying and standardizing the availability of premium pay (i.e., overtime); (2) clarifying and standardizing compensatory time off in lieu of overtime; (3) establishing a credit hours system; and (4) establishing maxi-flex or other flexible schedules that allow attorneys to manage their own time within a pay period. There are pros and cons to each approach, and union members will have the final say over what we ask for during bargaining.