

§ 4112. Employees represented

The employees of the Department shall constitute a single and separate worldwide bargaining unit, from which there shall be excluded—

- (1) employees engaged in personnel work in other than a purely clerical capacity; and
- (2) employees engaged in criminal or national security investigations or who audit the work of individuals to insure that their functions are discharged honestly and with integrity.

(Pub. L. 96-465, title I, § 1012, Oct. 17, 1980, 94 Stat. 2135.)

§ 4113. Representation rights and duties**(a) Negotiation of collective bargaining agreements; nondiscriminatory representation**

A labor organization which has been accorded exclusive recognition is the exclusive representative of, and is entitled to act for, and negotiate collective bargaining agreements covering, all employees in the unit described in section 4112 of this title. An exclusive representative is responsible for representing the interests of all employees in that unit without discrimination and without regard to labor organization membership.

(b) Places of representation

(1) An exclusive representative shall be given the opportunity to be represented at—

- (A) any formal discussion between one or more representatives of the Department and one or more employees in the unit (or their representatives), concerning any grievance (as defined in section 4131 of this title) or any personnel policy or practice or other general condition of employment; and
- (B) any examination of an employee by a Department representative in connection with an investigation if—
 - (i) the employee reasonably believes that the examination may result in disciplinary action against the employee, and
 - (ii) the employee requests such representation.

(2) The Department shall annually inform employees of their rights under paragraph (1)(B).

(3) The Department shall annually inform employees of their rights under paragraph (1)(B).

(4) The Department shall annually inform employees of their rights under paragraph (1)(B).

(c) Duty to bargain in good faith; determination of techniques assisting negotiation

The Department and the exclusive representative, through appropriate representatives, shall meet and negotiate in good faith for the purposes of arriving at a collective bargaining agreement. In addition, the Department and the exclusive representative may determine appropriate techniques, consistent with the provisions of section 4110 of this title, to assist in any negotiation.

(d) Applicability to other employee rights or remedies

The rights of an exclusive representative under this section shall not preclude an employee from—

- (1) being represented by an attorney or other representative of the employee's own choosing, other than the exclusive representative,

in any grievance proceeding under subchapter XI; or

- (2) exercising grievance or appeal rights established by law, rule, or regulation.

(e) Obligations included in good faith bargaining

The duty of the Department and the exclusive representative to negotiate in good faith shall include the obligation—

- (1) to approach the negotiations with a sincere resolve to reach a collective bargaining agreement;
- (2) to be represented at the negotiations by duly authorized representatives prepared to discuss and negotiate on any condition of employment;
- (3) to meet at reasonable times and convenient places as frequently as may be necessary and to avoid unnecessary delays;

(4) for the Department to furnish to the exclusive representative, or its authorized representative, upon request and to the extent not prohibited by law, data—

- (A) which is normally maintained by the Department in the regular course of business;
- (B) which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining; and
- (C) which does not constitute guidance, advice, counsel, or training provided for management officials or confidential employees, relating to collective bargaining;

(5) to negotiate jointly with respect to conditions of employment applicable to employees in more than one of the agencies authorized to utilize the Foreign Service personnel system, as determined by the heads of such agencies; and

(6) if agreement is reached, to execute, upon the request of any party to the negotiation, a written document embodying the agreed terms, and to take the steps necessary to implement the agreement.

(7) if agreement is reached, to execute, upon the request of any party to the negotiation, a written document embodying the agreed terms, and to take the steps necessary to implement the agreement.

(8) if agreement is reached, to execute, upon the request of any party to the negotiation, a written document embodying the agreed terms, and to take the steps necessary to implement the agreement.

(9) if agreement is reached, to execute, upon the request of any party to the negotiation, a written document embodying the agreed terms, and to take the steps necessary to implement the agreement.

(f) Approval of agreement by Secretary; effective date; binding effect

(1) An agreement between the Department and the exclusive representative shall be subject to approval by the Secretary.

(2) The Secretary shall approve the agreement within 30 days after the date of the agreement unless the Secretary finds in writing that the agreement is contrary to applicable law, rule, or regulation.

(3) Unless the Secretary disapproves the agreement by making a finding under paragraph (2), the agreement shall take effect after 30 days from its execution and shall be binding on the Department and the exclusive representative subject to all applicable laws, orders, and regulations.

(g) Consultation by Department with exclusive representative

The Department shall consult with the exclusive representative with respect to Government-wide or multiagency matters affecting the rights, benefits, or obligations of individuals employed in agencies not authorized to utilize the Foreign Service personnel system. The ex-