

ARTICLE 1 Recognition and Unit Designation

Section 1. Exclusive Representative

- A. Engineers and Scientists of California, Local 20 (the "Union" or "ESC") is the exclusive representative of all employees in the bargaining unit as defined in Section 2 of this Article. Pursuant to 5 U.S.C. Section 7114(a) (1), "[the Union] is responsible for representing the interests of all employees in the unit it represents without discrimination and without regard to labor organization membership."
- B. For all matters in which the Union is represented under this Agreement and under the Federal Labor Statute, the Agency is only obligated to deal with one Union representative as a **point of contact** for each matter. Within 15 days after the effective date of this Agreement, the Union will provide the Agency with a list of designed Union representatives, their contact information and the types of matter(s) for which they will serve as a Union representative. The Union may amend its list by providing written notice to the Agency, but only the **EPA Unit President** or designee for that specific purpose will be allowed to make such modifications. If a Union official claims to be a Union representative for a particular matter but is not on the list for that matter, the Agency will notify the **EPA Unit President**, but the Agency will have no duty under this Agreement or the Statute to recognize any individual as a Union representative who is not on the list.
- C. Nothing in this section will preclude an **ESC** employee from representing the Union or an employee.

Section 2. Definition of the Unit

The Union is the exclusive representative of employees in the units certified by the Department of Labor (DOL) Case No. 70-6025 (RO), 1978, which is composed of all permanent, professional employees of the Environmental Protection Agency, Region 9.

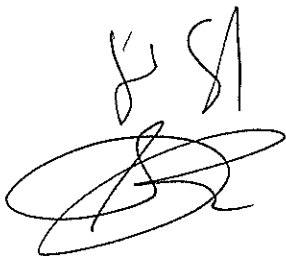
- A. Exclusions: The following are excluded from the Union's units of exclusive recognition:
 - 1. Management officials and supervisors;
 - 2. Confidential employees, as defined in 5 U.S.C. Section 7103;
 - 3. Employees engaged in personnel work in other than a purely clerical capacity;
 - 4. Employees engaged in administering the Federal Service Labor Management Relations Statute;
 - 5. Employees engaged in intelligence, counterintelligence, investigative or security work which directly affects national security;

6. Employees primarily engaged in investigation or audit functions relating to the work of individuals, employed by the Agency whose duties directly affect the internal security of the Agency, but only if the functions are undertaken to ensure that the duties are discharged honestly and with integrity;
7. Employees of the Office of the Inspector General;
8. Experts and consultants appointed under 5 CFR 304.101;
9. Intermittent employees;
10. Employees hired under the summer employment program and employees under student appointments;
11. Employees appointed under fellowship programs;
12. Commissioned officers of the United States Public Health Service;
13. Employees on temporary appointments of 90 days or less;
14. Other employees excluded by the Statute; and
15. Employees in positions that have been excluded under certifications and clarifications issued by the FLRA.

B. Nothing in this section is meant to exclude any employee from the bargaining unit who is not excluded by statute.

Section 3. Other Units

If the Union becomes certified as the exclusive collective bargaining representative for any employees or bargaining unit not currently covered by this Agreement, this Agreement shall extend automatically to all employees covered by that certification on the **ninetieth (90th)** day following the certification of such unit **unless the Agency exercises its bargaining rights**. The dues withholding provision shall be applicable **when the agreement goes into effect**.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a large, circular flourish.

11/6/19

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