

From: [Sherry, Brian \(CFPB\)](#)
To: [Hardy, Jasmine \(CFPB\)](#); [Wilson, Doug \(CFPB\)](#); [CFPB_NTEU335](#)
Cc: [Thomas, Tyshawn \(CFPB\)](#); [Samburg, Mark \(CFPB\)\(he/him\)](#); [Keye, Meshach \(CFPB\)](#); [Ziegler, Allison \(CFPB\)](#)
Subject: Tiebreaker Process Update
Date: Tuesday, March 21, 2023 4:54:39 PM
Importance: High

Note: Please disregard prior recalled message, which was unfinished.

Dear NTEU partners-

As I stated yesterday, the Bureau will be utilizing additional management employees to streamline the ability of the tiebreaker (The Deputy CHCO) to make decisions on the outstanding JCC records which are in tiebreaker status so that these decisions can be made in the limited time available in order to meet the parties' mutual goal of a PP 13 implementation. At this time, there are 427 employee forms which require a decision, many of which contain multiple issues to be decided by the tiebreaker. To date, our understanding is that the Union's priority is a PP 13 implementation of the pay reset, and the Bureau has publicly committed to this target implementation date as well.

To be clear, it is simply not possible for a single individual to complete this unforeseen volume of work, without any assistance, in the limited time we have. Requiring the CHCO designee to work completely independently, without any assistance or input, would require, at a minimum, several months of continuous work and would render a PP 13 implementation impossible.

CFPB's position is that these procedures do not conflict with our obligations under the 2020 Compensation Agreement, and are in fact are necessary to achieve our mutual goal of a PP 13 implementation under the 2022 Compensation Reform agreement. In addition, CFPB considers these an assignment of work to non-bargaining unit employees, to assist the tiebreaker decision maker in achieving a timely resolution of this large caseload. I would like to emphasize that: a) CFPB is in no way further delegating the tiebreaker decision maker's authority or decisions; and b) the Union retains the right to appeal to expedited arbitration any decision they disagree with

Here is the factual information about what we are doing:

- The additional management employees identified in my March 14 email are: Patty Guzman Evans, Felicia Royster, Cordelia Holmes, Dustin Harfmann, Lindsay Bacon, and Mark Samburg. These individuals have been instructed to review all of the training materials provided to JCC reviewers, and we do not intend to provide them with additional training.
- These employees will conduct initial reviews of the initial crediting from the Comp Team, crediting recommendations from the JCC, the employee's experience information, and the employee's position description. They will provide a recommended resolution, along with recommended reason(s) for that recommended resolution to Vicki. A recommended resolution and recommended reasons for any given tiebreaker will be provided by a single employee. Vicki will review the initial crediting from the Comp Team, crediting recommendations from the JCC, the employee's experience information, the employee's

position description, the recommended resolution, and the recommended reason(s) for the recommended resolution.

- Vickki will independently reach a final determination on crediting for each individual tiebreaker. Based on her review and consideration, she may choose to agree with the recommended resolution or may reach a different crediting decision. Consistent with the 2020 agreement, Vickki will provide reason(s) for her decision, which may or may not include all or part of the recommended reason(s) provided by these employees. All final tiebreaker decisions will be rendered simultaneously, in part to ensure consistency across Vickki's decisions.

Thanks,

Brian Sherry
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