Scientific Integrity Agency
03-6-2023

Scientific Integrity

Section I. Purpose

A. As a scientific and public health Agency, the primary goal of this Article is to empower Agency management and staff to prevent interference in scientific work. A culture of scientific integrity supports the use of the sound science in Agency decision making. Timely enforcement of this Article in conjunction with the Agency's Scientific Integrity Policy will be effective in promoting sound science, good for morale, help with recruitment and retention and protect staff while accomplishing the mission of the Agency. ~~The Scientific Integrity Policy and this Master Collective Bargaining Agreement (MCBA) prohibits managers and other Agency leadership from intimidating or coercing employees to alter their scientific findings or professional opinions; and prohibits all employees, including scientists, managers, and other Agency leadership, from suppressing, altering, or otherwise impeding the timely release of scientific findings or conclusions. This MCBA gives management and staff the means to enforce those protections.~~

B. This Article covers any ~~Agency~~ employee who collects, generates, uses, or evaluates scientific data, analyses, or products.

~~Section II. Definitions can be found in the recent OSCP Scientific Integrity Report and Framework:~~

~~A. *Interference:* Unwanted or unnecessary inappropriate interference in Agency scientific work by an external or internal management person or group; the distortion, suppression or avoidance of scientific outcomes or results to meet preferred policy objectives; sidelining, marginalizing, excluding employees to meet preferred policy objectives; failure to include employees and scientific work in Agency science-based policymaking.~~

~~B. *Scientific Integrity:* is the condition resulting from the Agency's adherence to professional values and practices when conducting, reporting, and applying the results of scientific activities that ensures objectivity, clarity, and reproducibility, and that provides insulation from bias, fabrication, falsification, plagiarism, inappropriate influence, political interference, censorship, and inadequate procedural and information security, or any other undue influence causing an employee to alter a scientific recommendation or finding.~~

~~*Scientific Misconduct:* a manipulation or distortion of the proper scientific process that informs policy; misconduct can include allegations of mismanagement, abuse of authority, falsification or censorship that compromises the Agency's scientific record; political interference by the Agency's senior leadership can be a form of scientific misconduct.~~

~~C. *Scientific Products:*~~

Commented [CR1]: Agency:

This agreement cannot direct management It is exclusively a non-negotiable management right We have to approach it from the other direction to ensure its legality, i e , employee protections

Commented [CR2]: Agency: the term "employee" needs to be defined and limited to BUEs Extending this to other BUEs or non-BUEs is contrary to law We suggest addressing this in the Definitions article for clarity

Commented [CR3]: Agency: We consider introducing definitions from the agency policy Otherwise, it will be very confusing

Commented [BJ4R3]: EPA: union wants framework definitions

Commented [OPM5]: AFGE
This is the Union proposed definition until the Office of Science and Technology Policy releases the updated definition

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Union to consider adding a definition for Scientific Products

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D. ~~*Grievance*: the appeal process for scientific misconduct identified by employees defined in the Negotiated Grievance Procedure Article of this MCBA.~~

Commented [BJ7]: EPA: Covered by already agreed-to grievance procedure

Section III. Joint Union-Management Scientific Integrity Advisory Board

A. The Agency will form a joint Union-Management Scientific Integrity Union Management Advisory Board ("SIUM-A~~dvisory~~ B~~oard~~") as a subcommittee to the National Labor Forum to review, evaluate and make recommendations for bolstering a culture of Scientific Integrity, including but not limited to training programs to address areas of concerns (e.g., consideration of problems identified in grievances), surveys and work studies, and implementation issues. ~~Up to ten (10) AFGE Union representatives, but no less than an equal number of management representatives shall serve as participating members of the SI Advisory Board. In addition, the SI Advisory Board will take special care to prevent the Office of Public Affairs and the Office of General Counsel from taking a leading role in policy making when a scientific matter is in dispute.~~

Commented [CR8]: Agency: unions should work it out among themselves since they will all be part of this We can't just have one agreement on this

Commented [BJ9R8]: EPA: AFGE would rather drop reference to NLF and have other unions adopt Article we come up with here

B. The Parties agree to comply with this Article, as well as ~~the~~ applicable ethics laws, regulations, Agency guidance and ~~guidelines~~ Agency policies that govern Executive Branch employees' conduct~~, and any other relevant Agency guidance~~. In instances where the SI Policy and this Article conflict, this Article will be followed~~, except for those procedures for responding to and processing allegations of compromised scientific integrity, where the procedures outlined in this Article take precedence~~.

C. ~~To the extent any discussion of the SI Advisory Board involves individuals who are preparing to file or have filed formal complaints, claims or grievances, for purposes of discussion the individuals will remain anonymous, and circumstances will remain confidential to the Parties to dispel fears of retribution~~.

D. The recommendation(s) of the SI Advisory Board will be submitted to the ~~Assistant Administrator~~Chief Scientist or their designee, of the Office of ~~Mission Support~~Research and Development, or its successor should the Agency change its organizational structure~~, who will ensure the grievance process is applied fairly and consistently in addressing supervisory scientific misconduct~~.

Commented [CR10]: Agency:

Covered by the Grievance Article

E. ~~The parties to this Agreement understand that the SI Advisory Board is~~ The Union retains the right to ~~not the forum for the~~ negotiat~~ions~~ ~~of any~~ negotiable ~~-~~proposed changes to Scientific Integrity Policy, laws or regulations.

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F. The SI Advisory Board will meet at least quarterly.

~~1. The parties agree to conduct joint national training on scientific principles and the Negotiated Grievance Procedures in this MCBA and its relationship to this Article at least annually.~~

~~2. The SI Advisory Board shall periodically, but no less than annually review the effectiveness of the training in promoting and supporting a culture of scientific~~

~~integrity, preventing political interference in scientific work at the Agency, and holding supervisors accountable for scientific misconduct.~~

~~Section IV. Employee Right to Grieve Scientific Misconduct~~

~~A. In addition to employee rights set forth elsewhere in this MCBA (e.g., Employee Rights Article), employees have the right to:~~

~~1. speak freely about their scientific work;~~
~~2. attend conferences on duty time;~~
~~3. submit manuscripts for publication;~~
~~4. conduct scientific work without fear of reprisal, intimidation, coercion, discrimination, or harassment;~~
~~5. speak freely about a hostile work environment created by interference in scientific work; and~~
~~6. ensure that their scientific products are released to the public in a timely manner.~~

~~B. The Agency shall inform employees of their right to Union representation when an employee identifies scientific misconduct to their supervisor.~~

~~C. An employee shall be deemed to have exercised their option under this Article when they timely initiate a formal complaint or claim under the applicable statutory procedure or file a timely grievance in writing under the Negotiated Grievance Procedure in this MCBA, whichever occurs first.~~

~~D. Individuals found guilty of scientific misconduct are subject to penalties up to and including dismissal. Examples of scientific misconduct include but are not limited to deliberately making known false, malicious, or unfounded statements against employees, misrepresentation, falsification, exaggeration, concealment or withholding of material facts, using inaccurate or outdated data, and interfering with an employee's laboratory or analysis equipment.~~

~~E. Examples of scientific misconduct for which grievances can be filed pursuant to this Article include but are not limited to the following, are:~~

~~1. pressure to alter any of their scientific work;~~
~~2. interference in the timely release of a scientific product;~~
~~3. manipulation or distortion of the proper scientific process that informs policy;~~
~~4. mismanagement, abuse of authority, falsification or censorship that compromises the Agency's scientific record;~~
~~5. political interference; and~~
~~6. coercion, harassment, discrimination, intimidation, retaliation or reprisal for identifying, speaking or writing about, or filing a complaint, claim or grievance about a scientific integrity violation(s).~~

~~F. On an annual basis, the Agency will provide to the Union a report of scientific~~

Commented [CR11]: Agency:

The Board needs to decide what it will do We cannot agree to this without the other unions

Commented [CR12]: Agency:This is all covered by the grievance process The OIG reviews allegations of scientific misconduct, which can then be considered by management Scientific integrity issues not involving misconduct are addressed by the scientific integrity official, with assistance from the Committee, if needed

Commented [BJ13R12]: EPA: language in Employee Rights about this too

Commented [OPM14]: AFGE
Agency contends there is a review process…employees free to speak freely within work unit, but not free to go to press and speak on behalf of Agency with Agency approval If the work is done on duty time, the work product is the property of the Agency

Commented [OPM15]: AFGE
Agency concerned with use of this term

~~misconduct allegations and the outcomes including but not limited to penalties assessed in each case. At least annually, the Agency will post such reports on a public-facing website.~~

~~G. The Parties recognize that public acknowledgement of serious violations of scientific integrity at the Agency, including naming managers and detailing the nature of the issues of concern, will serve to improve the culture of scientific integrity at the Agency.~~

Commented [OPM16]: AFGE
Union states this is for internal discussions

Section V. Reporting Violations of the Agency's Scientific ~~Misconduct~~Integrity Policy

A. When an employee becomes aware of or witnesses what they suspect to be a violation of the Agency's Scientific Integrity Policy~~scientific misconduct~~, ~~that~~ the employee may report the incident to the appropriate EPA official or legal forum.~~:~~
   ~~1. report the incident to the Agency's Scientific Integrity Officer;~~
   ~~2. report the incident to the Agency's Ethics Official (Agency Official);~~
   ~~3. file a grievance under the Negotiated Grievance Procedures Article of this MCBA;~~
   ~~4. file a complaint with the Inspector General;~~
   ~~5. file a claim with the Office of Special Counsel; and/or~~
   ~~6.~~1.~~contact the Union for representation.~~

~~B. The Agency Official will provide the employee with written acknowledgement for actions filed under A 1, 2 and/or 3 above and will immediately initiate an investigation.~~

~~C. The investigation for reports, complaints and/or claims filed under A 1 and 2 above will take no more than 30 calendar days and may include interviews, document research, etc. Grievances filed under the Negotiated Grievance Procedures Article of this MCBA will follow the timeframes identified in that Article.~~

~~D. The Agency Official will generate an investigative report with a recommended decision. This report will be submitted to the Agency Decision Maker, normally the Deputy Administrator.~~

~~E. The Decision Maker will render a written decision within 10 calendar days of receipt of the investigative report. A copy of this decision will be provided to the reporting employee and the AFGE Council 238 President.~~

Section VI. ~~Right of Approval of~~ Review of Scientific Content ~~in Press Releases~~ in Publicly Disseminated Documents

Employees may bring to the attention of their supervisor, a deputy SI Official, the SI Official, or the Chief Scientist concerns about the scientific content of any proposed agency document intended for public dissemination that significantly relies on their research, identifies them as an author, or represents their scientific opinion. ~~An employee whose research is contained in an Agency press release shall have the "right of approval" of scientific content of such press release. No press release will be issued unless it has the concurrence of the employee(s) involved. The failure to obtain employee(s) concurrence is grievable under the Negotiated Grievance~~

~~Procedures Article of this MCBA.~~

Section VII. Public and Press Communication

A. ~~To facilitate the free flow of scientific and technological information; employee(s) may openly discuss their work at conferences, meetings and with the press, provided that the employee(s) makes clear they are speaking on their own opinion and not representing the Agency~~.

~~B. The statement regarding an Employee(s) speaking on their own, not for the Agency is as follows "I, NAME, am here to represent my own personal opinions nothing I say should be interpreted to be the position of the U.S. Environmental Protection Agency."~~

~~C. The Agency will proactively work to support the timely public release of accurate scientific information, and fully and timely cooperate with the Union regarding violations of scientific integrity.~~

Section VIII. Transparency and Information Sharing

~~A. The Agency shall provide a public-facing website dedicated to manager accountability for Scientific Misconduct.~~ The Agency shall make this Article available for public viewing on this website.

~~B. The Joint Union-Management Scientific Integrity Advisory Board identified above shall ensure that the public-facing website is up to date by reviewing the content weekly.~~

~~C.~~A. ~~Every year, t~~The Advisory Board may contribute content to the Agency's Scientific Integrity Annual Report~~will publish on the public-facing website a report of the data related to Scientific Integrity Misconduct and the effectiveness of the training published~~.

Section IX. Protection Assurance

~~A.~~ Employees are covered by the protection of Section 110 of the 2012 Whistleblower Protection Enhancement Act ~~clarifies that whistleblower protections may be available for employees or applicants for employment who disclose information that they reasonably believe is evidence of censorship related to research, analysis, or technical information. The term "censorship related to research, analysis, or technical information" is defined to mean any effort to distort, misrepresent, or suppress research, analysis or technical information.~~

~~B.~~A. To assure the protection of Agency employees:

1. Employees may disclose in accordance with the Agency SI Policy ~~managers and other Agency leadership are prohibited from~~ alleged violations of the scientific integrity policy by any EPA employee~~intimidating or coercing employee(s) to alter scientific data, findings, or professional opinions or inappropriately~~

Commented [OPM17]: AFGE
Union open to merging Section VI and VII

Commented [OPM18]: AFGE
Agency concerned, fi you attend or speak for yourself on Agency dime?

Commented [CR19]: Agency:

Suggestion possibly:

A When an employee attends an event or meeting in their role as an Agency employee, they should work collaboratively with their chain of command to ensure they are representing the Agency's position

B When employees attend an event in their personal capacity, they are encouraged to consult an ethics official so they fully understand what the relevant ethics rules permit Subject to the limitations of federal ethics rules, in order to facilitate the free flow of scientific and technological information, employee(s) may openly discuss their work at conferences, meetings and with the press, provided that the employee(s) makes clear they are speaking in their personal capacity

C.When employees are speaking in their personal capacity, they must state as follows "I, [NAME], am here to represent my own personal opinions nothing I say should be interpreted to be the position of the U.S. Environmental Protection Agency."

But checking with Ethics

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Commented [SA20]: Agency: Applicants are not BUEs

Commented [CR21]: Agency: Union language omits requirements of act that require "is or will cause" violation of rule/law/reg, gross mismanagement, etc

Commented [BJ22R21]:

Commented [OPM23]: AFGE
Need discussion on scope of authority for the IG with regard to these issues

Commented [CR24]: Union:

Suggests this addition, but wants to still consider further

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~~influencing scientific advisory boards~~ without fear of retribution, reprisal, or retaliation.

~~1.~~

2. ~~Agency management shall not knowingly misrepresent, exaggerate, or downplay areas of scientific uncertainty associated with policy decisions.~~

~~C.~~B. ~~The Parties agree that education on employee rights will be supported and enhanced by the training activities conducted by the Joint Union-Management Scientific Integrity Advisory Board.~~

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Commented [CR25]: We have an employee rights article