

MEMORANDUM OF UNDERSTANDING

Between

National Archives and Records Administration

And

American Federation of Government Employees Council 260

Background

NARA hires staff to work in the National Declassification Center (“NDC”). NDC employees who perform security work that directly affects national security are excluded from the bargaining unit in accordance with 5 USC § 7112.. The process of granting the TS or SCI clearance to newly hired staff can take anywhere from 6 months to a year, and during that time, staff cannot work in the NDC because they do not have the requisite clearance. As a result, NARA onboards these staff members and then immediately assigns them to work in other units pending the adjudication of their clearance. While working in other units, these staff members are not statutorily excluded from the bargaining unit. However, to date, these staff members have remained out of the bargaining unit even when working in other units. To address this situation, the parties have entered into this MOU, and have reached the following agreement:

1. Staff hired to work in the NDC will be officially detailed to another unit within the Agency pending adjudication of their national security clearance. The effective date of the detail will be no more than two full pay periods after the employee’s enter on duty date (EOD).
2. While on detail to a position that is otherwise in the bargaining unit, the staff member will be assigned to a position description within that unit and will be a bargaining unit employee.
3. Upon favorable adjudication of the staff member’s national security clearance, the detail will end and the staff will begin working in the NDC and will be excluded from the bargaining unit, if the position is one that involves security work that directly affects national security.
4. The Parties agree that the provisions of Article 17, regarding advertising detail opportunities and eligibility for details (Section 2) and the length of details (Section 3), are inapplicable to the details of these staff members.