

**Memorandum of Understanding**  
**Regarding the Implementation of EO 14003**

The purpose of this agreement is to address the implementation of EO 14003 and associated OPM guidance.

**Interim Agreements**

The parties agree that effective April 7, 2021, Article 6 of the 2007 Agreement (Union Activities) will be in effect and replace Article 2 of the 2020 Agreement. Except that the provision in Article 6, Section 8 pertaining to the amount of official time allocated to the Council will be revisited by the parties during term negotiations. Council officials will continue to receive reasonable and necessary official time. This means that local officials will follow MOUs related to the amount of official time. Local officials will be granted official time that was in effect pursuant to MOUs prior to July 2019.

The parties agree that effective April 7, 2021, Article 38 (Negotiated Grievance Procedure) and Article 39 (Arbitration) from the 2007 Agreement will replace Article 6 (Negotiated Grievance Procedure) and Article 7 (Arbitration) in the 2020 Agreement. Except that excepted service employees are covered by the grievance and arbitration procedures.

The parties agree that effective April 7, 2021, Article 11 (Use of Agency Facilities) from the 2007 Agreement will replace Article 3 (Use of Agency Facilities) in the 2020 Agreement.

The parties agree that effective April 7, 2021, Article 34 (Employee Performance Evaluation) from the 2007 Agreement will replace the 2020 MOU bargained between the parties regarding performance. Except that there will continue to be a 3-tier performance appraisal system until the parties address this issue in term bargaining. Both parties reserve the right to bargain performance at the term.

Also, Section 28 of Article 34 of the 2007 Agreement will not be in effect. The parties agree the following language will be in effect during this interim period pertaining to the Agency's authority to place an employee on a PIP: The Agency must have justification to place an employee on a PIP.

The parties agree that Article 12 (Work Schedules) and Article 13 (Telework) from the 2020 Agreement will remain in effect except that the requirements of days in the office will be delinked from the number of days an employee may telework. The parties agree that telework and work schedules are appropriate subjects during term negotiations.

The parties agree that Article 14 (Fitness and Wellness Centers) of the 2007 Agreement is not in effect.

**Review Process**

The parties agree that in the next 2 weeks both AFGE and EPA will each review all of the 2007 articles to identify items that may be out of date or no longer applicable. The purpose of this review is to determine which articles/sections from the 2007 Agreement will continue in effect on an interim basis until a new term agreement is negotiated. Any union employee representatives who engage in this review will be on official time. The parties agree to meet with the mediator to review their findings on April 23, 2021 at 9:30AM EDT.

The parties agree that they will begin term bargaining within 90 days after the parties sign an agreement on the issue of which provisions will govern the parties in the interim (in addition to the matters outlined above in the interim agreement section). The parties may mutually agree to extend the 90 day period before bargaining begins.

**Joint Training**

The parties agree that after agreement is reached on the review process and the interim agreements are finalized the parties will jointly receive training on bargaining. This training includes but is not limited to training on interest-based bargaining, relationship building, permissive bargaining, and any other training the parties agree is appropriate. The parties will mutually agree on outside parties to conduct the training.

The parties agree to pursue partnership opportunities that enhance working conditions of EPA employees and further our collaborative efforts toward improving the labor management relationship. The parties agree that the subject matter of these meetings will be discussed prior to the meeting and mutually agreed upon.

The provisions of this agreement shall remain in full force and effect and unchanged unless the parties consent to a change in the agreement or as required by applicable law.

*Cathie McQuiston*

4/2/21

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Cathie McQuiston, AFGE