

Memorandum of Understanding
Between
AFGE Local 2923 and NIEHS
Eligibility Phase of the Telework Enhancement Act, H.R. 1722

The parties jointly recognize the mutual benefits of the Telework Enhancement Act, H.R. 1722 that was passed into law on December 9, 2010. This Act will allow the NIEHS to meet its mission and operational needs by reducing energy costs, promoting management efficiencies, providing for better accommodations, reducing pollution, saving resources, increasing employee morale, enhancing retention, and recruitment while overall improving the quality of life for our employees. This Agreement pertains only to the notification process utilizing existing criteria. Other aspects of telework shall be negotiated separately from this MOU as soon as possible.

The parties agree that the NIEHS telework program is intended to promote and maximize the use of telework. Telework is a work arrangement that allows employees to perform work, during any part of regular, paid hours, at an approved alternative worksite.

H.R. 1722 § 6502 (a) TELEWORK ELIGIBILITY

“(2) LIMITATION.—An employee may not telework under a policy established under this section if—

“(A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

“(B) the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

The Telework Coordinator shall notify all employees of their eligibility status. Eligibility is strictly limited to the above language. For any position that is deemed ineligible, the supervisor shall provide a clear explanation in writing as to why they are ineligible. The denial must be based on sound business reasons.

The Agency shall provide the Union a list of all bargaining unit employees that are eligible and ineligible to telework at least 7 work days before providing any BUE’s notification. The list shall identify name, position, grade, supervisor, organization, and a clear explanation of ineligibility in writing. The Union shall receive this list immediately after it has been finalized and in no circumstance less than 7 days prior to notifying employees and submitting to NIH. Any positions in dispute shall be assessed as soon as possible. Changes to the list will be made promptly and communicated to the appropriate employee(s).

Nothing in this document changes or waives either party's rights.

For the Agency:

/s/ Noreen E. Gordon
Labor and Employee Specialist

25 May, 2011

For the Union:

/s/ Bill Jirles
President, AFGE Local 2923

5-25-11