

Memorandum of Understanding
Between
AFGE Local 2923 and NIEHS
NIEHS Employee Emergency Designations

The Parties agree to the ethical responsibility for the safety of all of our employees, and the legal obligation to continue operations under adverse conditions. One challenge for the NIEHS community is to adequately prepare the Institute for rapid and efficient response and recovery from unexpected emergencies, whether natural or man-made. All NIH employees must be assigned to a specific emergency designation. Employee emergency designations only apply to emergency situations at the employee's official duty station. If there is an emergency at another location not impacting the employee, the employee would continue their normal duties at their official duty station. See attachment (NIH Guidelines – Employee Emergency Designation Program dated 12/4/12 or latest release).

- 1) BUE's and/or their Union representative shall have 15 calendar days after being notified to acknowledge the emergency designation as determined by the Agency or dispute or request a correction or change of the emergency designation.
- 2) The Agency shall seriously consider any dispute or request for correction. The Union or BUE disputing or requesting correction or changes agree to provide any evidence that may be useful in such a dispute.
- 3) For any designation that is not changed in response to a dispute or request for correction or change via the Union, the Agency shall provide the Union with a written rationale for the denial that shall include but not be limited to the BUE's work and/or responsibilities or other factor(s) such as the existence of a current telework agreement that relate specifically to the designated Tier. Upon request, the Agency shall provide to the Union copies of individual BUE disputes and the outcome, including any written rationale for a denial.
- 4) The Agency has the ultimate responsibility to make the decision regarding each employee's emergency designation.
- 5) If circumstances change (e.g., changes in job responsibilities or telework status), the employee may at any time request a change in emergency designation.
- 6) At the discretion of the NIEHS Director (or his/her designee) during an emergency, Bargaining Unit Employee's may be elevated to an emergency employee (Tier I) to execute functions that must be performed onsite during an emergency.
 - a. Any such employees must be notified that their designations could change under limited circumstances as described above.

- b. Any changes in designations as stated in (8), may only occur if the employee has been properly trained and is prepared for such conditions or work.
 - c. Names of any BUE's who have their designations changed during an emergency will be provided to the Union as soon as practicable.
- 7) The Parties agree that relevant portions of the newly agreed CBA shall also be followed regarding this MOA.

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

For the Agency:

/s/Chris Long
Deputy, Executive Officer

3/26/13

For the Union:

/s/Bill Jirles
President, AFGE Local 2923

3/26/13