

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES LOCAL**  
**2923 AND NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES**  
**REGARDING TEMPORARY IMPLEMENTATION OF HEALTH AND HUMAN SERVICES**  
**(HHS) INSTRUCTION 990-1, WORKPLACE FLEXIBILITIES**

American Federation of Government Employees Local 2923 (“AFGE” or “Union”) and the National Institute of Environmental Health Science (“NIEHS” or “Agency”) (Agency and Union referred to collectively as Parties) hereby enter this Memorandum of Understanding (“MOU”).

The Parties agree to the following:

1. AFGE Local 2923 submitted a proposal for remote work on December 2, 2021. Negotiations began on December 21, 2022.
2. The Agency presented the Health and Human Services (HHS) Instruction 990-1, Workplace Flexibilities, also known as the Workplace Flexibilities Policy (I-990-1) as the Agency’s counter proposal to the Union’s proposal for remote work on April 1, 2022
3. The National Institutes of Health (NIH) adopted and began implementation of I-990-1 for non-bargaining unit employees on or about Tuesday, April 5, 2022.
4. The HHS Instruction 990-1 addresses telework and remote work and can be viewed at: <https://www.hhs.gov/about/agencies/asa/ohr/hr-library/990-1/index.html>.
5. The Parties acknowledge that they are in the midst of term CBA negotiations and are planning a return to the table, during which time, the Parties will address workplace flexibilities. Until the completion of CBA term negotiations, the Parties hereby agree to temporarily adopt the HHS Instruction 990-1, Workplace Flexibilities counter proposal for AFGE Local 2923 bargaining unit employees (BUEs).
6. The parties acknowledge they have met their bargaining obligations in accordance with The Statute and CBA as it relates to the temporary implementation of HHS Instruction 990-1.
7. AFGE Local 2923 BUEs shall be considered for all workplace flexibilities outlined in the I-990-1 after the date of the last signature on this MOU.
8. This MOU and the Agency’s counter proposal do not establish any precedence. Any part of the CBA not explicitly addressed in this MOU or the Agency’s counter proposal remains unchanged and is not affected by this temporary implementation of the HHS Instruction 990-1.

9. The Union does not waive its right to bargain any further revisions of the HHS Instruction 990-1.
  
10. This MOU and its requirements shall expire at the conclusion of ongoing term CBA negotiations or by agreement of the Parties. This MOU can be renewed or revised by the consent of the Parties.

**For AFGE L2923:**

**Wanda M. Holliday - S**  
Digitally signed by Wanda M. Holliday - S  
Date: 2022.08.31 07:52:52 -04'00'  
Wanda Holliday  
AFGE Local 2923 President

**For NIEHS:**

**Edward S. Kang - S**  
Digitally signed by Edward S. Kang - S  
Date: 2022.08.31 08:39:45 -04'00'  
Ed Kang  
Employee Services Manager  
NIEHS

*Last updated 7/28/2022 at 1:06 p.m. by WMH  
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