

## **Memorandum of Agreement**

### **Between**

### **AFGE Local 2923 and NIEHS**

#### **Voluntary Leave Bank Program – NIEHS Bargaining Unit**

The National Institutes of Health (NIH) Voluntary Leave Bank Program (Leave Bank) offers income protection and peace of mind to eligible NIH employees who have exhausted all of their leave and are affected by a medical emergency. NIH federal civilian employees may become members of the NIH Leave Bank and apply for leave during a personal or family medical emergency. All Federal civilian employees who are subject to the leave provisions imposed by Title 5, United States Code, Chapter 63 Subchapter IV may contribute accrued annual leave and restored annual leave to the NIH Leave Bank at any time. "Use or lose" contributions must be donated no later than the end of the leave year. The Parties agree to follow the NIH Leave Bank Policy (addendum) with the exception of those provisions contained herein.

The Leave Bank Program will be administered by a Leave Bank Board and will include a labor or employee group representative. The NIH Leave Bank supports equal opportunity for Leave Bank Board participation by all labor and employee groups. The selection process shall be fair and consistent. At the conclusion of a 2-year term on the Leave Bank Board, the incumbent NIH union or employee group member or alternate member will be replaced with an NIH union or employee group member or alternate member. For the purposes of this MOA, the parties agree that "employee group" is defined as, a nationally recognized group that functions outside the authority of the NIH such as Blacks In Government (BIG). The replacement member and alternate member positions will rotate between union and employee group. No union or employee group will serve two terms in a row. An exception may be made if no member from the scheduled upcoming group (labor or employee) is willing to accept the position. Additionally, no particular union or employee group may serve two consecutive Leave Bank Board terms. An exception may be made if no other union or employee group accepts the position.

AFGE L 2923, if a member of the NIH Leave Bank Board, may withdraw from the Board at any time but shall give management at least 30 calendar days' notice unless an exigency occurs. Leave Bank Board members consent to serve a two-year term when agreeing to be on the Board.

(a) The Board will operate by majority decision, however it will first seek consensus on voting matters. If a consensus is not reached, then a formal vote will take place and the majority decision will be final. The Agency has the authority to determine how to establish and administer the Leave Bank Board. The NIH Office of Human Resources oversees the Leave Bank policies and procedures.

(b) The Board will function with 3 members and 3 alternate members. Every effort is made to ensure that all 3 Board members are available to attend Board meetings. In the event a primary Board member is not present, an alternate member may act for the absent Member.

(c) All bargaining unit applicants will receive written notice of Board decisions and any appeal rights.

(d) The Board will establish rules for allocating limited available leave. These rules (and any other operating rules) must be published and made known to the broader employee community. The Board may adjust these (and other) rules.

2) The Board shall not discriminate on any basis and will act in accordance with applicable Federal laws. The Leave Bank Program shall be conducted in a fair and equitable fashion.

3) Employees will be notified in the Agency's timekeeping system when becoming members of the Leave Bank that their membership will be automatically renewed unless they opt out of the automatic renewal. The option for (or ability to opt out of) automatic renewal will be available to employees in the Agency's timekeeping system.

To become a Leave Bank member, a once-per-year contribution of one pay period's annual leave accrual – 4, 6, or 8 hours depending on the employee's leave category, is required, based on Federal regulations.

4) The membership contribution will automatically be waived if the employee lacks sufficient leave to make the membership contribution or if the employee is currently participating in the Voluntary Leave Transfer Program (VLTP).

5) Employees may donate leave to the Bank anytime even though they are not a "member" or have joined the Leave Bank.

6) To receive leave from the Bank, the Employee or a family member must be experiencing a qualifying medical emergency, which will result in at least 24 hours of LWOP status, or consistent with Federal regulation.

7) Any time that the Leave Board does not approve leave to an employee the employee will be notified as to the reasons and may provide additional documentation or supplement their application as appropriate for additional consideration.

8) Leave approving officials will make every effort to approve leave requests to donate leave. Whenever such a request is disapproved the LAO will provide in writing with specificity as to why their request has been disapproved.

9) Leave Bank information will be publically communicated to employees on a yearly basis. New employees shall be given information about the Leave Bank during orientation. The Agency agrees that this is a positive program and shall promote it widely in customary places such as websites and newsletters.

10) To the extent practicable, the Leave Bank process shall be operated in a manner that is user-friendly.

11) The Union shall be granted any/all Leave Bank denials for each quarter by supervisors.

12) If the NIH Leave Bank is dissolved, then this agreement becomes null and void.

13) This memorandum of agreement will remain in effect consistent with Article 45 of the current NIEHS collective bargaining agreement, established December 2, 2014.

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

**For the Agency:**

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**Date**

**For the Union:**

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**President, AFGE Local 2923**

**Date**