



United States Department of Agriculture

Departmental
Management

Office of the
Assistant Secretary
for Administration

Office of Human
Resources
Management

1400 Independence
Avenue, SW
Washington, DC
20250

July 20, 2018

TO: Vicki Christiansen, Interim Chief
U.S. Forest Service, (FS)

FROM: Daniel M. Kline, Branch Chief *Daniel M. Kline*
Labor Relations Division
Office of Human Resources Management

SUBJECT: Review of the Memorandum of Understanding (MOU) Between the U.S. Forest Service and the National Federation of Federal Employees (NFFE) Forest Service Council (FSC) Regarding the Agricultural Conservation Experienced Services (ACES) Program Expansion

On behalf of the Secretary of Agriculture and in accordance with 5 U.S.C. § 7114(c), the Department has conducted an Agency Head Review of the subject MOU, executed on July 17, 2018. After review of the negotiated provisions, the Department finds them to be consistent with current applicable law, rule, and regulation; therefore, the MOU submitted by the parties for Agency Head Review is approved. The MOU shall have the effective date of this memorandum.

Enclosure

cc: Robert Velasco, FS
Tina J. Terrell, FS
Gene Blankenbaker, FS
Janet Crowley, FS
Jeffrey L. Patterson, FS
Robin E. McCartney, NFFE

MEMORANDUM OF UNDERSTANDING

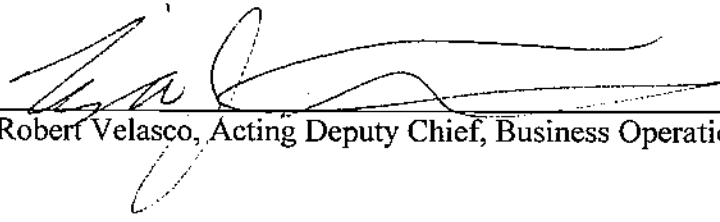
Regarding the Agricultural Conservation Experienced Services (ACES) Program

THIS MEMORANDUM OF UNDERSTANDING (MOU) is between the United States Department of Agriculture, Forest Service (“Management”), and the National Federation of Federal Employees, Forest Service Council (“Union”), collectively “the Parties,” concerning the Agricultural Conservation Experienced Services (ACES) Program.

1. ACES is described in correspondence from J. Lenise Lago, Deputy Chief for Business Operations, dated April 13, 2017; and in correspondence from Robert Velasco, Acting Deputy Chief for Business Operations, dated January 29, 2018. Both letters are attached to this MOU for ease of reference.
2. The Parties have engaged informally under Article 8 of the Master Agreement regarding ACES and have agreed to its implementation in accordance with the terms of this MOU.
3. When using ACES authority on a unit represented by a NFFE Local Lodge, Management will provide the following information to the Local Lodge President and the appropriate NFFE-FSC CVP:
 - a. a copy of the Agency guidance or operating procedures for the use of ACES authority;
 - b. how that authority will be used on the unit;
 - c. descriptions of specific ACES projects to be accomplished on the unit;
 - d. name and contact information of the ACES coordinator for the unit;
 - e. type of skills being acquired including position duties/responsibilities; and
 - f. duration of the work.
4. Upon request, Management will provide the Local Lodge or appropriate NFFE-FSC CVP with certification of no displacement statements, organizational charts, and staffing data to address any concerns that ACES is displacing bargaining-unit employees.
5. When operating government-owned or -leased vehicles or other equipment in proximity to bargaining-unit employees, ACES enrollees will be held to the Forest Service’s training and certification requirements and safety protocols. Management will exercise due diligence to ensure that bargaining-unit employees are not at risk from ACES enrollees and will take prompt and appropriate action should incidents occur.

- 6. The Union will be informed of the name and contact information of Management’s national ACES Program Manager. All employees will have access to the ACES information site, currently at <https://ems-team.usda.gov/sites/fs-aqm-aces/>.
- 7. Management and Local Lodges will discuss any questions or concerns at the appropriate level as they arise. If those questions and concerns are not addressed to the mutual satisfaction of the parties at that level, they may be raised to the national Parties for discussion.
- 8. This MOU is a Supplemental Agreement under Article 11 of the Master Agreement between the Forest Service and the Forest Service Council of the National Federation of Federal Employees. It is subject to Agency Head Review in accordance with 5 U.S.C. § 7114(c) within 30 days from the date of execution.
- 9. This MOU becomes effective on the date that the last person listed below signs and dates it, subject to any requirements for Agency Head Review.
- 10. This MOU remains in effect for as long as the ACES Authority exists in the Agency. Either Party may request, consistent with midterm negotiations under Article 11 of the Master Agreement, to re-open or re-negotiate this MOU.
- 11. The Parties stipulate that the signatories below have the authority to bind the respective Party to the terms and conditions as agreed herein.

FOR THE AGENCY:



 Robert Velasco, Acting Deputy Chief, Business Operations

7/12/18

 Date

FOR THE UNION:

ROBIN MCCARTNEY Digitally signed by ROBIN MCCARTNEY
 Date: 2018.06.20 09:29:18 -05'00'

 Robin E. McCartney, NFFE-FSC Vice President, Region 9

 Date



Forest Service

Washington Office

201 14th Street, SW
Washington, DC 20024**File Code:** 1300
Route To:**Date:** APR 13 2017**Subject:** Agriculture Conservation Experience Services (ACES) Pilot Program**To:** Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Directors

The Agriculture Conservation Experience Services (ACES) program, currently in use by USDA, Natural Resources Conservation Service (NRCS), is a means to provide a cost effective tool to obtain temporary technical services of non-federal, experienced workers age 55 and older to assist in conservation-related programs. The Executive Leadership Team granted approval in September 2016 for an assessment to determine the value of implementing an ACES Program in the Forest Service. The ACES assessment will begin April 2017 and proceed for one year. The 2014 Farm Bill gave the Forest Service the permanent authority to implement ACES. The following information provides an overview of key ACES features.

The Deputy Chief for Business Operations is designated as the lead for the ACES initiative during the assessment phase. The assessment will specifically evaluate organizational alignment and other program features to learn best practices for potentially implementing a long term ACES Program in the Forest Service. Forest Management will be the only mission area used for the one year assessment allowing for a more manageable scope while still providing for the ability to evaluate broad geographic application across the Agency at all operational levels within R/S/As.

The ACES authority stipulates some specific limitations including that Agency funding may only be used for conservation-related programs on National Forest System land. Furthermore, the Agency must ensure that no current employees, including employees in a layoff status, be adversely impacted by an ACES program. This extends to partial displacement through reduction of non-overtime hours, wages, or employment benefits. Similarly, ACES cannot affect existing contracts that the Agency uses for acquiring services.

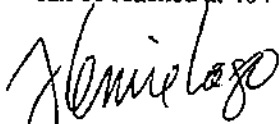
There is good indication that an ACES program for the Forest Service will be a valuable tool in augmenting the existing Forest Service workforce, contracts and other collaborative arrangements used in accomplishing the mission. The ACES authority provides unique opportunities including the ability to quickly acquire skilled personnel with specific "ready to apply" knowledge in conservation-related programs and practices with minimal administrative investment. This is made possible through partnership agreements with nonprofit organizations which will be responsible for identifying appropriate resources for the Agency's needs and directly administering those resources.



Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Directors 2

The following link provides access to specific documents related to the ACES initiative to include Frequently Asked Questions (FAQs) Internal ACES Sharepoint Website - <https://ems-team.usda.gov/sites/fs-aqm-aces/>. We hope you find the materials useful, we will keep you apprised as the ACES effort continues to evolve.

Please forward questions to Mary A. Morris, Deputy WO AQM Director (Acting). Ms. Morris can be reached at 404-275-6606 and mmorris@fs.fcd.us.



J. LENISE LAGO
Deputy Chief for Business Operations



Forest Service

Washington Office

1400 Independence Avenue, SW
Washington, D.C. 20250**File Code:** 1300
Route To:**Date:** JAN 29 2018**Subject:** Expansion of the Forest Service Agriculture Conservation Experienced Services Program**To:** Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Directors

The 2014 Farm Bill gave the Forest Service the permanent authority to implement the Agriculture Conservation Experienced Services (ACES) program. ACES is a cost effective tool to obtain temporary technical services of non-federal, experienced workers aged 55 and older to assist in conservation-related programs. In April 2017, the Forest Service began a one year pilot to evaluate interest, value and best practices for implementing an ACES Program in the Agency. The pilot limited use of the ACES authority to work in the Forest Management program area where the Agency has hired 44 experienced foresters to-date to provide temporary assistance and mentoring in timber sales and silviculture program areas. This letter provides notification of the Agency's intent to fully implement the ACES program by making the program available for use by all eligible program areas.

The enclosed briefing paper provides background information and additional key points about the Forest Service ACES program and pilot effort. It also addresses the effort necessary to expand and accelerate use of the authority. As outlined in the briefing paper, February 2018 is the planned timeframe for executing the Master Participating Agreements needed to secure ACES enrollees through partnership with two non-profit agency partners: Senior Service America, Inc. and the National Older Worker Career Center. In the interim, the performance period of the existing pilot agreements will be extended through the end of the 2018 calendar year. While the extension does not allow for the addition of new Supplemental Project Agreements (SPAs), committed funds for critical Forest Management work under existing SPAs may continue to be expended for an additional six months.

The ACES Core team is implementing a communications strategy to promote wide-spread awareness about the opportunity to use the ACES authority to include a series of webinars planned for February and March 2018. You are encouraged to reach out to the Core team if you have an interest in having the ACES program covered during any regularly scheduled meetings such as was recently provided for the Administrative Management Council. The Core team will provide direct assistance as needed to staffs and individuals assigned responsibility to implement and/or manage any part of the ACES process (e.g. Grants and Agreements Specialist, ACES Coordinators, ACES Monitors, Line Officers with oversight responsibility).

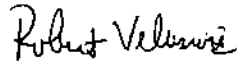
The Business Operations deputy area is the designated lead for the ACES program during the pilot assessment phase. I will continue to lead the expansion effort until a determination is



Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Directors 2

made about final program alignment. The links in the attached document provide access to a SharePoint site containing guidance on the Agency's ACES program to include the Standard Operating Procedures, a recorded webinar, Frequently Asked Questions, and other key documents related to the program.

If you have any questions, please contact Mary A. Morris, Acting WO AQM Deputy Director, at mmorris@fs.fed.us or (404) 275-6606.



ROBERT VELASCO
Acting Deputy Chief for Business Operations

Enclosure

cc: Mary Morris

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Agency Head Review was served on this day, July 20, 2018, to the following parties of the U.S. Forest Service and the NFFE FSC regarding the ACES Program Expansion:

Vicki Christiansen, Interim Chief
U.S. Forest Service
VChristiansen@fs.fed.us

via E-mail

Robert Velasco, Acting Deputy Chief for Business Operations, FS
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via E-mail

Tina J. Terrell, Acting Associate Deputy Chief for Business Operations, FS
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via E-mail

Janet Crowley, Labor Relations Officer, FS
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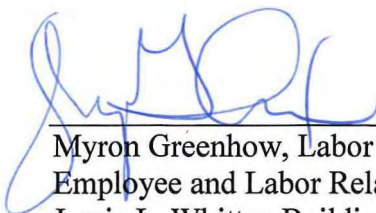
via E-mail

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via E-mail

Robin E. McCartney, Vice President, Region 9, FSC, NFFE
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via E-mail



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