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# LAND MANAGEMENT WORKPLACE FLEXIBILITY ACT IMPLEMENTATION

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## MEMORANDUM OF UNDERSTANDING

### BETWEEN

#### USDA FOREST SERVICE AND NFFE FOREST SERVICE COUNCIL, IAMAW

This Memorandum of Understanding (MOU) is between the USDA Forest Service (Management) and the National Federation of Federal Employees, IAMAW, Forest Service Council (Union), hereafter referred to as the Parties. This MOU pertains to the implementation of the Land Management Workplace Flexibility Act (LMWFA). It replaces the MOU signed March 15, 2016.

The Parties agree:

1. In order to establish the service time eligibility requirement for consideration under the LMWFA, the following documentation is required from employees in addition to all other documentation specified in the vacancy announcement:
  - a. Documentation of Service Time eligibility: Copies of their Notification of Personnel Action(s) (SF-S0s) showing the employee has served in appropriate appointment(s) for a period/periods that total more than 24 months without a break in service of two or more years. (Include initial hire actions, extensions, conversions and termination/separation SF-S0s for each period of work).
  - b. Documentation of Acceptable Performance for Service Time:
    - (1) Performance rating(s) showing an acceptable level of performance for period( s) of employment counted towards their eligibility, signed by their supervisor(s); or
    - (2) If documentation of a rating does not exist for one or more periods, a statement from the employee's supervisor(s) or other individual in the chain of command indicating an acceptable level of performance for the period(s) of employment counted towards their eligibility; or
    - (3) Applicants who do not provide a performance appraisal ((1) above) or other performance documentation ((2) above) for any period that they are using to qualify for eligibility under the LMWF A, shall provide:
      - (a) a stated reason as to why the appraisal/documentation is not available
      - (b) a statement that their performance for all periods was at an acceptable level, their most recent separation was for reasons other than misconduct or performance, and they were never notified that they were not eligible for rehire based on performance.

This shall be accepted in lieu of providing copies of the performance appraisals.

2. Employees may obtain copies of their SF-SOs to support their applications under the LMWFA by accessing their eOPFs. If they are not able to access or retrieve the information from their eOPFs, then employees can request it through the HRM Contact Center, and will receive a response and any requested documents within 10 days. If more time is needed then they will be provided any requested documents within 30 days of their request. Employees are encouraged to make these requests as soon as possible.
3. Employees will be provided duty time to obtain official documents in accordance with Master Agreement Article 4.15.
4. This MOU becomes effective on the date approved by the Agency Head or that date on which the thirty (30) day time limit for agency head review expires, whichever is earlier. Either Party may request to extend or modify the agreement utilizing the procedures in Article 11 of the Master Agreement.

Agreed to on: 08/30/2019

For the USDA, Forest Service:

For NFFE-Forest Service Council:

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Mary Beth L. Stewart, Chief Negotiator  
Senior Manager, Business Operations

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Melissa Baumann, Chief Negotiator  
NFFE-FSC President