

Implementation of Changes to Agency Awards Program

MEMORANDUM of UNDERSTANDING

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), hereafter referred to collectively as “the Parties.” This MOU is a Supplemental Agreement under Article 11 of the 2019 Master Agreement between the Parties, and it documents the Parties’ full and final agreement on those negotiable matters surrounding the Agency’s implementation of the updates to the Awards provisions of USDA DR 4040-430 “Employee Performance and Awards” dated June 24, 2020.

The Parties agree:

1. In accordance with 5 USC 71, where Article 17 and USDA DR 4040-430 issued June 24, 2020, are in conflict, the provisions of Article 17 will take precedence with the following exceptions:
 - a. References in Article 17.1 and 17.3, to Forest Service Handbook 6109.13 Chapter 10, “Performance, Training and Awards,” are no longer applicable and the agency is substituting in its place appropriate sections of USDA DR 4040-430, effective November 7, 2019.
 - b. The Parties have agreed to the implementation of the two-tier summary performance rating system which does not differentiate among levels of successful performance, Management will no longer issue any lump-sum performance bonuses (as referenced in Article 17.3.a.) based on end-of-year, summary performance ratings.
 - c. Article 17.4 referencing “Outstanding,” and Article 17.5 referencing “Superior,” summary performance ratings are no longer applicable.
 - d. Peer awards programs as referenced in Article 17.3.d must comply with the requirements of USDA DR 4040-430.
 - e. The Parties will adhere to their Length of Services Awards Moratorium MOU until that matter is resolved either through future negotiations to the mutual satisfaction of the parties or through FLRA decision as referenced in that MOU.
 - f. The Labor Management Relations Committees and/or Partnership Councils referenced in Article 17 may not be used to periodically review any unit’s Awards program under Executive Order 13812 unless rescinded.
2. Only the provisions of those local, subordinate agreements on Awards which are not in conflict with the terms of this MOU will remain in effect. The Parties at the appropriate level will follow Article 11.5 where renegotiations may be required.
3. Ordinarily, award nominations will be processed by the Agency within 30 days of their approval and supervisors will present the appropriate certificate(s) with citation of the achievement(s).
4. A Forest Service logo will be included on all intra-agency Forest Service awards.
5. The provisions outlining posthumous flag recognition policy and procedures in DR 4040-430 do not impact or otherwise affect the Agency’s own policies and procedures for intra-agency posthumous flag recognition as prescribed by FSH 1309.19, Chapter 60.
6. Where an employee transfers into the Forest Service from a different USDA agency, Management will honor up to 40 hours of Time Off Awards (TOA) earned by the employee at the previous agency.
 - a. Transferring employees are responsible for monitoring their earnings and leave statements.
 - b. Where an employee notices that their Time Off Awards did not transfer from their previous agency, they may submit a correction request through the HRM Help Desk.
7. Management will continue to provide varied resources to address employee questions related to the Agency’s Awards Program to include trainings, HRM Update emails, and information posted to the HRM

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webpage. Employees may also bring their awards-related questions to their supervisors or submit them online to the HRM Help Desk.

8. Quality Step Increases (QSIs)
 - a. The QSI eligibility provisions of Section 6.d.(2) of DR 4040-430 will be implemented with the following modification to 6.d.(2)(e): Employees must have received a rating of record of Fully Successful for at least the two most recent performance years.
 - b. QSI Review Panels referenced in Section 6.d.(3) of DR 4040-430 will, at a minimum, be established and maintained at the Region / Station / Director Area levels and the appropriate Council Vice Presidents will be notified of newly established Review Panel policies and practices.
 - i. QSI Review Panels evaluate the QSI recommendation packages submitted to the panels by first- or second-level supervisors as required by Section 6.d.(3)(b) of the DR. After evaluation of the recommendation packages submitted by supervisors, the panels make their final recommendations to the respective authorizing SES official who is responsible for the final determination and authorization of QSIs according to Section 6.d.(4) of the DR.
 - ii. Until USDA Form AD-3115, "Recommendation and Authorization of Quality Step Increase," referenced in Section 6.d. of the DR is finalized, the required recommendation package will include at a minimum a detailed description from the first- or second-level supervisors on how the eligible employee specifically met the requirements in Section 6.d.(2)(f) – (h):
 1. (f) Have demonstrated sustained performance of the highest quality, significantly and demonstrably above the expectations defined at the Fully Successful level of their performance plan;
 2. (g) Have achieved accomplishments that contributed substantially to the organization's goals, commensurate with the classification of their position; and
 3. (h) Be expected to continue the same high level of performance.
 - iii. Union officials at the appropriate level may make recommendations to the appropriate SES authorizing official on the size and composition of review panels and any additional requirements for the QSI nominations from first- or second-level supervisors, beyond what is described in Section 6 of DR 4040-430. The SES authorizing official has the final decision-making authority on the size and composition of review panels and any additional requirements for QSI nominations.
9. Where an employee has a Within-Grade Increase (WGI) scheduled within the next 2 pay periods, HRM will hold the processing of the employee's QSI so that it is processed after the pending WGI is processed.
10. Management will draft a notification memorandum to be shared with all NFFE bargaining units and affected supervisors that explains how this MOU impacts the implementation of the awards provisions of DR 4040-430. Before finalizing and distributing the memorandum, Management will seek feedback from the Union.
11. This MOU becomes effective on the date of final approval 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, consistent with Article 11 of the Master Agreement, to reopen or renegotiate this Agreement. This MOU and its terms will remain in effect until such time as either party elects to renegotiate its terms, or a regulation, rule, policy or new Master Agreement language render it null.

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Kathryn Lynn
Deputy Regional Forester, Region 9

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Carl Houtman
Lead Negotiator, NFFE Forest Service Council