

## MEMORANDUM OF UNDERSTANDING

### After-Hours TABE Support Programs at Job Corps Civilian Conservation Center

THIS MEMORANDUM OF UNDERSTANDING (MOU) is between the United States Department of Agriculture, Forest Service, Job Corps (Management), and the National Federation of Federal Employees, IAMAW, Forest Service Council, Locals 1697, 1840, and 1855 (Union), hereafter referred to as “the Parties.” This MOU documents the Parties’ agreement on the procedures and appropriate arrangements to be observed in implementing after-hours TABE support programs at all Centers. Management refused to negotiate over its Section 7106(b)(1) rights as they relate to after-hours TABE support programs. This MOU is a Subordinate Agreement under Article 11 of the Master Agreement between Parties.

Where Bargaining Unit Employees (BUEs) are assigned to staff an after-hours TABE support program, the Parties agree:

- 1) “After-hours” is defined as any period occurring before or after the student’s normally scheduled training day.
- 2) Upon request, Center Management will provide the appropriate Local President or the Local’s designated Primary Point of Contact (PPOC) with the staffing plan for after-hours TABE support.
- 3) While the Union and BUEs may provide feedback to Management on after-hours support program structure and content, it is the Center Director’s exclusive responsibility, in coordination with the Center’s Education Program Director, to make final determinations on the staff qualifications, technologies, methods, and means that will be used in the Center’s after-hours support programs to meet the singular U.S. Department of Labor requirement that after-hours support programs prepare the students for the rigor of TABE testing.
- 4) Where BUEs have the opportunity to earn overtime due to their staffing of after-hours TABE support programs, management will normally first seek qualified volunteers, as determined by management, for the work. If management determines that there is more than one equally qualified volunteer, the overtime work will be assigned to the employee with the earliest SCD for leave. If management determines there are no qualified volunteers, management will develop a rotation system of all equally qualified staff, with the employee having the earliest SCD for leave getting the first opportunity to indicate their preference of dates/times. Management reserves the right to assign overtime as needed in unusual circumstances such as extraordinary or unforeseen staffing shortages.
- 5) Administration of and changes to the work schedules of BUEs involved in after-hours TABE support programs are covered by Master Agreement Article 18 “Work Schedules.”
- 6) Management will make every effort to accommodate employees’ requests for close coordination of “after-hours’ TABE assignments with their other assigned work so as to avoid unpaid breaks between TABE assignments and other assigned work. Nevertheless, management makes the final determination on when work assignments will occur.
- 7) If a Center’s management determines that training is required of BUEs to improve the Center’s capacity to meet the needs of their after-hours TABE support program, the administration of that training will comply with the provisions of Master Agreement Article 30 “Employee Training.”

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- 8) Further procedures and arrangements related to after-hours TABE support programs are not negotiable at the Center or Local level.

This MOU will become effective upon the date that the last person listed below signs and dates this Agreement.

The MOU and its terms will remain in effect until such time as either party elects to renegotiate its terms in accordance with Article 11, or a change in law, government-wide rule or regulation, or new Master Agreement language render any portion of the MOU ineffective.

FOR THE UNION:

FOR MANAGEMENT:

*Beverly Tobin Ford* 12-18-19

Beverly Tobin-Ford  
Vice-President  
NFFE – LAMAW, FSC, Job Corps

Date

*Jeanne Wehrauch* 12/18/2019

Jeanne Wehrauch  
Special Assistant to the Director  
USDA, Forest Service, Job Corps National Office

Date