

MEMORANDUM OF UNDERSTANDING
Between
USDA – Forest Service
and National Federation of Federal Employees, Local 5300
Implementation of Forest Service Manual 5300, FSM Law Enforcement Zero Code

This Memorandum of Understanding (MOU) is between USDA – Forest Service Law Enforcement and Investigations (LEI) hereinafter referred to as “Management” and the National Federation of Federal Employees, Local 5300 hereinafter referred to as “Union”, agree that negotiations over FSM 5300, 5320, 5350, 5370, 5380, 5390 and FSH 5309.11, CH 20, CH 50, CH 70 and CH 80 for LEI’s personnel, are complete. This MOU is a Supplement Agreement under Article 11 of the Master Agreement (“the MA”) between the Parties.

1. This MOU applies to USDA Forest Service Law Enforcement and Investigations personnel. In any circumstance where this Agreement and the Master Agreement between the Forest Service and the National Federation of Federal Employees are in conflict, the Master Agreement will prevail.
2. Nothing in the updated Policy or this MOU affects bargaining-unit employees’ rights to a representative under the Labor Statute (5 USC 7106) or the Employee Rights Article of the Master Agreement.
3. 5303.72 Grooming and Appearance Guidelines for LEI Personnel.
 - a. LEI personnel hired prior to implementation of this MOU are exempt from covering all such markings and body modifications (FSM 5303.72n and 5303.72p) while on duty, while on official travel or while traveling armed in a non-duty status aboard a commercial air carrier. LEI personnel with existing tattoos, body art, branding (body markings), or body modifications that are in prohibited areas or are of prohibited type will be handled on a case by case basis by the LEI Director. LEI personnel with existing tattoos or body modifications that are exempted from covering requirements outlined above whom modify or add to visible existing tattoos, body art, branding (body markings) or body modifications will no longer be eligible for exemption.
 - b. LEI personnel hired prior to implementation of this MOU whom have gold or platinum permanent dental ornamentation (FSM 5303.72q) are exempt. LEI personnel with existing dental ornamentation that is otherwise prohibited will be handled on a case by case basis by the Director, LEI. LEI personnel with existing dental ornamentation that are exempted from requirements outlined above whom modify or add to existing dental ornamentation will no longer be eligible for exemption.
4. Chapter 5370 – Suitability Requirements, Training, and Standards 5373.28 – Wildland Fire Origin and Cause Determination Training and Qualifications:
Officers and agents hired prior to the implementation of this policy are exempt from the Wildlife Fire investigator (INVF) certification. However, all officers and agents shall attend FI-210 or equivalent and attend the annual fire line safety course. Additionally, all officers and agents must maintain a minimum incident qualification card (red card) to be ordered as a law enforcement incident resource.

5. Management will develop training as well as a question and answer document to assist employees with examples of how to practically apply the Policy and this MOU.
6. Training provided to Forest Service employees for implementation of the policy will be clear that negotiated agreements are applicable to bargaining unit employees. Management will provide training session(s) via an electronic platform within 60 days of the effective date of the policy where LEI personnel are able to view the policy presentation and ask questions. After the training sessions are completed the training material will be posted on the LEI SharePoint for future reference by Management and BUEs until the presentation is longer applicable.
7. This MOU becomes effective on the date of signature. Either Party may request to negotiate all or part of this agreement at a point no earlier than one year after this agreement has been signed, consistent with midterm negotiations under Article 11 of the Master Agreement.

FOR THE UNION:

STEVEN MAY Digitally signed by STEVEN MAY
Date: 2020.11.23 10:50:49 -06'00'

STEVE MAY
President - Local 5300
NFFE

Date

FOR THE AGENCY:

JAMES ALFORD Digitally signed by JAMES
ALFORD
Date: 2020.11.20 15:02:29 -07'00'

JAMES ALFORD
Special Agent in Charge - Law Enforcement
Investigations, Southwestern Region

November 20, 2020

Date