

MEMORANDUM OF UNDERSTANDING

SERVICE FIRST

The following is a Memorandum of Understanding (MOU) between the National Federation of Federal Employees, Federal District 1, IAMAW, Forest Service Council (NFFE) and the United States Forest Service (FS), hereafter referred to as the Parties.

INTRODUCTION

The purpose of this MOU is to document the agreement of the Parties regarding the implementation of the Service First authorities. Administration of this MOU must comply with all applicable statutes, regulations, and the Master Agreement between NFFE and the FS.

Service First authorities enhance other existing laws, rules, regulations, and policies enabling activities which cross agency lines. Specifically, Service First has three broad goals – improve customer service, increase operational efficiency, and enhance land stewardship. The guiding authority for Service First is Public Law 106-291, as amended, and Public Law 109-54, Title IV, Section 428, that extends the authorization for the Service First Program through Fiscal year 2008.

Under the Service First authorities, the Bureau of Land Management (BLM), FS, National Park Service, and the U.S. Fish and Wildlife Service (USFWS) may conduct pilot programs, projects, planning, permitting, leasing, contracting, and other activities, either jointly or on behalf of one another. These four agencies may collocate in owned Federal Offices and leased facilities of an agency of either Department and promulgate special rules as needed to test the feasibility of issuing unified permits, applications, and leases. Reciprocal delegations of authorities, duties, and responsibilities may be made to promote customer service and efficiency. To facilitate the sharing of resources, funds may be transferred and reimbursed on an annual basis, including transfers and reimbursements for multi-year projects. Limitations on the use of funds, however, may not be circumvented.

PLANNING

Service First gives agencies the authority to develop interagency activities that share resources.

Activities are defined as: any proposed or current action in relation to interagency pilot programs, projects, planning, permitting, leasing, contracting, sharing of personnel/facilities/equipment, etc.

The level or degree of interaction between agencies is determined at the Regional/State and/or local unit.

The following principals are provided to guide whether a Service First (SF) activity should be pursued or continued: the SF activity improves customer service; is in accordance with law, regulations, labor-management agreements, etc.; and furthers mission accomplishment by the agencies. These principles, when applied at the planning stage, will assist in determining what level of interaction makes sense.

There are various levels of interagency interactions. Each level having differing effects on employees. These levels of interactions range from:

- (1) Simple coordination of activities where the agencies do not share or exchange money or employees; to
- (2) Complex coordination of activities where the agencies seek to have consistent outcomes or procedures; to
- (3) Sharing of facilities and equipment; to
- (4) Sharing of personnel and programs; to
- (5) Integration of functional services involving the intermixing of employees and their duties.

Depending on the nature and complexity level of the interaction, the following questions should be considered by management when planning or evaluating a SF activity.

1. What are the unit specific objectives and desired outcomes of the SF activity?
2. What are the lessons learned from this and other similar SF activities?
3. Can authorities be delegated to the appropriate level(s)?
4. Are adverse impacts to employees anticipated and can they be mitigated?
5. Is a Civil Rights Impact Analysis necessary?
6. Have the time/cost/workload impacts of dual/multiple agency specific certifications, and mandatory trainings (e.g. civil rights, driver's license, law enforcement authorities, etc...) been considered?
7. Have telecommunication and computer security issues been considered?
8. How do we measure success?
9. Is a monitoring plan necessary?
10. Does a communication plan need to be developed for management, customers, and employees?
11. Has the union been pre-decisionally involved?

The Parties encourage the use of an open and collaborative process by Union and management during the planning of SF activities, which typically minimizes the need for, or the length of, formal negotiation. However, the Parties recognize that the use of collaboration may not meet management's bargaining obligation.

INFORMATION TECHNOLOGY

When considering Service First activities, recognition needs to be given to the complexities of telecommunications and computer security. Management and the local Union will give due consideration to Information Technology needs of all Service First activities and will strive to resolve identified issues within their authority at that stage.

Management will provide equipment and system access to accomplish work and process necessary documents. (e.g. payroll, travel, training, etc).

Management will address issues of inter-agency radio communications and compatibility, which will include completing a Job Hazard Analysis for those projects where communication issues are identified.

POSITIONS and EMPLOYEES

DOI and USDA employees may be delegated the authorities and assigned to perform the duties of a position in another Service First authorized agency. However, DOI and USDA positions must remain in their respective agency and, employees must also be officially assigned to a single agency. Each agency retains its own structure, and chain of command which is reflected in its official organization chart.

In addition to the required official agency organization charts, Service First units shall develop a combined "Service First organization chart" which displays supervisory relationships between positions which cross agency lines, and reflects annual operational agreements. With regard to shared duties and/or shared positions, the organization chart will show which agency is assigned the FTE.

Management will examine and try to resolve any apparent issues regarding position type (temporary, term, permanent seasonal, permanent full-time), classification and/or pay inequities created by the Service First activity.

Delegation of authority allows the employee to perform the duties of their position as well as the duties of a position from the other agency without actually being detailed or reassigned into that position. When an employee is delegated authority(s), the delegation will be put in writing by the responsible management official and a copy will be sent to the employee. The delegation must be completed prior to the employee performing the duties of the other agency.

Written delegations will capture the following minimum information: the named individual and their position in the agency making the delegation; the named individual and their position in the agency receiving the delegation; the extent and limitations of authority(s) being delegated; all pertinent authorities to make the delegation; pertinent agency manual references or direction regarding exercise of the authority; the person or

position to contact regarding questions about procedural aspects of exercising the delegation; and any training requirements prior to use of the delegation. Questions regarding delegations of authority should be raised as early as possible and responded to in writing. Training will be provided to those individuals who receive delegated authority to supervise employees of another agency. See the “Training and Certifications” Section below.

With regard to filling vacancies, when management has determined that a shared position can be performed by either agency, then the Forest Service will simultaneously advertise the vacancy with the other Service First agency. The Forest Service vacancy announcement will state that the position can be located in either agency. When the employee applies to both advertisements, and is selected by both agencies, the selected employee may request which agency will employ them. This request will happen during the acceptance of the offer for the position. The Service First organization chart will reflect the decision.

With regard to temporary employees in shared positions, the FS must comply with Article 24.6, which speaks to the time limitations for temporary employment in positions and successor positions. Temporary shared positions should not be established in either agency for the sole purpose of avoiding establishing a permanent position.

In collaboration, to ensure the principles as stated in the Planning section are adhered to, the local Parties will periodically discuss activities to determine whether, why and how positions are being impacted, including whether DOI positions are being established to perform work previously performed by FS employees. Before an employee is affected by WRAPS, per Article 32.3, the Forest Service will consider fund transfer opportunities that support the Service First activity (as defined in the Planning section), in funding the position.-

INFORMATION SHARING

A Union Official will be invited to participate in internal FS reviews on SF activities (as defined on pg. 2).

Copies of either internal or external reports and/or reviews that are produced on SF activities will be shared with the Union.

Each fiscal year, normally within 60 days of the signing of the Appropriations Act, FS will provide to NFFE at the local level, existing information on activities that meet level of interactions 3, 4, and 5 given in the Planning Section above. Typically an I-WEB agreement or Interagency Agreement listing and work plans for current Service First projects will provide the necessary information. NFFE may request clarification of this information and may also obtain this information at other times upon request with particularized need. It is recognized by the Parties there is no specific time during the fiscal year that information entered into I-WEB and work plans is complete.

I-WEB is a centralized database which collects and reports data for various Forest Service Business areas including Grants and Agreements. I-WEB allows efficient data retrieval for field users and decision makers to review and compare Forest, Regional, and National reports and data.

When a Service First partnering agency informs the Forest Service of an A-76 study that affects activities being shared with the Forest Service, the Forest Service will inform the Union at the appropriate level.

Upon request, copies of written delegation of authority will be furnished to the local Union.

ORIENTATION

Bargaining unit employees affected by Service First activities will be given orientation to pertinent regulations and policies of partnering agencies, supervisory and reporting processes, and any local agreements that affect their rights and benefits. A Union Official will be given the opportunity to participate.

TRAINING AND CERTIFICATION

Management agrees that supervisory training will be provided to those individuals who receive delegated authority to supervise bargaining unit employees. The Interagency Supervisory Handbook and the Service First Support Guide, currently located at <http://www.fs.fed.us/servicefirst/support/svcfst1.htm> may be utilized to meet this requirement. Web based training on the Master Agreement, current located at http://fsweb.wo.fs.fed.us/hrm/labor_relations/2005%20MA%20Training will be utilized in the training curriculum.

When bargaining unit employees are required to perform duties for other agencies, management will provide them the agency specific training necessary to obtain the skills and/or certifications required to perform those duties. The FS will strive to eliminate duplicative USDA and DOI requirements for training/certifications (e.g. Security Training, Driver's Licensing, Privacy Act Training, etc.) When possible, local management will coordinate training/certification sessions to accommodate both FS and DOI employees.

The Parties at the intermediate or local levels may agree to provide additional training on administration processes within their delegated authorities.

LABOR MANAGEMENT RELATIONS

In compliance with the negotiated grievance procedures in Article 9 of the Master Agreement, the respective agency official organization structure will be used to identify who is the receiving management official. Intermediate or local level disputes over any issue and/or settlements between employees of different agencies may result in questions

of authority to grant remedies. Such disputes should be raised to the national level for resolution.

When changes to an existing Service First activity are initiated and negotiation obligations exist, the procedures under Article 11 of the Master Agreement will apply. Management will seek to resolve issues affecting bargaining unit employees collaboratively with their unions.

Pre-WRAPS and WRAPS processes may be used on Service First units to restructure Forest Service organizations. Regarding Pre-WRAPS and WRAPS, the analysis process as described and used in Article 32.3 of the Master Agreement will reflect any shared funding through Service First, as appropriate. The Parties encourage the use of Service First authorities to develop placement opportunities.

Conflicts between the provisions of the Master Agreement and policies of partnering agencies arising from Service First activities can be elevated to the National Parties for possible resolution. NFFE will work with other applicable unions to attempt to resolve conflicts between Collective Bargaining Agreements and/or local agreements.

Under Service First, there is no change to the bargaining unit(s). Supervisors from other agencies who supervise FS bargaining unit employees will follow USDA and Forest Service regulations, policies, guidelines, and applicable articles of the Master Agreement when exercising their administrative supervision authority. An employee of another agency delegated the authority to perform the duties of a Forest Service supervisory position is responsible for ensuring that employee rights are protected and observed. When a FS employee supervises an employee of another agency, they become a supervisor under the definition of 5 USC 7103, therefore they are not included in the bargaining unit while performing such duties.

This MOU does not prohibit negotiations at the intermediate or local level regarding issues such as space, parking, smoking accommodations, etc.

This MOU is effective upon last date of signature and will remain in effect until September 30, 2008. Either Party may reopen the MOU upon request.

For the Union:

For Management:

/s/ William R. Dougan
William Dougan
President, NFFE Forest Service Council

/s/ Hank Kashdan
Hank Kashdan
Deputy Chief, Business Operations

_10/26/06_____
Date

_____12/2/06_____
Date