
Please see below.

ARTICLE 49

Contracting Out

Section 1 – General

- A. The Department acknowledges its responsibility to adhere to law and applicable Government-wide regulation regarding the use of experts, consultants, and contractors' employees.
- B. Upon request, the Department shall provide a copy of a specific contract to the NCFLL within thirty (30) days, with proprietary or privacy act information redacted.
- C. It is the policy of the Department that a bargaining unit employee will be supervised by supervisory personnel of the Department and not by personnel of a contractor.
- D. The Department will provide the NCFLL copies of FAIR Act inventories for commercial and inherently governmental functions. At the request of the Union, Management will meet to explain the rationale for the FAIR Act classification decisions.

Section 2 – A-76 Competitive Sourcing/Commercial Activity Process

The parties have a mutual interest in ensuring constructive employee involvement in implementing the Commercial Activities (A-76) studies initiated by the Department. Therefore:

- A. The Department shall notify the Union within five (5) workdays of its decision to use an A-76 competition to determine if government personnel should continue to perform work or contract out work that is currently performed by bargaining unit employees. The notice shall identify the affected units and the functions, positions and grade levels of bargaining unit employees affected.

The Union shall be notified of all relevant data and information as they become available, including schedules, milestone charts, invitations for bid or requests for proposals, and performance work statements (PWS)/statements of work (SOW).

- B. The Union may appoint a bargaining unit employee on each PWS and Most Efficient Organization (MEO) Team, consistent with the revised OMB Circular A-76 guidelines. An employee may serve on the PWS Team or the MEO Team, but not both. Members of the PWS and MEO Teams will be provided relevant training. Employees selected to serve on the PWS and MEO Teams will be allowed a reasonable amount of official time and travel in connection with Team activities. It is anticipated that training and meetings may be conducted via teleconference.
- C. The organizational entity holding an A-76 competition shall hold regular meetings to discuss the status of the competition with all affected employees, including bargaining unit employees. The NCFLL will be given notice prior to any meetings between bargaining unit employees and management with regard to A-76 discussions. Every effort will be made to provide notification as early as possible.
- D. As information is releasable, management will notify the Union of its decision to contract out work that is currently performed by bargaining unit employees. Such notice will include information regarding any feasibility or cost studies that have been performed, authorized staffing levels, number of positions and vacancies,
- E. Upon receipt of notification of Management's decision to contract out work that is currently performed by bargaining unit employees, the Union may request bargaining in accordance with Article 4.
- F. Upon request and as allowable by law and regulation, the Department will provide the union information on A-76 related activities. This includes a copy of the PWS, contract solicitation, and documents referenced in the revised OMB Circular A-76, including Appendix B, Sections C and D.
- G. Upon request of a specific performance decision favoring the agency, the Department will provide the NCFLL a copy of the MEO letter of obligation no later than 15 days prior to the implementation of the agency MEO.

Section 3 - Personnel Considerations for Displaced Employees

- A. Displaced employees are those identified for release from their competitive level by an Agency, in accordance with 5 CFR Part 351 and Chapter 35 of Title 5, United States Code, as a direct result of a decision to convert to contract (contracting out) the Agency's Most Efficient Organization (MEO), or interagency service agreement.
- B. Displaced employees will receive career transition services, to include career counseling and training as described in DPR 330, Recruitment, Selection, and Placement. Provisions contained in Article 47 (Reduction in Force) also cover displaced employees.
- C. Federal employees displaced by a decision to convert to contract or public reimbursable source performance have the Right-of-Refusal for jobs for which they are qualified that are created by the award of conversion.
 - 1. A standard clause should be included in A-76 cost comparison solicitations notifying potential contractors of this requirement (see Federal Acquisition Regulations [FAR] 52.207-3). The Right-of-First-Refusal is afforded to all Federal employees displaced by the decision to convert to contract performance.
 - 2. Human Resource Officers should work with the contracting officer and employees to implement these provisions.
- D. Agencies should exert maximum efforts to find available positions for Federal employees displaced by conversion decisions, including:
 - 1. Giving priority consideration for available positions within the Agency;
 - 2. Establishing a Reemployment Priority List and an effective placement program;
 - 3. Paying reasonable costs for training and relocation that contribute directly to placement; and
 - 4. Registration in the Career Transition Assistance Program (CTAP) and the Interagency Career Transition Assistance Program (ICTAP).