

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. DEPARTMENT OF LABOR (DOL)
and the
NATIONAL COUNCIL OF FIELD LABOR LOCALS

I. Introduction: This Memorandum of Understanding is between the Department of Labor (DOL) and the National Council of Field Labor Locals (NCFL) and applies to the newly created Accident Reduction Program (ARP) within the Technical Support Program area. This is a national office program utilizing field employees. These employees duty station is Triadelphia, West Virginia and serviced by the MSHA Human Resources Division (HRD), Arlington, Virginia.

II. Agreement:

1. Positions that are filled as either General Engineer, GS-801-11/12 or Physical Scientist, GS-1301-11/12 will be audited to determine FLSA status. The MSHA Labor Relations Officer (LRO) will notify the NCFL on the employee's one year anniversary date (effective date of selection for either position mentioned above) of when the audit will take place. The audit will be conducted within three months of the date of notification. A final determination on the FLSA status will be made within three months of the audit date and NCFL notified of the results. Those positions whose FLSA status is required to be changed as a result of the audit, will be made retroactive with backpay if appropriate to the date of the notification to the NCFL.

2. In accordance with management's statutory right to assign work, current Team Leaders will not function as supervisors as defined by applicable Federal Classification Guidelines. The team leader positions as currently classified are in the bargaining unit.

3. NCFL will receive prior notification if the Accident Reduction Program is to be cancelled. Should the program be cancelled, all bargaining unit employees in the ARP will be offered like or similar positions for which they are qualified. These positions will be within the commuting area in Technical Support if vacancies are available.

Triadelphia.

5. All labor management issues regarding ARP will be addressed between the NCFLL and the Agency or Department.

6. Bargaining Unit employees who are selected into the positions in the ARP will be notified by the MSHA HRD of when their official personnel records will be relocated to HRD Arlington, and a name and telephone number to contact.

7. MSHA's LRO will promptly process all SF-1187s. Specific to this initiative, the MSHA LRO will provide notification to the appropriate NCFLL official when the dues have been processed.

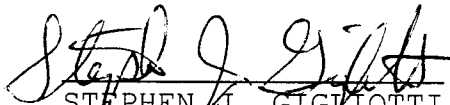
8. MSHA agrees to make notification to the NCFLL on any ARP related space moves that have impact on bargaining unit employees located at the Triadelphia site. Any space moves that only impact Triadelphia and not ARP will continue to be handled by the RCBC per the National Agreement. NCFLL agrees that details of space moves will be worked out with the local NCFLL Steward with any unresolved issues regarding ARP referred to the NCFLL.

9. MSHA and NCFLL agree that if permanent ARP space moves do not occur within 18 months of this agreement, the issue will be revisited.

10. MSHA agrees to issue a memorandum to all MSHA employees advising them that requests for Interstation Transfers for this Program must be filed with HRD, Arlington, Virginia.

11. This MOU will be distributed to all MSHA offices, the NCFLL and all RCBCs.

FOR THE DEPARTMENT:

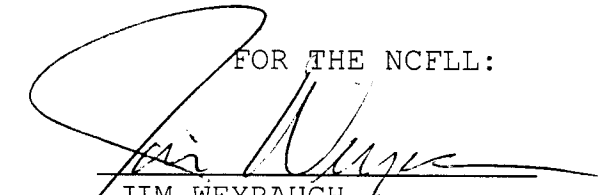


STEPHEN J. GIGLIOTTI
Accident Reduction Program
Manager

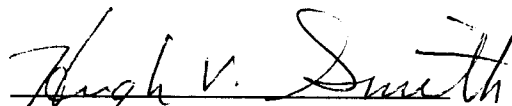


ELIO L. CHECCA
General Engineer

FOR THE NCFLL:

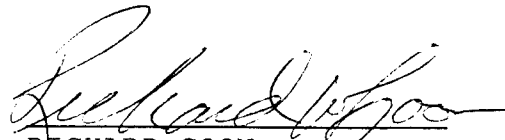



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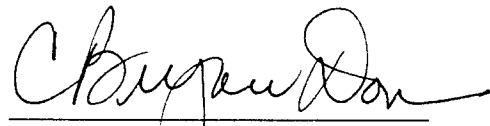

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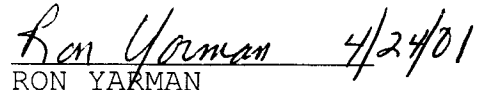

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