

**MEMORANDUM OF UNDERSTANDING
BETWEEN
The U.S. DEPARTMENT OF LABOR
AND THE
NATIONAL COUNCIL OF FIELD LABOR LOCALS
(NCFLL) AFGE, AFLCIO**

Introduction

This Memorandum of Understanding (MOU) is entered into between the U.S. Department of Labor (DOL) and the National Council of Field Labor Locals (NCFLL), AFGE, AFL-CIO, in accordance with the applicable provisions of the master DOL-NCFLL Agreement.

Background

During term bargaining of the NCFLL-DOL contract, the Department informed the NCFLL that it wanted to achieve consistency in its Department-wide Performance Management System. The Department asserted that it would implement a 5-tier summary rating system as a management right and that it also wanted to implement a common fiscal year rating cycle for all its component agencies. Accordingly, and consistent with case law, the parties enter into this implementing agreement.

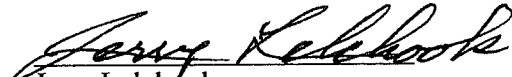
Subject

This agreement concerns the transition of NCFLL Bargaining Unit Employees to a common fiscal year rating cycle beginning October 1, 2002. The parties agree to the following:

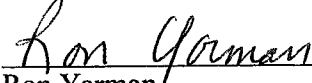
1. All agency rating cycles scheduled to end after February 28, 2002, but prior to September 30, 2002, will be extended until September 30, 2002. All Agency rating cycles scheduled to end after September 30, 2002, will be shortened to end September 30, 2002.
2. For affected employees who have a prior rating(s) of record in the system but not within the last 12 months, the most recent rating of record will serve as the "current" rating of record for either a within-grade increase or career ladder promotion.
3. For affected employees who do not have any prior rating of record in the system, the supervisor's submission of a "2002 Advance Performance Rating Form" will serve to certify either a within-grade increase or career ladder promotion, if otherwise eligible.
4. Affected employees who retire or leave the Department after their previously scheduled rating cycle would have otherwise closed but prior to or on September 30, 2002, will receive a close out rating and will be eligible for a performance award they would have otherwise received.


5. Within 30 days of the previously scheduled end of an agency rating cycle or 30 days from the signing of this agreement, whichever is later, the NCFLL will be notified of amount of bonus money that would have been allocated for performance awards based on the customary 12-month rating cycle. The actual monies allocated for the extended rating cycles will be increased by an amount proportional to the length of time the rating cycle is extended.
6. The parties recognize that performance awards are not an entitlement. Absent budgetary or other constraints, agencies will fully utilize allocated bonus monies, consistent with Article 44, Section 1B of the Collective Bargaining Agreement, effective July 1, 2002.
7. Within 30 days of the previously scheduled end of an agency rating cycle or 30 days from the signing of this agreement, whichever is later, supervisors will inform employees of their overall level of performance to date during the current rating cycle, consistent with the procedures of progress reviews.

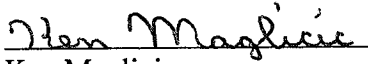
For The Department

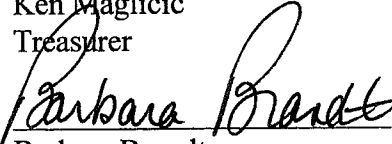

Jerry Lechok
Director of Labor Management Relations

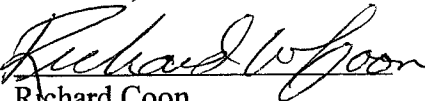
For The NCFLL

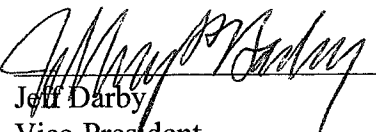

Ron Yarman
President NCFLL

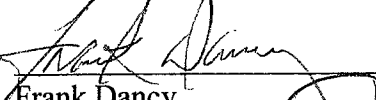

Jim Weyrauch
Executive Vice-President

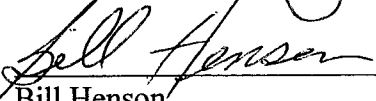

Ken Maglicic
Treasurer

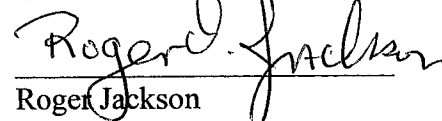

Barbara Brandt
President, Local 2391

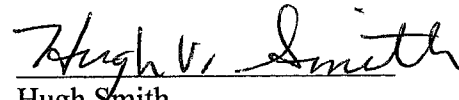

Richard Coon
Vice-President

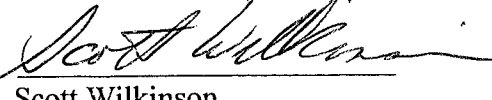

Jeff Darby
Vice-President


Frank Dancy
Vice-President


Bill Henson
Vice-President


Roger Jackson
Vice-President


Hugh Smith
Vice-President


Scott Wilkinson
Vice-President

May 2, 2002
Date