

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
U. S. DEPARTMENT OF LABOR
AND THE
NATIONAL COUNCIL OF FIELD LABOR LOCALS**

Introduction

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

Agreement

This agreement concerns the impact and implementation of Office of Worker's Compensation (OWCP), Final Adjudication Branch Claims Examiner and Hearing Representative Performance Standards (e-mail dated 1/3/03). The parties agree to the following:

1. Management will provide bargaining unit employees information about of the sampling methods and techniques to be utilized in evaluating performance when the new performance standards are issued.
2. Management acknowledges that it is the supervisor's responsibility to evaluate employee performance. Case reviews will be completed by senior claims professionals. When training needs are identified through the case review process, senior claims professionals will inform the supervisor of such needs.
3. Management acknowledges that there are circumstances that must be taken into account in applying performance standards, identified in Article 43, Section 7 of the National Agreement between the Department of Labor and the NCFL.
4. Management will distribute copies of this MOU to all bargaining unit employees in FAB.

For the Department



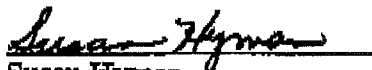
Diane Svenonius
Deputy Director
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Assistant Branch Chief
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Jeana LaRock
Supervisor, Final Adjudication Branch
Jacksonville, Florida

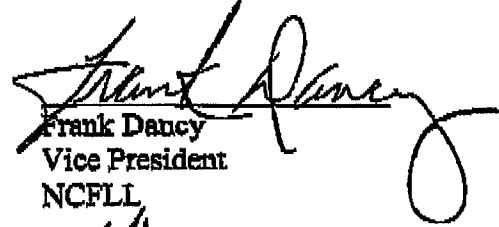


Susan Hyman
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For the NCFL



Ron Yarnan
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Frank Dancy
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Marvin Applbaum
Claims Examiner
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Claims Examiner
Jacksonville, Florida

3/12/03
Date



MAR 27 2003

File Number:

Mr. Ron Yarman
President, NCFLL
200 North High Street, Room 620
Columbus, Ohio 43215

Dear Mr. Yarman,

Attached is the Memorandum of Understanding, which we signed concerning the prototype elements and standards applicable to Claims Examiners and Hearing Representatives assigned to the Final Adjudication Branch (FAB), Division of Energy Employees Occupational Illness Compensation (DEEOIC), OWCP. This memorandum represents our agreement on all matters addressed.

Additionally, I want to provide information on other matters we discussed. I want to confirm that a number of the items that were presented as proposals appear in the master agreement and there was consensus that we had no need to include them in the Memorandum of Understanding. Among these items are commitments by management to apply the appraisal system fairly, objectively and reasonably; circumstances in which employees are excused from measurement because they did not have an opportunity to perform against measures appearing in the elements and standards; and equal pay for substantially equal work. A number of other proposals were consolidated in our discussions.

There were a number of matters discussed that were resolved as a result of decisions we made outside of the bargaining process itself with regard to administration of the appraisal process. With regard to element 1, we have decided to revise the element by reducing the number of criteria enumerated from 5 to 2. While not a matter that we negotiated, this decision should resolve any employee concern about not having sufficient work to measure, or how to credit performance against multiple criteria measures of performance quality. We have also adjusted the percentage of performance employees must satisfy to meet the standard to be more favorable to employees, as we advised you.

We also discussed the requirements relating to responding to telephone inquiries. In this regard, I am advising you that where an employee is out of the office on business or is otherwise on approved absence, the supervisor will review incoming telephone calls from claimants and/or representatives and will make alternative arrangements for handling the calls within defined time periods. Of course, where employees are present in the office, the requirements apply. This decision should address the concerns reflected in your proposal and our discussion.

Thank you for your cooperation in this matter, and I trust that the memorandum and the above explanation resolve the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Svenonius". The signature is written in a cursive style with a large, looping initial "D".

Diane Svenonius
Deputy Director
Office of Worker's Compensation Programs