

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
DEPARTMENT OF LABOR
AND THE
NATIONAL COUNCIL OF FIELD LABOR LOCALS, AFGE, AFL-CIO**

I. 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 (NCFLL), AFGE, AFL-CIO, in accordance with the applicable provision of the master DOL-NCFLL Agreement.

II. Subject:

This MOU concerns the impact and implementation of the MSHA Mine Safety and Health Academy Smoking policy.

III. Terms of Agreement:

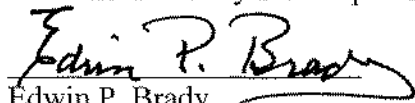
1. MSHA will maintain the indoor smoking room located at C-130A in the Classroom Building until the smoking shelter is constructed and fully functional at proposed location #4 (as identified on the attached map). MSHA will maintain the indoor smoking room located at A-309 in the Residence Hall until a smoking shelter is constructed and fully functional to serve the residents of the dormitory wing.
2. A designated smoking area located at least 10 feet from the entrance doors at the midway patio of the classroom wing, will be available to smokers between 7:00am and 6:30pm.
3. An area located at least 10 feet from the doors at the registration entrance will be designated as a smoking area.
4. MSHA will construct 2 smoking shelters; 1 shelter will be located at proposed location #4 (as identified on the attached map), and 1 shelter will be positioned to service the residents of the dormitory wing. The location of the dormitory wing shelter will be determined by mutual agreement of the local NCFLL representative and local management.
5. The smoking shelters will have 1 opening, which is ADA approved, will be approximately 100 square feet, and will have walls on 3 ½ sides. The enclosed structures will be the typical GSA listed smoking shelters, with walls extending from the top of the structure to no more than 12 inches from the bottom (similar to bus stops). The shelters will comply with ADA, UBC, BOCA codes, and fire tests ratings. The location of shelter entrances will be determined by mutual agreement of the local NCFLL representative and local management. Seating will be provided within the shelters.

6. Adequate lighting and heating will be provided for the shelters, in accordance with applicable safety requirements.
7. A suitable walkway will be provided to each shelter.
8. MSHA will provide at least 8 feet of bench space behind the Mine Simulation Lab.
9. Employees that utilize the designated smoking areas will make every effort to maintain the smoking facilities and shelters in a clean and sanitary manner, and discard tobacco products in containers as provided.
10. Walkways, smoking shelters, and designated smoking areas will be maintained by MSHA and kept clear of all obstructions, debris, mud, ice, snow, etc.
11. Smoking will only be permitted in designated areas, and areas that are more than 10 feet from any entrances to the facility or air intake units.


FOR THE DEPARTMENT



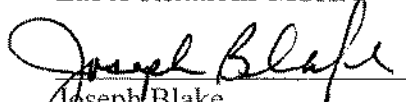
Frank Schwamberger
Deputy Director
Educational Policy Development



Edwin P. Brady
Manager National Mine Academy
Operations

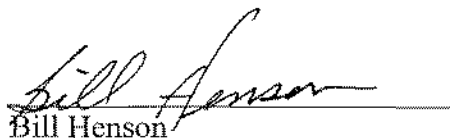


LeFawn Gaines
Acting Chief Employee and
Labor Relations MSHA

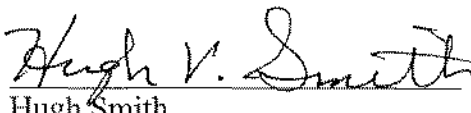


Joseph Blake
Human Resources Specialist

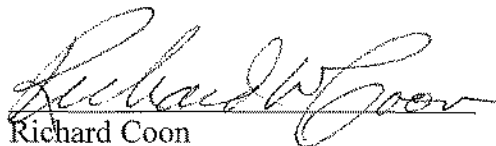
FOR THE NCFLL



Bill Henson
Vice President NCFLL



Hugh Smith
Vice-President NCFLL



Richard Coon
Vice-President NCFLL



Charlotte Richardson
Representative NCFLL

7/27/05
Date