

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
U. S. DEPARTMENT OF LABOR
AND THE
NATIONAL COUNCIL OF FIELD LABOR LOCALS
(NCFLL)

INTRODUCTION

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

SUBJECT

This MOU concerns the Homeland Security Presidential Directive (HSPD) - 12 "Policy for a Common Identification Standard for Federal Employees and Contractors." In accordance with HSPD-12 all federal employees and contractors are required to have Personal Identity Verification (PIV) identification cards (aka "smart" cards) that require long-term access to federal facilities and/or information systems.

HSPD-12 calls for a mandatory, government-wide standard to "enhance security, increase government efficiency, reduce identity fraud and protect personal privacy." The PIV standard details technical and operational standards necessary for identification cards, electronic card readers, communication systems and access control systems to operate together.

BACKGROUND

In September, 2005, the Department shared with the NCFLL a summary of HSPD-12 that included its plan for implementation. The Department provided a briefing to the NCFLL at its October 2005 quarterly meeting. The NCFLL later submitted supplemental queries regarding the implementation of HSPD-12. The Department responded as indicated in the attached Question and Answers (Q & As) document.

TERMS OF AGREEMENT

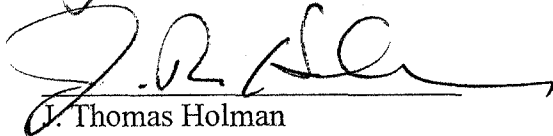
1. The parties agree that the attached Q & A's serve to address the concerns regarding the implementation of HSPD-12.
2. The parties agree that, with regards to current employees without a record of having a background investigation, the Department will comply with all applicable laws, and regulations.

3. The parties agree that current employees adversely affected as a result of delayed background investigations will retain all rights and privileges provided under the law.
4. At such time that a determination is made that the employee is responsible for the replacement of lost or stolen PIV ID cards, the NCFLI will be provided advance notice and opportunity to bargain as appropriate.

FOR THE DEPARTMENT



Joseph Blake
OASAM, OELMR

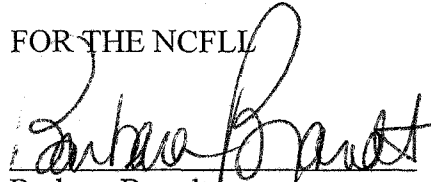


J. Thomas Holman
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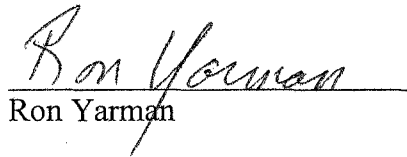
FOR THE NCFLI



Barbara Brandt



Bill Henson



Ron Yarman

Q. What personal information will be included on the ID card?

The Homeland Security Presidential Directive -12 (HSPD-12) states mandatory information that is to be placed on all federal government ID cards: first name, last name, middle initial, color photo, employee affiliation, agency or department name, issuance and expiration dates and card serial number. The Department will follow the guidance of the directive. Note, most of the mandatory information is currently printed on DOL ID cards.

Q What is meant by “employee affiliation” and “card serial number”? Does this mean the social security number is NOT on the card?

The employee affiliation describes the employee’s status: federal, contractor or foreign national; the card serial number is the unique serial number of the card, similar to the number currently on DOL ID cards.

Q. Is the card to be issued by the regions, or national office?

The cards are currently issued by both regional and national offices and that will not change with the implementation of the new ID cards.

Q At what locations will the picture for the ID cards be taken?

The pictures are currently taken at each regional and national office. There are exceptions for those employees who are not physically located near either location.

Q. What method do employees who are not in the regional or national office have to secure an ID card? How does the agency intend to insure that only the correct picture is on the ID card? What is the process for that picture to go to the regional office for the ID card?

The supervisor on site will make arrangements to take and submit photographs of employees to the card producers.

Q. Will the ID card serve as a door key at DOL buildings?

To gain entry to a DOL building the new card may be visually inspected by a security officer and/or inserted in a card reader equipped turn stile, which verifies its authenticity. The card will have the capability to operate electronically controlled door locks to interior offices and may also be used for that purpose. It is unlikely that the ID card will be used to operate locks to a building’s exterior doors.

Q. Is there a mechanism to check the ID of one entering a privately owned building?

The method for checking the ID of one entering a privately owned building would depend upon the building owner’s security requirements and those of GSA.

Q. Will employees only be required to have one ID card?

One goal of HSPD-12 is for government employee/contractors to have one photo ID card. This will be the case for the Francis Perkins Building. Government employees in leased space may be required to have an additional card to access the building space or in the case where the building owner might require it.

Some privately owned buildings may issue access card that may require federal employees working in these buildings to have an additional card.

Q. Will the one ID card be approved for identification purposes at all U.S. Government office locations, or only DOL locations?

Again, the goal of HSPD-12 is for government employee/contractors to have one photo ID card to gain access to all federal government facilities. There are still a few concerns about this matter that are being addressed by the Federal Identity Credentialing Committee (FICC).

Q. Will the ID card take the place of GSA door cards at Government buildings?

See previous response.

Q. How will an employee/contractor replace a lost or stolen ID card?

Current policy requires the employee to notify their supervisor immediately and have the supervisor report the loss and authorize replacement.

Q. Will there be a cost to the employee in the event of a lost ID card?

This issue is to be decided.

Q. What is the date proposed to have ID cards available to all DOL employees?

HSPD-12 has phased in the plan to issue ID cards to new and current employees/contractors. New employees should receive the new cards in October 2006, current employees with less than 15 years of service by October 2007 and all others by October 2008.

Q. Will the new ID card be the only ID card recognized to gain access to Government buildings?

No, employees who forget their ID card will be able to gain access to the workplace upon presenting a valid photo ID. Additionally, temporary ID cards will be used to identify visitors and others not issued a permanent card.

Q. What mechanism will be in place to make sure that someone does not wrongfully present him or herself as an employee?

The new process requires at least 3 people to verify the need of a DOL ID card before it is issued.

Q: Why does OPM investigate Federal applicants, employees, and contractors?

The interests of national security requires that all persons privileged to be employed in the departments and agencies of the government shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States. This means that the appointment of each civilian employee in any department or agency of the government is subject to

ation will vary, depending on the nature

of the position and the degree of harm that an individual in that position could cause.

The requirement to be investigated applies whether or not the position requires a security clearance (in order to have access to classified national security information).

Q. What will happen if I refuse to give you some of this personal information?

The investigation is a job requirement. Providing the information is voluntary, but if you choose not to provide the required information, you will not meet the requirements of the job and will therefore not be considered further. If you are already employed by the Federal government, your appointment will be terminated. The courts have upheld this principle.

Q: I was arrested for shoplifting 20 years ago. Is that going to be held against me now?

Not necessarily. Any negative information is evaluated regarding its recency, seriousness, relevance to the position and duties, and in light of, and in relationship to, all other information about you.

Q: If I have a copy of the 85 or 86 form that I previously submitted, is this sufficient proof that a background investigation has been conducted?

No. Management will except as proof:

- A DL Form 189, Security Clearance Record signed by the DOL Security Officer
- A copy of the employee's SF-71 that bears a stamp stating "EO-10450"
- Notification from another government agency that a NACI or higher-level investigation was completed.