

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
U.S. DEPARTMENT OF LABOR  
AND  
The NCFLL

**INTRODUCTION**

This Memorandum of Understanding (MOU) is entered into between the U.S. Department of Labor (DOL or Department) and the NCFLL, AFGE, AFL-CIO in accordance with the applicable provisions of the DOL-NCFLL Collective Bargaining Agreement (CBA).

**SUBJECT**

This MOU concerns EBSA's implementation of the American Recovery and Reinvestment Act of 2009.

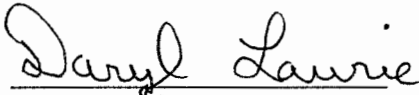
**TERMS OF AGREEMENT**

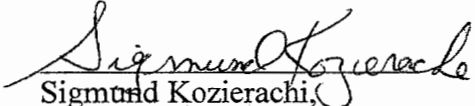
- 1) Pursuant to the American Recovery and Reinvestment Act (ARRA) of 2009, the NCFLL and EBSA are committed to ensuring that the Consolidated Omnibus Budget Reconciliation Act (COBRA) Subsidy Denial Review Program provides affected workers prompt and accurate information and determinations relevant to their eligibility for the COBRA premium reduction. Both parties share the concern that the implementation of the program has impact on Employment Benefit Security Administration (EBSA) Benefits Advisors and other Bargaining Unit Employees who may perform ARRA activities.
- 2) To mitigate any adverse impact on Bargaining Unit Employees, in May Management requested and received ARRA funding for 25 temporary positions and, in June, received funding for an additional 19 temporary positions. These 44 temporary positions will appreciably reduce the workload of EBSA's NCFLL bargaining unit employees.
- 3) Management will continue to keep the NCFLL informed on a monthly basis concerning the status of the ARRA program implementation and operation; and will be responsive to the NCFLL when problems are identified. The NCFLL will bring any implementation problems identified to the attention of management; and the NCFLL will provide suggestions where appropriate.
- 4) No EBSA Bargaining Unit Employee will be rated on any element of their performance standards that they have not been given a reasonable opportunity to perform.

- 5) Pursuant to ARRA mandates, the NCFL and EBSA recognize that COBRA Subsidy Denials are to be processed and a final determination letter issued within 15 business days of acceptance of the completed application. This is an organizational performance goal. Similarly, the seven day business requirement for field offices to complete their processing of the appeal is an organizational goal and is not an individual Benefits Advisor Performance Goal.
- 6) Management will make every effort to avoid the situation wherein a Bargaining Unit employee is denied leave as a result of the increased workload due to ARRA. If a leave conflict arises, Article 36 of the CBA shall govern.
- 7) In order to alleviate the stress level of Benefits Advisors as a result of the increased ARRA workload, each region shall develop a phone-duty schedule to equitably address workload issues.
- 8) To reward EBSA Bargaining Unit Employees for their extraordinary performance EBSA management has increased the amount available in each regional office for Good Job and Special Act Performance Awards.
- 9) EBSA agrees to upload a scanned copy of this MOU on EBSA's intranet.

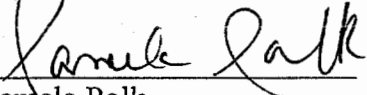
FOR the NCFL:

  
 Jim Weyrauch  
 Executive Vice President, NCFL


  
 Daryl Laurie,  
 Recording Secretary, NCFL

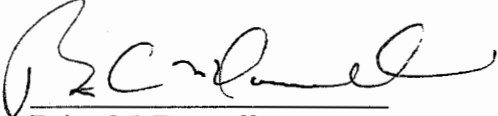
  
 Sigmund Kozierachi,  
 NCFL

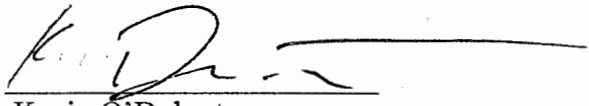
  
 Naomi Griffenkrantz,  
 NCFL

  
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FOR THE DEPARTMENT:

  
 Sharon Watson,  
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