

MEMORANDUM OF UNDERSTANDING

The following constitutes an agreement between the Department of Education (“Agency”) and the American Federation of Government Employees, AFL-CIO (“AFGE”) on the Office for Civil Rights (OCR) Performance Standards for Investigative Staff and Investigative Staff who are primarily assigned work related to the National Digital Access Team (NDAT). This Memorandum of Understanding will become effective thirty-one (31) days from the execution date or upon the date of agency head approval, whichever occurs first, consistent with 5 U.S.C. § 7114, and will remain in place until implementation of the next Collective Bargaining Agreement. In the interim, this Memorandum of Understanding will work in conjunction with the Parties’ current agreement (Interim Collective Bargaining Agreement).

1. Performance standards will be applied fairly and equitably.
2. For employees, any concerns regarding application of the performance standards may be raised through the Regional Directors. AFGE may raise concerns to the Labor/Employee Relations office and request to meet with OCR leadership to engage in discussions regarding AFGE’s concerns about the fairness and equity of the performance standards. The Agency further agrees to notify the President of AFGE Local 252 whenever the Agency considers changing bargaining unit employee (BUE) performance standards and will give AFGE the opportunity to provide input, at AFGE’s election. The purpose of this provision is to allow for Union input and is not intended to mandate negotiation.
3. Consistent with 5 U.S.C. § 7114 (b)(4), the Agency will provide AFGE, upon request, with all statistical data relied upon to develop performance standards. Information requests shall not be unreasonably denied.

By my signature below, I attest that I am an Authorized Official duly authorized to sign on behalf of my organization.

 Digitally signed by SHERIA SMITH
 Date: 2022.06.06 14:52:10 -05'00'

On Behalf of the American Federation of Government Employees (AFGE)
 Sheria Smith, President

Date:

On Behalf of the Department of Education
 Jerry Benoit, Chief Negotiator & LR/ER Specialist

Date:

