

**Memorandum of Understanding
Between the American Federation of Government Employees, AFL-CIO
and Department of Education**

This Memorandum of Understanding (MOU) constitutes an agreement between the Department of Education (Agency) and the American Federation of Government Employees, AFL-CIO (Union) collectively “the Parties,” concerning the Calendar Year (CY) 2023 Pay Adjustments for Administratively Determined (AD) Professional and Technical (P/T) bargaining unit employees (BUEs) in Federal Student Aid (FSA).

Background: On January 13, 2023, the Union was notified of FSA’s intent to approve a 4.1% pay adjustment for P/T AD BUEs provided their latest performance rating is at the Results Achieved or greater level with payout projected for January 24, 2023. Additionally, the Union was advised that FSA was not authorized to pay locality pay under 5 U.S.C. 5304 to the AD P/T employees. On January 19, 2023, the Union received an update to the CY 2023 AD pay adjustment payout date. Due to a delay in processing, the projected payout date was moved to February 7, 2023. On January 20, 2023, the Union filed a demand to bargain over the CY 2023 AD pay adjustment and requested a briefing. Accordingly, the processing of the pay adjustments was paused pending completion of bargaining and the bargaining unit employees were informed of the pause. On January 26, 2023, the Union filed a Request for Information. The Agency replied to the information request on February 7, 2023. A briefing for the Union was scheduled and held on February 7, 2023. At the briefing, the Agency explained its proposal, to include the requirement that AD P/T bargaining unit employees must have a FY 2022 rating of record at the Results Achieved or higher level to be eligible for the general pay adjustment. The Agency also explained the reason why locality pay could not be included with the 4.1% pay adjustment proposed.

On February 21, 2023, the Union agreed to meet on March 1, 2023, to bargain and provided four proposals to the Agency for discussion at the March 1 session and indicated that additional proposals may be added. On February 28, 2023, the Union notified the Agency of two additional proposals. At the March 1 bargaining session, the Union walked the Agency through its proposals and responded to the Agency’s questions. The parties agreed to meet again on March 15, 2023, to continue bargaining if agreement is not reached by that date.

The Parties agree to the following provisions:

1. The Agency will process a 4.1% pay adjustment for all impacted AD Professional/Technical (P/T) bargaining unit employees (BUEs) for CY2023 unless they received an unacceptable rating. Future pay adjustments will be handled as part of the AD policy negotiations.
2. FSA will provide a written communication explaining why it sent e-OPF notifications to certain BUEs prior to the conclusion of bargaining, which will not

mention or implicate AFGE. This communication will be sent out within five (5) business days after the effective date of this MOU.

3. Pay adjustments will be retroactive to January 1, 2023.
4. Pay adjustments will be processed within two pay periods of the effective date of the agreement.
5. The parties will discuss the extension of locality pay to non-GS employees as part of the AD Policy negotiations.
6. Impacted BUEs may seek waivers for debts brought on by the Department's premature payment of the adjusted increase.

This MOU will be effective upon the date of the last signature below. The MOU only applies to the CY 2023 AD P/T Pay Adjustment and will expire once all tasks identified above are completed. It resolves all of the Union's proposals concerning the CY 2023 AD pay adjustments for BUEs.

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

On behalf of the Department of Education:

Quasette Crowner

3/29/2023

Quasette R. Crowner
Director, Executive Services

Date

On Behalf of AFGE, AFL-CIO:



March 28, 2023

Sheria Smith, President, AFGE Local 252

Date