

**Memorandum of Understanding  
Between the American Federation of Government Employees,  
Local 252 and Federal Student Aid**

The following constitutes an agreement between Federal Student Aid (FSA), Department of Education, and the American Federation of Government Employees, Local 252 (AFGE) collectively “the Parties,” concerning unratable bargaining unit employees (BUEs) for the FY2022 performance appraisal cycle.

Irregularities were identified with the FY2022 performance plans for several BUEs resulting in the employees being unratable. FSA informed the Union of this issue on November 17, 2022, at the November monthly AFGE-FSA meeting and presented the Union with a possible remedy to consider which would reduce adverse impact to BUEs. During that meeting, the Union requested FSA’s proposed solution in writing. On December 2, FSA sent the suggested solution to the Union. On December 5, the Union requested the names of the impacted employees. On December 6, FSA provided the list of known employees. On January 11, the Union asked if it was FSA intent to bargain. On January 17, FSA provided an affirmative response. The parties met in negotiations on February 8, 2023, at which time FSA walked the union through its proposal. The union had the opportunity to ask questions and present counterproposals for discussion. The parties scheduled subsequent bargaining session on March 1 and 15, 2023.

In an effort to provide a resolution to the impacted employees, an opportunity to receive a rating for FY2022 and possible recognition for their performance, the Parties have entered into this memorandum of understanding (MOU).

The Parties agree to the following provisions:

1. The Agency will communicate, in writing, to impacted bargaining unit employees (BUEs) and their managers that any delay in ratings were due to procedural errors and was not caused by AFGE within twenty (20) business days from the execution of this MOU.
2. The impacted BUEs will receive ratings in alignment with 5 CFR 430 and the Interim Collective Bargaining Agreement and consistent with the ratings managers may have previously communicated to those employees.
3. The impacted BUEs that choose to utilize this process will receive ratings once the employee has acknowledged receipt of the FY22 rating. Process will be completed within thirty (30) calendar days from the execution of this MOU.
4. The Agency will then process any performance-based awards for the impacted BUEs that are entitled to such within two pay periods from completion of the paper ratings. The paper ratings will be placed in impacted BUE’s personnel folders within thirty (30) calendar days from the completion of the ratings.
5. Performance based awards will be paid out as part of the normal bi-weekly salary payment within thirty (30) calendars days from completion of the ratings.

6. This MOU does not impact any grievance rights regarding FY22 performance ratings or awards.
7. FSA will continue to increase efforts to educate supervisors and managers on performance management responsibilities.
8. Employees are not required to participate in this process. If they choose not to sign the paper performance plan, the employees will remain unratable under the Agency's Human Capital Policy (HCP) 430-1, Performance Management.

This agreement applies to the FY22 rating cycle and expires sixty (60) calendar days or once all tasks identified above are completed from the date of the agreement. By my signature, I attest that I am an official authorized to sign on behalf of my organization.

On behalf of the Department of Education:

*Quasette Crowner*

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Quasette R. Crowner  
Director, Executive Services

3/30/2023

\_\_\_\_\_  
Date

On behalf of AFGE:



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Sheria Smith, President, AFGE Local 252

March 29, 2023 \_\_\_\_\_  
Date