

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE EQUAL
EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) AND THE NATIONAL
COUNCIL OF EEOC LOCALS NO. 216 (NATIONAL COUNCIL) CONCERNING THE
IMPLEMENTATION OF THE EEOC MEDIATION PROGRAM**

1. The EEOC and the National Council agree that Mediator position description number F-1166, GS-301-12 and Mediator position description number F-1165, GS 301-13 are designated bargaining unit positions and are given the bargaining unit status code of 0020.
2. In accordance with EEOC Order No. 540.008, Performance Appraisal System (PAS), those EEOC employees who were selected for Mediator positions shall be given an interim summary rating for the position being vacated, which must be considered in arriving at their next rating of record.
3. For the purpose of implementation of the Mediation Program, the EEOC agrees that bargaining unit employees selected to fill Mediator positions will receive training to assist them in performing their job duties consistent with Article 18.00 of the collective bargaining agreement (CBA). The National Council recognizes that the EEOC conducted a series of four day Mediator training sessions in Headquarters from March 2, 1999 through March 19, 1999. The EEOC agrees that it will provide substantially similar training to the Mediators who remain to be hired. All employees who receive Mediator training shall have their training records documented in the employees' Official Personnel Folder, as specified in Article 18.00, Section 18.11 of the CBA.
4. The EEOC agrees to provide an orientation for field office employees assigned to the Legal and Enforcement Units on the Mediation Program and its relationship to the field office litigation and enforcement functions.
5. The EEOC and the National Council agree that bargaining unit Mediator positions are covered by the PAS and that established deadlines pertaining to mediation may be modified consistent with the PAS. The EEOC and the National Council agree that Investigators assigned to field office enforcement units will only be held accountable for charges from the date that charges are assigned to them in the Charge Data System.
6. The EEOC and the National Council agree that to the extent office space is reorganized or reconfigured, local impact and implementation negotiations shall be conducted consistent with Article 8.00 of the CBA or applicable local agreements.
7. The EEOC and the National Council recognize that employees must be on performance plans for a minimum of 90 days in order to receive an annual performance rating of record. The EEOC and the National Council recognize that in order to finalize performance plans for bargaining unit Mediator positions, the EEOC and the National Council agree to work expeditiously and collaboratively to meet the desired results of having bargaining unit Mediator performance plans in place at least by July 1, 1999.

8. The EEOC agrees to provide the National Council a copy of its charge activity published reports concerning the implementation and operation of the Mediation Program for the 3&4 quarters of fiscal year 1999, and thereafter upon request by the National Council.

9. The EEOC and the National Council agree that bargaining unit employees assigned to the Mediation Program will be afforded the hours of work options and schedules, as prescribed under Article 30.00 of the CBA or all applicable local agreements.

10. The EEOC and the National Council agree that individual production goals have not been assigned to bargaining unit Mediator positions.

11. Changes made to the Mediation Program, including the Mediation Desk Book, shall be negotiated pursuant to the Federal Service Labor-Management Relations Statute and Article 8.00 of the CBA.

12. Any alterations or amendments to this MOU must be expressed in writing and signed by the representatives of both the National Council and the EEOC.

13. Any disputes concerning the application or interpretation of this MOU shall be resolved through the negotiated grievance procedure or any appropriate third proceedings.

14. This MOU is effective upon signing.

15. The EEOC agrees to distribute copies of this MOU to affected bargaining unit employees within 30 days after it is signed by the representatives of the National Council and the EEOC.

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

**THE NATIONAL COUNCIL OF EEOC
LOCALS NO. 216, AFGE, AFL-CIO**

By: Linda Lawson 4/12/99
Linda Lawson Date
Office of Field Programs
By: Arlene Davis 4/12/99
Arlene Davis Date
Office of Human Resources
By: Joann C. Riggs 4/12/99
Joann C. Riggs Date
Office of Human Resources

By: Johnnie L. Johnson, Jr. 4/12/99
Johnnie L. Johnson, Jr. Date
President
By: Lamont N. White 4/12/99
Lamont N. White Date
Deputy Chief Negotiator
By: _____ Date
Gabrielle Martin
Deputy Chief Negotiator
By: _____ Date
Andrew R. Abdulhaqq
Deputy Chief Negotiator

8. The EEOC agrees to provide the National Council a copy of its charge activity published reports concerning the implementation and operation of the Mediation Program for the 3&4 workers of fiscal year 1999, and thereafter upon request by the National Council.

9. The EEOC and the National Council agree that bargaining unit employees assigned to the Mediation Program will be afforded the hours of work options and schedules, as prescribed under Article 30.00 of the CBA or all applicable local agreements.

10. The EEOC and the National Council agree that individual production goals have not been assigned to bargaining unit Mediator positions.

11. Changes made to the Mediation Program, including the Mediation Desk Book, shall be negotiated pursuant to the Federal Service Labor-Management Relations Statute and Article 2.00 of the CBA.

12. Any alterations or amendments to this MOU must be expressed in writing and signed by the representatives of both the National Council and the EEOC.

13. Any disputes concerning the application or interpretation of this MOU shall be resolved through the negotiated grievance procedure or any appropriate third proceedings.

14. This MOU is effective upon signing.

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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Office of Field Programs

By: Johnnie E. Johnson, Jr. 4/12/99
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President

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Office of Human Resources

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