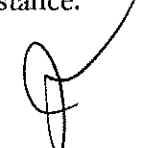


MEMORANDUM OF UNDERSTANDING

The Defense Logistics Agency and the American Federation of Government Employees, Council 169 hereby agree to the following provisions regarding the designation of civilian positions within DLA as Emergency-Essential (EE), Non-Combat Essential (NCE) and Capability-Based Volunteer (CBV):

1. DoD defines an Emergency-Essential position as a position-based designation to support the success of combat operations or the availability of combat-essential systems in accordance with section 1580 of Title 10, United States Code (USC). DoD civilian employees in these positions are designated as Key personnel.
2. DoD defines Non-Combat Essential as a position-based designation to support the expeditionary requirements in other than combat or combat support situations and will be designated as Key personnel.
3. DoD defines Capability-Based Volunteer as an employee who may be asked to volunteer for deployment, to remain behind after other civilians have evacuated, or to backfill other DoD civilians who have deployed to meet expeditionary requirements in order to ensure that critical expeditionary requirements that may fall outside or within the scope of an individual's position are fulfilled.
4. The parties agree it is best to have willing volunteers for EE and NCE positions. Accordingly, vacant positions designated as EE and NCE shall be announced as such, and applicants selected for EE and NCE positions shall sign a written agreement documenting acceptance of the EE or NCE conditions of employment as appropriate.
5. The Employer will provide information to applicants and employees to help them understand what it means to occupy an EE or NCE position. Such information may be in the form of promotional videos, web sites, personal counseling, printed material, and other appropriate means.
6. Incumbents of positions that management decides to designate as EE or NCE subsequent to the employee being hired for the position shall be notified in writing of this change.
 - a. Assignments and/or Designations shall not be made as either reward or punishment.
 - b. The notification letter shall include the DoD Directive 1404.10 – DoD Civilian Expeditionary Workforce. They will also be provided a DD Form 2365, Civilian Expeditionary Workforce Agreement and the DLA Statement of Understanding and Agreement for Deployment Requirements, which they will be asked to sign.
 - c. The Agency will endeavor to address any concerns the employees have, prior to the employee's decision regarding whether or not to sign the DD Form 2365. The notification letter shall include points of contact at the DLA Human Resources Center (DHRC) for questions concerning any aspects of EE or NCE requirements. Employees may consult their Union representative regarding the matter.
 - d. Unless mission requirements necessitate a shorter notice, employees will have 90 calendar days after receiving the notification package to inform the Agency of their decision to accept or decline signing the DD Form 2365. Employees may request and the Employer will consider an extension to the time limit.
 - e. Should the employee decline to sign the DD Form 2365, the Employer will work with the Employee to identify available non-EE or non-NCE positions for which the employee is qualified in an effort to retain these employees within their commuting area. Should the Employee decline an offered position, or if a position is not available, he or she may be separated in accordance with reduction in force regulations. The Employer will offer Voluntary Early Retirement and Voluntary Separation Incentive Payments as appropriate. Other benefits available to affected employees may include registration in the DoD Priority Placement Program, permanent change of station orders and job placement assistance.

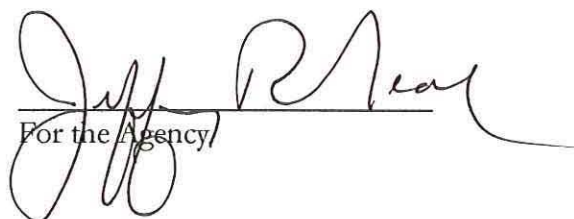


7. Those duties that must be performed while deployed and that qualify the position as NCE or EE will be placed in the Position Description and marked as such.
8. EE or NCE employees who complete a deployment will be eligible for a cash award based upon their contribution to the mission.
9. EE or NCE employees who are not deployed may be excused for up to three hours per week to engage in fitness activities at the worksite or installation fitness facility where the employee is working. Fees or expenses for membership or use of fitness facilities are the responsibility of the employee. Release of the employee is contingent upon the supervisor's determination that workload permits the employee to engage in fitness activities.
10. Training for EE and NCE employees is based upon the requirements of their assignment and may include subjects such as safety, UCMJ, cultural sensitivity, and other matters determined appropriate by the Employer.
11. Medical examinations the Employer determines to be necessary will be at the Employer's expense. Exams may include provision of DNA samples, dental x-rays, or other appropriate records to facilitate identification of the employee.
12. EE or NCE determinations are based upon the duties of the position. If an employee occupying an EE or NCE position is selected for another position that is not so designated, the employee ceases to be EE or NCE. The employee may volunteer to be designated as a Capability-Based Volunteer (CBV) and execute a new EE or NCE agreement. Should the Employer wish to convert the new position to EE or NCE, the requirements of paragraph 6 above will apply.
13. The Employer has the right to select EE/NCE employees for deployment. Although all EE/NCE employees are required to deploy when directed to do so, to the extent practicable, the Employer will use qualified volunteers for deployment. Unless urgent requirements do not allow time to do so, the Employer will seek volunteers from among qualified EE/NCE employees to meet deployment requirements. In the event there are insufficient qualified volunteers, the Employer will direct the deployment of a qualified EE/NCE employee. The Employer will: (1) determine the site(s) from which volunteers will be sought, (2) determine the knowledge, skills, abilities and other characteristics required for the position(s), and (3) assess employee qualifications. Each organization employing EE/NCE employees will maintain rosters of EE/NCE employees for each site sorted by series and grade and in order of RIF Service Computation Date (SCD). When selecting from among identically qualified EE/NCE employees, the employees' RIF SCD will be used. Assignments based on RIF SCD will be inverse order of seniority when directing assignments and in order of seniority when selecting among volunteers. Once deployed based upon selection from the roster, the employee will be removed from the roster until it has been exhausted.
14. On an annual basis, the Employer will review all EE/NCE positions that have not been deployed within the preceding 2 years to determine whether the need for the EE/NCE designation is still required. The results of the review of bargaining unit EE/NCE positions will be provided to the Council.

This agreement constitutes the full understanding of the parties. The provisions of this Memorandum of Agreement may be changed only with the mutual agreement of the parties.

Dated this 16th day of June, 2009


For the Union


For the Agency