

**MEMORANDUM OF AGREEMENT BETWEEN
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 5
AND THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 704
RE: WESTLAKE, OHIO OFFICE MODIFICATIONS**

I. PREAMBLE

WHEREAS the American Federation of Government Employees (AFGE) Local 704 (Union) and the United States Environmental Protection Agency Region 5 (EPA or Employer or Agency), also referred to collectively as “the Parties,” recognize that the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them safeguards the public interest, contributes to the effective conduct of public business, and facilitates and encourages the amicable settlements of disputes between employees and their Employers involving conditions of employment; and

WHEREAS Congress has determined that experience in both private and public employment indicates that the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them safeguards the public interest, contributes to the effective conduct of public business, and facilitates and encourages the amicable settlements of disputes between employees and their Employers involving conditions of employment; and

WHEREAS the public interest demands the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of the operations of the Government; and

WHEREAS Congress has determined that labor organizations and collective bargaining in the civil service are in the public interest;¹ and

WHEREAS management has the right, among others, to determine the mission, budget, organization, number of employees, and internal security practices of the agency; and to determine the personnel by which agency operations shall be conducted;² and

WHEREAS the Union has the right to negotiate procedures which management officials of the Agency will observe in exercising any authority under this section, as well as appropriate arrangements for employees adversely affected by the exercise of any authority by such management officials.³

NOW THEREFORE the Parties hereby further agree as follows:

II. PARTIES TO THIS AGREEMENT

This Memorandum of Agreement (MOA or Agreement) is entered into, by and between the EPA Region 5 and AFGE Local 704, who are considered the ‘parties’ to this MOA.

III. PURPOSE OF THIS AGREEMENT

The purpose of this MOA is to establish procedures and appropriate arrangements for the implementation of the Westlake Office Modifications.

¹ 5 U.S.C. §7101(a)(1) and (a)(2)

² 5 U.S.C. §7106(a)(2)

³ 5 U.S.C. §7106(a)(3)

IV. ELIGIBILITY AND COVERAGE

This MOA covers all bargaining unit employees represented by AFGE Local 704 who are impacted by the Westlake Office Modifications and only to the extent that it is not superseded by any national agreement. In the event (present or future) that any provision of this MOA is found to be contrary to any requirement of the *Interim Collective Bargaining Agreement (ICBA)* (and any successor agreements) applicable to the modifications, the *ICBA* shall supersede this Agreement for tt specific requirement(s) only.

V. GENERAL PROCEDURES AND APPROPRIATE ARRANGEMENTS

The Westlake Office Modifications will be governed by the provisions of this MOA, the *ICBA*, relevant U.S. Office of Personnel Management (OPM) regulations, and applicable Agency policies and procedures. EPA agrees to meet as soon as possible, but generally not later than five (5) working days to discuss any problems relating to the implementation of the Westlake Office Modifications, or any alleged noncompliance with this MOA. Meetings under this section will not serve to delay implementation of modifications.

The Agency agrees that:

1. The Westlake, Ohio office shall have 4 pedestrian access points as specified in the diagram, below, which shall be accessible via an employee "key fob."
2. A secured lockable mail chest or receptacle will be installed in front of the building near the main outer door by December 30, 2023.
3. Local management will establish a Standard Operating Procedure (SOP) that addresses package delivery at the Westlake Office (e.g.: Post Office package delivery and Fed-Ex/UPS/Other package delivery) by November 1, 2023, unless otherwise established between the parties. Bargaining unit employees at the Westlake Office may submit suggestions for management consideration during the development of the SOP.
4. Local management will determine how front door responsibilities (e.g.: meeting attendees, guests, etc.) will be handled following the security guard's departure, and establish as part of the SOP, a procedure for handling front door procedures for bargaining unit employees at the Westlake office. If management takes over the front door responsibilities, this item may be omitted from the MOA.
5. An electronic copy of the final signed version of this MOA will be made available to all affected bargaining unit employees at the Westlake Office via a posting within the facility for a period of ninety (90) days from the signing of this MOA.

VI. AMENDMENTS, MODIFICATIONS AND SEVERABILITY

A. Amendments and Modifications

This MOA may be amended only with the joint written agreement of the parties.

B. Severability

In the event that any provision (section, paragraph, sentence, etc.) of this MOA is held invalid by any arbitrator, court, regulation, rule or statute, the remaining provisions of this MOA shall not be held invalid and shall remain in full force and effect. The Parties shall meet as soon as

possible, but not more than five (5) working days after such an event and attempt to renegotiate any provision found invalid.

VII. DURATION AND EFFECTIVE DATE

A. Duration

This Agreement shall remain in full force and effect for **six (6) months** from the implementation date of the modifications.

B. Effective Date

1. This MOA shall be effective on the date it is signed.
2. If a proposal or section of this MOA is subsequently disapproved, the parties shall exchange proposals and negotiate the affected proposal or section of this MOA within thirty (30) calendar days of the Agency's notification.

VIII. SIGNATURE/DATE

The parties agree to this MOA as written above.

FOR AFGE Local 704:

FOR MANAGEMENT:

Nicole Cantello Date

Scott Sharon Date

AFGE Local 704

U.S. EPA Region 5

