

Memorandum of Understanding
Between
NOAA Office of General Counsel and
NOAA Attorneys Guild
Regarding
Travel
Outside the Regularly Scheduled Administrative Workweek

This Memorandum of Understanding (MOU) interprets Sections 1 and 3 of Article 23 - Travel of the Second National Collective Bargaining Agreement (CBA) between the NOAA Office of General Counsel (Management) and the NOAA Attorneys Guild.

1. **Article 23, Section 1** is agreed to mean that:

a. The regularly scheduled administrative workweek (RSAW) is the basic 80-hour per biweekly pay period work requirement usually fulfilled between the hours of 7 a.m. and 6 p.m. Monday through Friday. To the maximum extent practicable, supervisors will continue to arrange staff meetings or other work assignments away from the attorney's duty station (as to both scheduling and duration) so that attorneys will not have to travel during non-duty hours (that is, during hours outside their RSAW). In the event that the supervisor is unable to do so, and finds that the travel is necessary, he or she will modify the RSAW (in accordance with Paragraphs 3 and 4, below) of an attorney who would otherwise be required to travel on non-duty hours.

b. A supervisor will consult with an attorney when travel during non-duty hours appears necessary, if the RSAW cannot be changed as provided in Paragraph 4 of this MOU. A supervisor who requires an attorney to perform travel on personal time, when such travel is not compensable, must, if the attorney requests it, provide reasons in writing for ordering the attorney to travel during those hours. A copy of the statement must be retained with the attorney's time and attendance report.

2. **Article 23, Section 3** is agreed to mean that, in the supervisor's discretion, attorneys may be required to a) attempt to change dates and times of an administratively controllable event to avoid travel during non-duty hours; and b) if necessary, solicit their supervisors' assistance in that effort. This requirement does not apply to scheduling of adjudicatory hearings by an Administrative Law Judge, or to events that are not administratively controllable. This requirement is satisfied when the attorney sends a written request to change the time of a meeting, deposition, etc., including via email, to the scheduling party, with a copy to the attorney's supervisor, and forwards to the supervisor the response received to that request for time change. If the scheduling party does not agree to change the time, then the supervisor may make an attempt to have the event rescheduled. If the time is not changed, and the supervisor finds that the travel is necessary, then the supervisor will change the RSAW to accommodate the travel time.

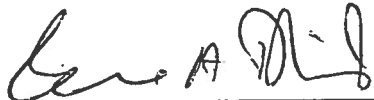
3. The supervisor has the authority to change the RSAW either on an ongoing basis or for a specific period. The RSAW may include Saturdays and Sundays, and may include variable numbers of hours each day. Where the supervisor determines that it is necessary, for travel or other work, an attorney's RSAW is to be scheduled so that it corresponds with the attorney's actual work requirements, including actual travel time. When the RSAW is changed due to travel requirements, the supervisor will authorize a changed RSAW that includes actual travel time arising from unscheduled delays.

4. When an attorney notifies his or her supervisor in advance of an RSAW that the specific days and/or hours of a day actually required of the attorney in that RSAW will differ from those required in the current RSAW, and the supervisor finds that a change is necessary, the supervisor will change the attorney's RSAW to correspond with actual days and hours. The supervisor will inform the attorney of the change, and document the change on the attorney's time card. Such documentation can be accomplished through email. One reason for the change in an attorney's RSAW would be to ensure that, insofar as practicable, travel during non-duty hours is not required of an attorney. However, supervisors may address other reasons on a case by case basis. To provide the required

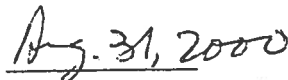
advance notice to his or her supervisor, an attorney will request a change of RSAW by email to his or her supervisor, proposing the hours of the changed RSAW. It is understood that unforeseen circumstances may, upon occasion, require an after the fact adjustment of the RSAW.

5. When an attorney's non-travel duties cannot be accomplished within a changed RSAW and by use of credit hours, supervisors are authorized to order and approve in writing overtime work as provided in Article 22 of the CBA.

6. These clarifications do not modify or interpret provisions of the CBA at Article 20 related to maxiflex work schedules.



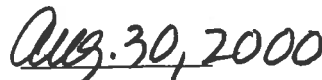
James A. Dorskind for
Management



Date



Marguerite Matera for
NOAA Attorneys Guild



Date