

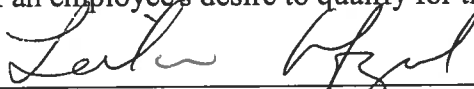
Memorandum of Understanding
between
NOAA Office of General Counsel and
NOAA Attorneys Guild
regarding Implementation of
the NOAA Student Loan Repayment Program NAO 202-957

This Memorandum of Understanding records an agreement between the NOAA Office of General Counsel (Management) and the NOAA Attorneys Guild (Union) on implementation of the NOAA Student Loan Repayment Program (Program). The Program is authorized by 5 U.S.C. § 5379 and implementing regulations found at 5 CFR § 537. NOAA issued NAO 202-957 on February 9, 2005, effective as of January 28, 2005. Implementation of the NAO with respect to members of the NOAA Attorneys Guild bargaining unit was deferred pending bargaining over implementation. This memorandum reflects the results of that bargaining.

Management and the Union agree to implement the Program as reflected in NAO 202-957 with the exception of Section 9.01.b.4.

The parties agree that Management will treat the criterion at Section 9.01.b.4 of the NOAA Administrative Order requiring applicants to have a firm written offer of employment in order to be eligible for the Program as a consideration, not a requirement. Further, when Management evaluates an application for the Program, it will consider the cost savings to NOAA of retaining an already trained employee with skills and experience that are in demand in the market.


Management and the Union agree that the decision whether or not to offer repayment, as well as the amount to be repaid, are discretionary and will be made on a case-by-case basis. Budgetary constraints may have an impact on the approval of requests under this program, for example. Further, selections for repayment must be made on the basis of Management's need, not on the basis of an employee's desire to qualify for the program.



Leila Afzal for Management, NOAA Office of the General Counsel

9/1/05

Date



Marguerite Matera for the NOAA Attorneys Guild

8/19/05

Date