

**DRAFT Agency Proposal**  
**Memorandum of Understanding**  
**Ground Rules for Negotiations**

1. The parties to this Memorandum of Understanding are **NAME (Union)** and the **NAME (Agency)**, a component of **NAME (if Applicable)**. This Memorandum of Understanding provides ground rules for negotiations to take place between the Union and the Agency concerning a term agreement covering the bargaining unit established by Federal Labor Relations Authority in Case No \_\_\_\_\_.
2. This Memorandum of Understanding is to be interpreted in accordance with all applicable laws, rules, and regulations. These ground rules are not anticipated to address every item that may arise during the negotiation process and may be altered or modified by the written agreement of both parties.
3. The term agreement shall be negotiated in accordance with applicable law and regulation.
4. Schedule of Negotiations.
  - a. The parties agree that negotiations will be conducted according to the following schedule:  
(Specify the days of the week the parties shall meet and the dates for the meetings. Suggest Tuesdays, Wednesdays and Thursdays during alternate weeks.)
  - b. The parties shall meet in accordance with the above schedule until one notifies the other that assistance of mediator from the U.S. Federal Mediation and Conciliation Service has been requested by the filing of an FMCS Form F-7 and service on the other party.
  - c. Negotiations will commence on scheduled dates from 8:00 am – 5:00pm which will include a mutually agreed upon lunch break of one (1) hour.
  - d. Breaks other than caucuses will be at the mutual agreement of the parties.
5. Official Time and Scheduling of Union Team Members.
  - a. Pursuant to 5 U.S.C. 7131(a), time spent during normal business hours of the Agency negotiating the contract shall be "official time" for time and attendance purposes. This includes any mutually agreed upon caucus during negotiations as well as any time the Parties are participating in a mediation session under the auspices of the Federal Mediation and Conciliation Service (FMCS) or a session directed by the Federal Service Impasses Panel (FSIP) pursuant to the negotiation of the contract.

- b. Union negotiators will be on official time during the course of scheduled negotiation weeks, to exclude mutually agreed upon breaks. The parties understand that official time may not be approved in excess of 40 hours in any given week of negotiations and that overtime may not be granted for representational purposes under any circumstances.
  - c. Members of the Union negotiation team will be assigned to a Monday through Friday Eight (8) hour schedule for the duration of the negotiations.
  - d. Union representatives are expected to comply with official time reporting and other related requirements in accordance with existing collective bargaining agreements.
  - e. Shift changes and up to \_\_\_ hours of official time will be granted to Union team members, as needed, to prepare for negotiations.
  - f. In unusual circumstances where additional time may be necessary, official time may be granted as mutually agreed.
  - g. The Union will be entitled to \_\_\_\_\_ negotiators on official time or the number of Agency negotiators, whichever is greater.
6. Travel for Negotiators. The parties shall bear travel costs for their respective team members.
7. Negotiating Team Members.
  - a. The Agency has determined to use (**Specify**) negotiators on its bargaining team.
  - b. The union may have an equal number of bargaining unit employee members as specified in 8.a. (above)
  - c. The union may have non-unit representatives if it so chooses. All such non-unit representatives will carry out their functions at no cost to the Agency. Non-unit union representatives serving on the team agree as a condition of such service to follow any Agency rules applicable to access to Agency facilities and use of Agency equipment, supplies and the like.
  - d. The Union will notify the Agency fourteen (14) calendar days prior to negotiations as to the names of the individuals comprising the Union negotiating team to include the identity and contact information of the chief negotiator.
  - e. The Agency will notify the Union at least fourteen (14) calendar days prior to the beginning of negotiations of the number of negotiators assigned to the Agency team to include the identity and contact information of the chief negotiator.
  - f. Only those designated as chief negotiator may make a tentative agreement on behalf of a Party. Changes in the designation must be in writing and provided to the other Party prior to the start of a negotiation session.

- g. Negotiators may be replaced by alternates who will have the same rights to speak for and bind their principals as the members they replace. The Union chief negotiator will give advance notice of a substitution so as to allow for appropriate reliefs.
  - h. If the Agency offers an expert on a given topic to the negotiation, that person shall not be a member of its team and will only be present to discuss that specific topic. Such a person shall have no negotiating authority.
  - i. If either party wishes to invite an observer to attend, that party will assume all related costs of the observer. No more than one observer from each party may attend.
8. Exchange of Proposals.
- a. Proposals will be exchanged no less than fourteen (14) calendar days prior to commencement of negotiations.
  - b. The parties agree to exchange proposals by email attachment between the chief negotiators.
  - c. The parties agree to use a Microsoft word format normal style in Calibri 12 point font for proposals with no special formatting.
9. Location of Negotiations and Available Facilities.
- a. Negotiations will take place at \_\_\_\_\_.  
**(Specify Agency Facility)**
  - b. The Union shall be provided a caucus room during negotiations.
  - c. **Alternate to 10.b. (above).** The union may use the negotiating room for its caucuses.
  - d. Each party is responsible for its own telephone access.
  - e. The Agency shall provide reasonable access to copy machines. **(If an Agency Facility is Used.)**
10. Negotiating Procedures.
- a. The order of the discussion of proposals during negotiation will be as mutually agreed. During negotiations the parties agree to exchange proposals in paper and electronically.
  - b. The parties agree to make proposals available in a Microsoft word format using Microsoft word format normal style in Calibri 12 point font for proposals with no special formatting.
  - c. Either party may table a proposal, or any part of a proposal.
  - d. These ground rules are designed to assist the parties in the negotiations and may not prohibit a proposal or counter proposal whether in the form of a single issue or package of issues.
  - e. The parties agree to provide each other within no more than fourteen (14) days any new proposal not exchanged initially. After that date,

new proposals may be accepted only at the mutual agreement of the parties.

- f. Either party may call a caucus. The Union will leave the negotiating room and may meet in the space provided. The length of the caucus will be determined by what is reasonable by the party calling the caucus. However, if the caucus exceeds two (2) hours, the parties will meet to discuss the possibility of tabling the issue or meeting at a later date when the party calling the caucus is better equipped to continue negotiations.
- g. Copies of required Agency rules, regulations, or policies will be made available to the Union by the Agency within a reasonable time after a request is made. Direction to a website available to a union team member shall be considered to satisfy this obligation.
- h. All proposals and counter proposals will be reduced to writing at the request of either party.
- i. As proposals are agreed upon, the chief negotiator for each party will initial the tentative language, thereby certifying that a tentative agreement has been reached subject to agreement on the whole.
- j. The parties will retain a signed copy of the agreed to proposals upon signing.
- k. Each party shall keep its own notes. Verbatim and electronic recording of negotiations sessions or meetings between the Parties pursuant to the negotiations is not permitted.

**11. Negotiability.**

- a. Negotiability disputes shall be handled in accordance with law and appropriate regulation.
- b. Any matter in which a declaration of non-negotiability has been issued is severed from negotiations. If the provision is later found to be negotiable, the term agreement shall be reopened solely to permit negotiation on the provision in question.

**12. Mediation.** Either party may request the services of the Federal Mediation and Conciliation Service at anytime during negotiations. While the parties are waiting for such services, the parties shall continue with the negotiations unless impasse has been reached on all outstanding issues.

**13. Impasse.** If mediation fails to produce a term agreement, the Parties shall jointly request the assistance of the Federal Service Impasses Panel (FSIP) on proposals over which agreement cannot be reached. The parties agree to be bound by FSIP rules governing an impasse.

**14. Execution.**