

## MEMORANDUM OF AGREEMENT (MOA)

ON

### CONVERSION OF AIR FORCE GUIDANCE ISSUANCES

10 APRIL 1998

1. The American Federation of Government Employees (AFGE) Council 214 and Air Force Materiel Command (AFMC), herein known as the Parties, recognize the Air Force's conversion of hundreds of Air Force issuances, i.e., Air Force Regulations and Manuals (old structure) to Air Force Instructions, Policy Directives, Manuals (new structure). In recognition of this conversion, the Parties agree to address the conversion in accordance with the processes and procedures delineated herein. These processes and procedures relate solely to this conversion and do not establish any precedent for any future MOAs between the parties.

2. The processes and procedures set forth by this agreement apply only to those Air Force (AF) issuances set forth in attachments to the HQ AFMC/DPCL letter with the subject "*Conversion of AF Guidance*" dated 3 July 1996. The 38 Conversion Listings contain 1,135 issuances, which include supplemental issuances or interim message changes. Supplemental issuances and interim message changes shown in the 38 Conversion Listings must be given the same ranking given the issuance it supplements or changes. Where an issuance found on the 38 Conversion Listings has been reissued since 3 July 1996, that issuance shall be covered by this MOA. The provisions of this MOA do not apply to any issuance on the 38 Conversion Listings, which is currently being addressed or has been resolved heretofore outside this agreement, either between the parties or by the decision of a third party. A listing of the issuances excluded on that basis is set forth as an attachment to this MOA. The conversion of all other AF issuances not shown in the 38 Conversion Listings shall be in accordance with The Federal Service Labor-Management Relations Statute herein known as the Labor Statute and the applicable labor agreement between the parties.

3. AFGE Council 214 under the auspices of the Federal Mediation and Conciliation Service assigned rankings to each issuance on the 38 Conversion Listings supplied by AFMC, 3 July 1996. These rankings are HIGH, LOW, and N/A. These rankings shall not be changed without the mutual written consent of the Parties. No issuance shall be added or deleted from this list without the mutual written consent of the Parties. The Union will provide a listing of all HIGH, LOW, and N/A issuances by type/issuance number (e.g. AFI 36-1001) upon the execution of this MOA. This listing will be set forth as an attachment to this MOA.

4. The HIGH category consists of 138 AF *issuances*, which includes 18 supplements or interim message changes.

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- a. These issuances shall be bargained consistent with Section 33.02 of the MLA as supplemented by this paragraph. AFGE Council 214 shall be provided twenty (20) workdays to submit written proposals when AFMC provides an opportunity to bargain notice with respect to a HIGH conversion issuance and does not provide the superceded issuance(s). AFGE Council 214 will use its own resources, as necessary, to obtain the superceded issuances. If it must request the superceded issuances from AFMC, it will request these issuances within five (5) work days of receiving AFMC's notice. In such situations, AFGE Council 214 shall have fifteen (15) work days to submit written proposals after receiving the superceded issuance(s) from AFMC. Where AFMC provides the superceded issuance(s) with the opportunity to bargain notice, AFGE Council 214 shall have fifteen (15) work days to submit written proposals as provided in Section 33.02 of the MLA. With respect to those HIGH category issuances where management identifies and gives the Union an opportunity to bargain, AFMC shall present written notice of no more than two (2) of such issuances to AFGE Council 214 in any five work day period and no more than a total of eight in any calendar month.
- b. With respect to those HIGH category issuances where AFMC asserts no bargainable changes in conditions of employment, AFMC will give written notice of this determination to AFGE Council 214. Such notification will be given no more than once a month and cover no more than twelve (12) HIGH category issuances. This notice shall include a narrative for each HIGH conversion issuance, which highlights any differences between it, and the issuance it replaces. Should AFGE Council 214 take exception with AFMC's determination, it will advise AFMC in writing to include a detailed explanation for the basis for its exception. Upon receipt of an exception notice, the Parties will meet to attempt to resolve the matter. If the parties are unable to resolve their differences, AFMC is free to proceed ~~to~~ with implementation and AFGE Council 214 is free to contest the issue in any appropriate forum as referenced in paragraphs c. and d. below. AFGE Council 214 must submit any exceptions within thirty (30) calendar days of AFMC's notification.
- c. The per month issuances transmitted to AFGE Council 214 as provided for in paragraphs 4. a. and 4. b. above may be reevaluated by the Parties once the agreement is in effect for at least 120 days.
- d. All remedies available under the MLA or 5 U.S.C. Chapter 71 are available to the Parties if either party believes bargaining has failed on any individual or collective conversion issuance(s).
- e. For the purposes of 5 U.S.C. 7118 (a)(4)(A), the six month period shall begin on the date AFMC issues their written notification of intent to convert a specific issuance, as required in paragraphs 4. a. and b. above.

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5. The LOW category consists of 257 AF issuances, which includes 30 supplements or interim message changes. Issuances categorized as LOW will be implemented upon the signing of the MOA. If AFGE Council 214 subsequently wishes to bargain a LOW category issuance, it will provide written notice to AFMC together with its bargaining proposals. Bargaining shall occur over these issuances consistent with Section 33.02 of the MLA. AFGE Council 214 will use its own resources to the maximum extent possible to obtain any issuance(s), which was superceded by a LOW category issuance. Should AFGE Council 214 need to request from AFMC any issuance superceded by a LOW category issuance, a written request will be made which will include an explanation of the perceived bargainable change(s) in the conversion issuance. The Parties agree that AFGE Council 214 requests for superceded LOW category issuances will be kept to a minimum. Where AFMC provides the superceded issuance(s), AFGE Council 214 shall have fifteen (15) work days to submit written proposals after receipt of the superceded issuance(s). AFGE Council 214 notification to bargain any LOW category issuance must be made within two (2) years of the date of execution of this MOA.

6. The N/A category consists of 740 AF issuances, which includes 58 supplements or interim message changes. Issuances categorized as N/A will be implemented upon the signing of this MOA. The Parties recognize that there is no window of opportunity for bargaining the N/A issuances.

7. In all situations subject to this agreement, the Parties shall use the current superceding conversion issuance(s) for comparison with superceded issuances to establish changes in working conditions. Preceding versions of the same superceding issuance(s) shall be ignored. The Parties further agree that when several superceding issuances address the same subject, the Parties will attempt to conduct bargaining for all such conversion issuances simultaneously to the extent practical.

Richard Bengel, Jr.

FOR THE UNION

4/17/98

DATE

Michael J. Madges

FOR THE EMPLOYER

17 Apr 98

DATE

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mm