MEMORANDUM OF UNDERSTANDING
Between
NOAA Office of General Counsel and
NWSEO/NOAA Attorneys Guild
Regarding
Details to the GC Enforcement Section

This Memorandum of Understanding (MOU) interprets Article 16, Section 4 of the Second National Collective Bargaining Agreement (CBA) between the management and union parties above, as the CBA applies to details of certain NOAA GC bargaining unit employees and attorneys employed by the United States Coast Guard.

1. Pursuant to Art. 16, Section 4 of the parties’ CBA, management will offer to NOAA GC bargaining unit attorneys full or part time details in the GC Enforcement Section to assist with that Section’s workload.

2. Once management offers these details to bargaining unit attorneys, it may arrange for a six month, part-time detail of one to three USCG attorneys to work as second chairs to NOAA bargaining unit attorneys on (A) the backlog of enforcement cases in the Northeast Region of the NMFS and (B) enforcement cases originated by the USCG (aka, the Pilot Program). The backlog is defined as cases referred to GCEL prior to January 1, 2012.

3. If a NOAA bargaining unit attorney accepts the offer of a detail to the GC Enforcement Section, then management will work with the attorney and the attorney’s supervisor to accommodate the detail. If the detail has not begun within six months, then management will work with the attorney and the attorney’s supervisor to reevaluate scheduling of the detail, and such reevaluations will continue on a monthly basis thereafter until the detail has been scheduled.

4. NOAA bargaining unit attorneys will not supervise, but will mentor the attorney assigned as second chair, and will retain all decision-making authority as the lead attorney on the case, subject to the prior-approvals of enforcement actions required by the General Counsel.

5. If a USCG detaillee works on a Pilot Program case and the case is not resolved by the end of the Pilot Program, then the detaillee may continue to work as second chair on that
case, provided that the detailee keeps the NOAA attorney who is first chair up to date on the detailee's work on the case and on developments in the case.

6. If the Pilot Program is put in place, then union and management may conduct periodic evaluations of the Pilot Program during the six-month period of the Pilot Program.

7. If management wants to extend the Pilot Program for longer than six months, then management will submit a new proposal for USCG details.

For Management of the
NOAA Office of the General Counsel

For the Union
NWSEO/NOAA Attorneys Guild

Date

Date