

## **Memorandum of Agreement**

This Memorandum of Agreement is entered into between the Alcohol and Tobacco Tax and Trade Bureau (hereinafter referred to as "Agency" or "TTB") and the National Treasury Employees Union regarding the implementation and impact of TTB Performance Management Order 2430.1. It is agreed that:

1. Upon the signatures of both parties to this agreement, the impact and implementation of all Critical Elements (CEs) for General Schedule (GS) employees will be considered to have been properly bargained for with the exception of CE #5: Mission Commitment for National Revenue Center (NRC) Specialists/Industry Specialists (Application Services). The CE#5: Mission Commitment for NRC Specialists/Industry Specialists (Application Services) will be appropriately updated for those positions and all contractual obligations, pursuant to Articles 7 and 39, will be conducted prior to the implementation of this CE.
2. The Employer does not anticipate any adverse impact on the working conditions of employees as a result of the new CEs. However, the employer does retain the rights described in Articles 7, 8 and 33 of the National Agreement. If there should be any adverse impact on the working conditions of the employees not described in Articles 7, 8 and 33 of the National Agreement, the Employer will follow Article 39 of the National Agreement to notify NTEU and bargain to the extent provided by applicable law, rule and regulation.
3. No later than August 15, 2008, the Employer shall provide NTEU a CE comparative sampling of existing evaluations to the revised plan to ascertain the potential impact the change may have on an employee's level of performance. The comparison will include redacted copies of current evaluations with employees identified by number only. The sample group shall consist of one employee in each of the following positions: Labeling Specialist; Specialist/Industry Specialist (Application Services); Specialist/Industry Specialist (Delinquent Taxes Group); Specialists (Beer Excise Tax Group, Wine & Tobacco Excise Group, Spirits Excise Tax Group); Investigators and Clerks (DPAG Group). If significant impact is noted in the sampling, the parties agree to provide notification within 5 workdays of receipt of the sampling and agree to meet to discuss a solution. Additionally, no later than December 1, 2009 and consistent with the Privacy Act, the Employer shall provide NTEU with redacted copies of the employee evaluations of the above-referenced sample group issued under the new CEs. The evaluations will be redacted and identified by the same number used in the original sample outlined above. In the event that an employee leaves the Bureau, a departure appraisal will be provided.
4. The Employer will develop a crosswalk for the positions identified in paragraph 3 identifying the changes from the old to the new CEs and provide a copy of the crosswalk to NTEU for review and comment within thirty (30) days of the effective date of this MOU.

5. The Employer will hold training sessions with all impacted employees on the new CEs, specifically noting the changes from the old to the new CEs. At the sessions, the Employer will explain the reasons for the new CEs and answer questions. The Union shall have the right to be present (telephonically if no Union Representative is onsite) and ask questions. Unanswered questions will be noted and answered in writing within 5 workdays. A hardcopy of this MOU, the CEs, and the crosswalks identified in paragraph 4 will be distributed to all employees in advance of the sessions. In accordance with Article 7, the Employer will provide all GS bargaining unit employees with information at the training sessions to help maximize their understanding of how their performance will be evaluated under the new Performance Plan.
6. In accordance with Article 7, Sections 9A and B and Article 12, Section 4 of the National Agreement, the Employer will take into consideration lack of adequate training, work assignment priorities, unforeseen obstacles, significant changes in work and workload, and other job-related factors when applying the standards to CE #5: Mission Commitment to individual employees.
7. CEs #1, 2, 3, and 4 will be used to evaluate employee performance for all 2008 performance evaluations. Employees will not be evaluated on CE #5: Mission Commitment with respect to their 2008 performance evaluations.
8. Beginning thirty (30) calendar days after the formal meeting/training or October 1, 2008, whichever is later, employee performance will be evaluated on all CEs (1-5).
9. If either party becomes aware of significant unanticipated problems that arise following the implementation of the new TTB Critical Elements, the parties may mutually agree to reopen this agreement at any time, or either party (TTB or National Office of NTEU) may independently reopen it twelve months after its execution.

FOR THE UNION:

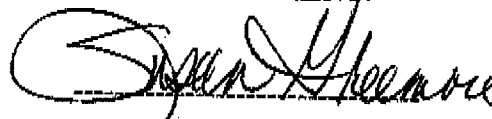


Alexa Rukstele,  
Assistant Counsel for Negotiations

7/30/2008

Date

FOR MANAGEMENT:



Susan Greemore, Director  
Human Resources Division

7/29/2008

Date