

**MEMORANDUM OF UNDERSTANDING**  
**National Oceanic and Atmospheric Administration Office of General Counsel (OGC)**  
**And**  
**National Weather Service Employees Organization's NOAA Attorneys Guild (NAG)**  
**NOAA NAO 202-715b Alternative Dispute Resolution (ADR) Program**

This Memorandum of Understanding (MOU) memorialized the agreement between OGC and NAG regarding the implementation of the ADR Program. The agreement will go into effect in accordance with the provisions of 5 U.S.C. § 7114 (c). The program will be implemented as outlined in the NOAA NAO 202-715b, supplemented, and amended by the attached MOU.

1. In all cases in which an adverse action is taken against a bargaining unit employee, he or she (and his or her union representative if he or she has one) shall be notified of his or her right to ADR, which shall extend the time for not only appealing to the MSPB in accordance with 5 C.F.R. § 1201.22, and to file a grievance in accordance with the negotiated collective bargaining agreement if he or she elects that option.
2. Bargaining unit employees shall never be compelled to participate in ADR over the complaint they filed (either mediation or facilitated problem solving).
3. The NAG shall be given the opportunity to be present as a union representative at any ADR that involves a bargaining unit employee complaint or conditions of employment. The union representative shall be granted official time for participation in addition to whatever official time she or he may be entitled to under the collective bargaining agreement.
4. In accordance with Section 3 (8) SETTLEMENT AGREEMENT: When all or some of the issues in a dispute have been resolved to the mutual satisfaction of the parties, the agreements reached will be:
  - a. formally documented as a contract and signed by the parties.
  - b. reviewed for legal sufficiency by the Department of Commerce (DOC) Office of General Counsel (OGC) Employment and Labor Law Division (ELLD), and the NOAA OICR (if the dispute is an EEO issue).
5. All issues of confidentiality relating to dispute resolution communications during ADR shall be in accordance with 5 U.S.C. § 574.

Once all signatures have been obtained below, this MOU will be forwarded by Management for Agency Head Review (AHR) consistent with 5 U.S.C. § 7114. Once the Agreement has been approved by the Agency Head or absent disapproval by the Agency Head, 30 days after execution, the Agreement shall become effective. If the MOU fails AHR the parties may attempt to renegotiate the MOU. This MOU will remain in place throughout the full term of the CBA, including any rollover, or until renegotiated.

/S/ Mitch MacDonald                      01/17/24

Mitch MacDonald                      Date  
Chair, NWSEO's NOAA Attorneys Guild

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Jeff Dillen                      Date  
Deputy General Counsel, NOAA Office of  
General Counsel