

**MEMORANDUM OF UNDERSTANDING BETWEEN**  
**The U.S. Environmental Protection Agency (Agency)**  
**AND**  
**American Federation of Government Employees (Union)**  
**National Council of EPA Locals #238**

This Memorandum is hereby established as final resolution of negotiations and discussion between the above parties concerning implementation of the Agency's Integrated Human Resources, Benefits, Payroll, Time and Labor System, hereinafter referred to as PeoplePlus. Upon receiving the Agency's July 23, 2003 management proposal, the Union submitted its counter proposal and agreed to negotiate a national agreement.

It is understood and agreed upon by the parties as follows:

**1. Applicability**

This MOU covers all EPA employees represented by the American Federation of Government Employees AFL-CIO.

**2. Existing Master Collective Bargaining Agreement**

Except as explicitly set forth below, no provisions of AFGE's Master Collective Bargaining will be affected as a result of implementing PeoplePlus.

**3. Work Schedules**

Employees will continue to obtain supervisory approval of work schedule changes through established procedures. The Agency recognizes work schedules as approved by OPM, established by Agency policy, and as provided in applicable collective bargaining agreements. Implementation of PeoplePlus will not affect work schedules.

Employees will be allowed to record time worked and taken leave in fifteen-minute increments, and employees will use the Time Reporting Codes and other data spaces provided in PeoplePlus to record the types of leave used and the types of time worked.

**4. Time Reporting – General**

Employees will not be delayed in receiving pay due to PeoplePlus system malfunctions or inadvertent errors made in time reporting. A possible unforeseen aspect of PeoplePlus implementation is an unreasonable delay in employees' access to the PeoplePlus system and/or unreasonable time to complete data entry. Such an adverse effect may be the basis for reopening bargaining upon request by AFGE National Council #238 pursuant to Paragraph 14, "Ongoing Discussions Between the Parties." For purposes of accuracy and timeliness, daily reporting of

time is encouraged. Where an employee knows in advance that he/she will be away from the office, the employee should attest in advance to his/her time and leave data in PeoplePlus. Time card corrections are the responsibility of the employee when the employee becomes aware that such errors have been made.

Where the Agency identifies erroneous time reporting, the employees will be notified and corrections will be made. If an employee is unavailable to discuss the time and leave data prior to the pay period ending, the supervisor will make an informed decision regarding the time and leave data to approve. This will be done with the understanding that the time record may need to be adjusted or corrected after the employees and supervisors are able to discuss the time record correction. Whenever possible, written notification describing the changes made to an employee's time records will be sent to the affected employee at the time the supervisor approves the changes.

Only those persons with authorized access to the employees' time cards (employee, supervisor, timekeeper, or designated alternates) will be allowed to make corrections and/or input data for employees who are unable to personally access PeoplePlus.<sup>1</sup> The Parties agree that for these employees written or verbal notification to the timekeeper, supervisor, or designated alternates will be acceptable for reporting time worked and leave taken. It is emphasized that supervisors and employees discuss any corrections, questions, or other concerns about time and leave data as soon as practicable.

The Agency may require timekeepers and "super users" to correct and check Fixed Account Numbers, default schedules, and similar data prior to the implementation of PeoplePlus.

Consistent with Article 24 of the Master Collective Bargaining Agreement and subject to applicable law, rules and/or regulation, and management's approval, advanced sick leave and/or advanced annual leave may be granted to an employee in appropriate circumstances. When a supervisor denies a request for leave, the employee will be given notification of the leave denial as soon as practicable and whenever possible prior to the end of the applicable pay period.

After "go live", PeoplePlus flexiplace time and attendance reporting replaces the certification and control requirements listed in paragraph 7 E. 3. of the EPA Flexiplace Program dated October 13, 1998. Employees completing PeoplePlus Flexiplace reporting are not required, and will not be asked to complete the form, Appendix 4 of the EPA/AFGE Flexiplace Program dated October 13, 1998.

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<sup>1</sup>Includes but is not limited to employees who are on leave, employees on approved flexiplace or alternative workspace arrangements, employees who are disabled, employees with computer malfunctions, and employees who are performing field or off-site work. PPL does not replace existing agreements/policies/procedures established for requesting or reporting any of these work statuses.

Employees will not be disciplined for inadvertent mistakes, including but not limited to errors resulting from computer malfunctions, unless the disciplinary action can be demonstrated to promote the efficiency of the service pursuant to the Agency's Conduct and Discipline Order. PeoplePlus accommodates part time schedules. PeoplePlus allows reporting of part time employees' hours worked in accordance with current practice of allowing part time employees to work additional hours in a pay period without requiring part time employees to permanently change their schedules. In particular, PeoplePlus allows employees' earning, recording, and using credit hours in accordance with existing local agreements. PeoplePlus allows employees to earn credit hours on days where the employees' regularly scheduled hours are less than eight (8) hours.

EPA and the Union agree that PeoplePlus will not deprive employees of the ability to utilize all types of leave allowable by law and regulation, alternative work schedules, earning of compensatory time, overtime or other premium pay. Should PeoplePlus be unable to accommodate existing practices with respect to these benefits, EPA agrees to accept supplemental written documentation to PeoplePlus as the basis for employees' compensation and leave and earnings records.

## **5. Employee Performance**

Except in cases where timekeeping roles and timekeeping performance standards are established in job descriptions and as job elements of employee performance plans, the use of PeoplePlus will not bear on an employee's performance evaluation.

## **6. Training**

Training, in-person assistance, and post-implementation user assistance will be made available to employees. Written training material will also be made available to employees, and can be accessed on the OCFO website. The Agency will provide the Bargaining Unit and the Union the names of appropriate contacts in each location to obtain additional assistance with time reporting in PeoplePlus.

## **7. Employees With Disabilities**

Reasonable accommodation shall be provided to qualified employees with disabilities. Disabled employees may receive reasonable accommodations with training and time reporting such as but not limited to: magnification and reading software, voice-activated software, screen reading, other assistive technology, in-person assistance from the timekeeper or other designee, or an exemption from the self-reporting requirement (i.e., another individual will be assigned to enter the data for a qualified employee with a disability).

The Agency has determined that the requirements of Section 508 are not applicable to the

existing PeoplePlus system.<sup>2</sup> Notwithstanding, the Agency is completing a Section 508 evaluation to determine how the system meets accessibility criteria as defined by Section 508, for the purpose of ensuring that any upgrades, future procurements, or new system developments comply with Section 508 requirements. The Section 508 evaluation also includes a study of assistive technology. The Agency shall provide a copy of its Section 508 evaluation to the Union within two weeks of the Parties signing the MOU. When the Agency makes changes to the PeoplePlus system which affect accessibility to the time reporting function for qualified disabled employees, the Union will be given an advance notice and opportunity to bargain pursuant to Statute.

## **8. Computer Accessibility**

Employees will have access to Employee Express and to PeoplePlus. The Agency will respond timely to requests for desktop services, where employees encounter difficulty in accessing PeoplePlus or Employee Express due to hardware or software malfunctions or other LAN malfunctions that affect such access. The Agency will address technological requirements, to ensure that computer equipment is fully operational and in no way prevents access to programs necessary for carrying out the Agency's mission and performing assigned work. The Agency will identify in each location, by office and telephone number, the appropriate contacts responsible for assisting in the timely repair of hardware, software, LAN malfunctions, browser compatibility with PeoplePlus, and Employee Express.

## **9. Confidentiality of Employee Data**

Privacy rights and Privacy Act Laws will be observed and adhered to by the Agency and all employees. PeoplePlus contains multiple security levels to protect employee privacy. The Agency will give appropriate response to breaches in employee privacy, including those resulting in allegations of identity theft, when such breaches are reported. This response may include but is not limited to an investigation of alleged identity theft. Employees should exercise due diligence in safeguarding their personal information, which is accessed via PeoplePlus and Employee Express.

The Agency recognizes its obligations to provide employees access to their bi-weekly Earnings and Leave Statements (ELS) in a secure manner. Through the use of Employee Express, employees will be able to view their ELS in a secured, encrypted Internet environment. Additionally, only the last four digits of the employee's social security number (SSN) will be used on the ELS. Employees may access their ELS in Employee Express 24 hours a day, 7 days a week, from either home or work. Employee Express personal identification numbers (PINs)

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<sup>2</sup>The parties differ on the applicability of Section 508 regulations. The Union believes Section 508 regulations are applicable to the Agency's implementation of PeoplePlus. The Union's dissent with this determination is so noted.

may be requested or changed only by the employee. Only the employee may download the ELS to a disk or other file to access and print at a later time, and may obtain earnings and leave data via telephone, using his/her personal identification number. Further, to ensure employee privacy, the social security number will not be a search feature in PeoplePlus. Unique, eight-digit identification codes will be system-generated. The full SSN will remain a part of the employee's record and can be queried only if necessary.

## **10. Reporting Use of Official Time**

PeoplePlus does not replace existing policies and Agreements in place for requesting and reporting official time. Where existing local agreements require reporting of official time, the local parties are encouraged to use PeoplePlus for this purpose. The parties agree to collaborate in providing additional information regarding official time usage when the Office of Personnel Management requires such information, and the information is not obtainable through PeoplePlus.

Upon the Union's request under the Statute, the Agency will provide the AFGE National Council 238 information pertaining to the official time reported in PeoplePlus.

Until such time as PeoplePlus can capture employee official time in a manner that allows EPA to meet OPM's official time reporting requirements, and after official notification to the Union and concluding bargaining in accordance with law, the use of PeoplePlus for reporting official time is an appropriate matter for local negotiations.

## **11. Retention of Earnings and Leave Statements (ELS) and Retirement Records**

The Agency will continue to retain all ELS information and retirement data currently recorded and made available to employees on the carbon ELS in some form that is available for employee review generally within ten work days, upon request. The Agency agrees to provide the employee with a copy of such information, upon request, generally within ten (10) work days. The Parties agree that information contained on the carbon ELS, with regard to wages subject to federal tax and monetary awards, is beneficial to all employees. The Agency will request of the Office of Personnel Management that those data fields be included on the Employee Express ELS.

## **12. PeoplePlus System Testing**

Within one month of completion of the PeoplePlus User Acceptance Testing (UAT), the Agency agrees to provide AFGE National Council 238 summary evaluations of UAT's in AFGE-represented locations.

"Go Live" is defined as "use of the PeoplePlus system to record time and attendance for use in calculating employees' pay." At least 14 calendar days prior to "go live", EPA shall notify AFGE Council 238 of its intentions to "go live" on the specified date. In the event that EPA

does not “go live” on the specified date, an appropriate management official will notify AFGE of the reason for the delay and of a revised plan for implementing the PeoplePlus system including scheduled system downtime.

### **13. Superfund Travel Voucher Processing**

Not later than seven calendar days prior to “go live” of PeoplePlus, the Agency shall issue a revision to the Superfund site travel voucher processing requirements describing Superfund site travel voucher documentation requirements after the PeoplePlus “Go Live” date.

### **14. Outreach**

The Agency agrees to provide outreach and training materials to employees who have not been able to enter sick leave to care for a family member, bereavement leave, and other “special” types of leave.

### **15. Ongoing Discussions Between the Parties**

If the Agency proposes further changes to policies or procedures as a result of implementing the PeoplePlus system, the Union will be provided with notice and an opportunity to bargain pursuant to Statute. The Agency agrees to reopen bargaining upon request by AFGE National Council 238 over appropriate arrangements for employees adversely impacted by unforeseen aspects of PeoplePlus.

**FOR THE UNION:**

**FOR THE AGENCY:**

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AFGE National Council of EPA Locals #238

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Chief Negotiator  
U.S. EPA

Date: September 22, 2004

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