

**MEMORANDUM OF AGREEMENT  
BETWEEN THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
AND THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES**

**I. INTRODUCTION**

This Memorandum of Agreement ("MOA") is entered into, by and between the United States Environmental Protection Agency ("U.S. EPA" or "Agency") and the American Federation of Government Employees ("AFGE") Local 704 (the "Union").

**II. PURPOSE**

The purpose of this MOA is to establish procedures and appropriate arrangements for the implementation of Lobby Smart Card Readers, also known as the "EPA Personal Access and Security System ("EPASS") Lobby Badge Readers" to be located in the lobby or ground floor of 77 West Jackson, and other Local 704 workplaces. In the event (present or future) that any provision of this MOA is found to be contrary to any requirement of the Master Collective Bargaining Agreement ("MCBA") applicable to EPASS Lobby Card Readers, the MCBA shall supersede this Agreement for that specific requirement(s) only.

**III. AUTHORITY**

In August of 2004, President Bush issued Homeland Security Presidential Directive 12 ("HSPD-12"), which ordered all Federal agencies to issue identification cards for employees and contractors that meet a government-wide standard. The Government Services Administration (GSA) has recently informed EPA and the Union that it will install EPASS Lobby Badge Readers in Local 704 workplaces.

**IV. ELIGIBILITY AND COVERAGE**

This MOA covers all bargaining unit employees represented by AFGE Local 704.

**V. DEFINITIONS**

All definitions and details related to this program are found at or within the following documents or guidance to the extent that they are lawful and do not conflict with this MOA:

- August 27, 2004, Homeland Security Presidential Directive (HSPD) 12 *Policy for a Common Identification Standard for Federal Employees and Contractors* from President George W. Bush

- December 15, 2004, U.S. EPA Personal Security Handbook
- August 5, 2005, Memorandum for the Heads of All Departments and Agencies, *Implementation of Homeland Security Presidential Directive (HSPD) 12 – Policy for a Common Identification Standard for Federal Employees and Contractors*, from Joshua B. Bolten, Director, U.S. Office of Management and Budget
- Fact Sheets from NIST: *Frequently Asked Questions About the Standard for Personal Identity Verification (PIV) of Federal Employees and Contractors*, February 25, 2005, Updated September 19, 2005, National Institute of Standards and Technology, U.S. Department of Commerce.
- March 2006 Federal Information Processing Standards Publication (FIPS PUB 201-1), Change Notice 1, Personal Identity Verification (PIV) of Federal Employees and Contractors, National Institute of Standards and Technology, U.S. Department of Commerce.
- February 2007, U.S. EPA Personal Identify Verification (PIV) Handbook.

## VI. PERSONAL IDENTIFICATION VERIFICATION

The parties hereby agree that EPASS cards are to be used by represented employees solely as an identification card and an electronic key for access to buildings, facilities, and computer systems.

## VII. USE OF EPASS LOBBY CARD READERS

A. EPA shall not store or track, or be used to store or track, attendance, location, or work hours by using information obtained by EPASS Lobby Card Readers. Current Agency and local methods of timekeeping shall remain in effect, consistent with the MCBA. The Agency or any supervisor or manager cannot use EPASS Lobby Card Readers as a time and attendance system. Should EPA propose to expand the use of the data collected by the EPASS Lobby Card Readers, the Agency will serve notice and negotiate with the Union, as appropriate.

B. Should investigations of information from EPASS Lobby Card Readers be required by law enforcement agencies, the Agency or its representative shall conduct them in a manner consistent with existing law, regulation, and policy.

C. The Agency shall notify out-stationed AFGE Local 704 and any similarly impacted employees of the opportunity and procedure to update the EPASS to access the Local 704 workplace.

D. The Agency received the attached photograph of turnstiles from the General Services

Administration which shows a turnstile on the left that is compliant with the Americans with Disabilities Act (ADA). Upon installation, there will be five turnstiles in total, of which two will be ADA compliant and three will be standard width.

#### VIII. FUTURE NEGOTIATIONS, SEVERABILITY AND REOPENER

- A. Any changes to this MOA shall be made by mutual consent of the parties, in accordance with the MCBA.
- B. Nothing in this MOA shall serve to waive either party's rights under the law or MCBA.
- C. Should management exercise its rights under 5 U.S.C. 7106, the Union shall have the right to negotiate procedures and appropriate arrangements attendant to such changes.
- D. In the event that any provision (section, paragraph, sentence, etc.) of this MOU is held invalid by any arbitrator, court, regulation, rule or statute, the remaining provisions of this MOU shall not be held invalid and shall remain in full force and effect. The Union and the Employer shall immediately meet and attempt to renegotiate any provision found invalid.

#### IX. DURATION AND EFFECTIVE DATE

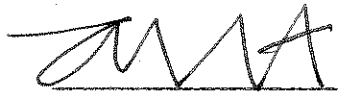
- A. This MOU will be in effect as long as the EPASS system remains in place in the 77 West Jackson building.
- B. This MOU shall be effective on the date it is signed, subject to Agency Head Review.
- C. However, if, as a result of Agency Head Review, a proposal or section of this MOU is disapproved, the parties shall exchange proposals and negotiate the affected proposal or section of this MOU within thirty (30) calendar days of the Agency's notification. The MOU shall not be implemented until new provisions are negotiated.
- D. An item returned by Agency-head review shall permit the parties, at the request of either party, to renegotiate that item and all related items and provisions that are directly affected, to the extent negotiations of that item are permitted by law.

X. SIGNATURE/DATE


The parties agree to this MOA as written above.

FOR AFGE Local 704:

FOR Management:

  
\_\_\_\_\_  
Nicole Cantello  
Chief Negotiator,  
AFGE Local 704

8/14/17  
Date

  
\_\_\_\_\_  
Charles Colvin  
Chief Negotiator,  
U.S. EPA

8/14/17  
Date



**IMAGES:**

Proposed turnstiles model: (size and cap color will be custom)



Left gate/aisle is ADA compliant and right gate/aisle is standard.

**Note:** This communication is the property of the U.S. Government and contains sensitive, confidential, privileged, or attorney-client privileged information that is for the sole use of the intended recipient(s).

