

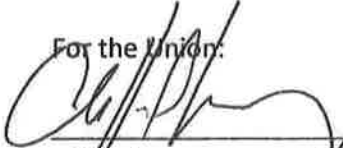

Memorandum of Understanding
Between
AFGE Local 1975, AFGE Local 383
And
DC Department of Human Resources


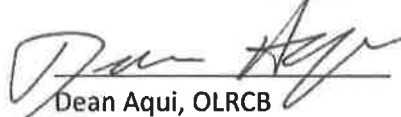
The Parties, including the American Federation of Government Employees, Local's 0383 and 1975 (Union) and the District of Columbia, Department of Human Resources (Agency) hereby voluntarily enter into this Memorandum of Understanding (MOU) pursuant to and concluding implementation and effects bargaining as set forth in the paragraphs below.

1. The Parties recognize that the terms of this MOU do not, in any way, limit the rights to the Union pursuant to any existing Collective Bargaining Agreement (CBA) or D.C. Official Code Section 1-617.11.
2. The Parties agree that this MOU and the terms and conditions referenced herein may be quoted, used, cited or relied upon for the subsequent enforcement of the substantive provisions of this MOU contained in number paragraphs 3 through 17 below.
3. As a result of discussions and negotiations between the Parties, the Union affirms that the purpose of a Suitability Policy is to ensure that persons considered for employment are suitable in efficiency, character, conduct, and reputation; and who have the knowledge and ability to perform the duties of the position sought. As a result, pre-employment checks and any subsequent screening(s) shall be conducted for the purpose of ascertaining applicants' fitness and suitability relevant to their position, duties and/or responsibilities.
4. The Parties agree that the Agency (i.e. DCHR) serves as the Program Administrator for the Suitability Policy for subordinate agencies and any independent Agency who elects to participate in the program. All participating agencies shall conform to the rules set forth by the Agency.
5. The Union shall receive at least 15 work days advance written notice, prior to officially designating a position as covered under the Suitability Policy.
 - a. During this notice period, the Union will have an opportunity to file a written appeal with the Program Administrator to challenge the designation, if deemed appropriate by the Union.

14. The Agency will ensure that the hiring procedures outlined in the Suitability Policy complies with all relevant Federal and local statutes, designed to protect ex-offenders, credit protection and the civil rights of applicants and employees.
15. On the day of drug testing, the employee to be tested shall receive in writing the following: the reasons for ordering the test; how the employee was selected for the test; what drugs or class of drugs they are being tested for; and the consequences should they refuse to fully cooperate with the drug testing process. An employee's refusal to sign forms will not be a basis for adverse action. If an employee receives a positive test result, he or she shall be advised of the right to a split sample and a secondary laboratory test. Employees shall be granted paid administrative leave for any time spent submitting to testing or screening directed under the Suitability Policy.
16. In the event an employee is directed to take a drug or alcohol test as part of an investigation, and the employee requests union representation, it shall be the responsibility of the employee to contact and secure the presence of such a representative within no more than one hour. If, after the one hour has elapsed, no union representative has appeared, the Parties agree that the employee shall be required to undergo the drug or alcohol testing, as directed by the Agency, notwithstanding the absence of a union representative.

All records related to suitability determinations will remain with the Program Administrator in a secure location and such records are to be kept separate and apart from an employee's official personnel folder. No record will be released to another party without the consent of the employee, except as required by law or lawful court order, or for purposes of taking action against the employee as a result of a suitability determination. Any employee covered under the Suitability Policy shall have the right to review or obtain copies of suitability records, consistent with 6B DCMR § 442 and Chapter 31 of Title 6B of the D.C. Municipal Regulations.

For the Union:

Clifford Lowery, AFGE Local 1975

Timothy Traylor, AFGE Local 383

For the Department:

Justin Zimmerman, Assoc. Dir.

Dean Aqui, OLRCB
11/3/15