

2-12-2005

MEMORANDUM OF UNDERSTANDING BETWEEN
THE FOOD AND DRUG ADMINISTRATION AND THE NATIONAL TREASURY
EMPLOYEES UNION

1. The Food and Drug Administration (FDA) and the National Treasury Employees Union (NTEU) have agreed that it is in their joint interest to implement an automated application and rating system (currently QuickHire) in conjunction with the negotiated merit promotion procedures set forth in Article 36 of the FDA/NTEU Collective Bargaining Agreement (CBA). Accordingly, they agree to the following modifications to Article 36, which will be implemented for positions in the Office of the Commissioner, the Center for Veterinary Medicine and the Center for Devices and Radiological Health on a trial basis pursuant to the provisions of this agreement:
 - A. Section 4A: This section is revised to provide that: "A copy of any announcement may be obtained by contacting the Human Resources Office. Employees will also have the option of being notified via email of future vacancies posted through QuickHire."
 - B. Section 5C: This section is revised to provide that: "In order to be considered, applicants must transmit an electronic application via the QuickHire website before midnight Eastern Standard Time (i.e., by 11.59 P.M. Eastern Standard Time) on the closing date stated in the vacancy announcement. All supplemental materials (e.g., sent in person or by mail, facsimile, or overnight courier) must be received or postmarked by the closing date of the announcement. If sending an electronic application poses a hardship, applicants may contact the issuing Human Resources Office prior to the closing date for assistance. Reasonable accommodations will be made for good cause."
 - C. Section 7A: This section is revised to provide that: "The initial screening of candidates to determine eligibility (i.e., "minimally qualified") will be accomplished through an automated self-certification process in which the applicant will respond to a series of ranking questions included in the vacancy announcement. A score based on those responses will determine eligibility for further consideration. Applicant scores are subject to adjustment based on an evaluation by a Human Resources Office representative or designated management official that the applicant's self-rating is not appropriate. Any representative or official that makes adjustments must have knowledge of the position being filled and must not be a supervisor over the position, including selecting and recommending officials. A complete record of any adjustments, including the date of an adjustment, the reasons therefor, and the name/title of

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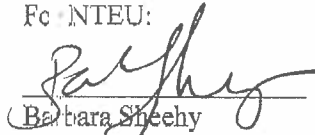
the individual making the adjustment(s), will be maintained in the QuickHire data base, a copy of which is available for the affected employee's review."

- D. Section 7.B.: This section is revised to provide that: "Candidates using QuickHire will be evaluated on the basis of their responses to the QuickHire questions relating to the knowledge, skills, and abilities (KSAs) that are needed for successful job performance in the position. QuickHire questions must be closely related to the principal duties of the position. It is understood that QuickHire questions will be developed and selected for every position prior to announcing the vacancy.
- E. Section 8A: This section is revised to provide that: "All applications will be rated by the automated system and the Human Resources Office representative will evaluate all job-related information submitted by the highest ranking candidates (a) to ensure that the applicants meet the minimum qualifications requirements and, (b) support their responses to the QuickHire questions in their resumes and narrative responses.
- F. Section 8E: This section is revised to provide that: "Applicants will be tentatively rated and ranked on the basis of their own responses to the ranking questions contained in the vacancy announcement. These initial scores may be subject to adjustment pursuant to the procedures outlined in Section 7.A. Scores may also be adjusted on the basis of information arising from an interview with the applicant. A complete record of any adjustments made on the basis of an interview, including the date of an adjustment, the reasons therefor, and the name/title of the individual making the adjustment(s), will be maintained in the QuickHire database, a copy of which is available for the affected employee's review."
- G. Section 9.A.1 is modified to include "...when a Best Qualified list is developed (by QuickHire or a Human Resources Office representative)..."
The remainder of the section remains unchanged.
- II. Section 11.A. is modified to provide: "Applicants applying for bargaining unit positions through QuickHire will be notified via email of the results of their application immediately after a selection is made."
2. Article 36 references to "Personnel Office specialists", "Personnel Officers", and "Personnel Office" are modified to refer to "Human Resource Office specialists or representatives" and "Human Resource Office," respectively.
 3. All other provisions of Article 36 not specifically mentioned in paragraphs 1 or 2 of this memorandum remain in effect and unchanged.
 4. The FDA will begin implementation of the automated application and rating system pursuant to this memorandum of understanding as soon as possible after execution of


the memorandum by the parties. Because the FDA will gradually phase in use of the automated application and rating system, positions may be filled during the trial period using the automated process or the manual process. The provisions of this MOU shall govern the automated process, whereas the unmodified procedures outlined in Article 36 of the parties' collective bargaining agreement shall continue to govern the manual process. Announcements will clearly specify the required application procedures. The FDA may exclude positions or categories of positions from the trial automated application and rating system as necessary.

5. The trial will remain in effect until July 1, 2005. At any time after the end of the pilot period, either party may elect to return to the unmodified procedures of Article 36 of the CBA. In the absence of a request by either party to return to the unmodified procedures of Article 36, the procedures of this trial will remain in effect at the designated Centers until modified through the collective bargaining process.
6. The FDA agrees to provide to NTEU National any data or information evaluating the use of QuickHire during the trial period.

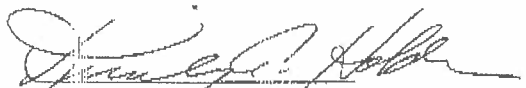
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Executed (date of last signature): Feb 12, 2005