

LETTER OF INTENT BY THE NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES (NIEHS OR AGENCY) TO THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES LOCAL 2923 (AFGE 2923 OR UNION) REGARDING IMPLEMENTATION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) INSTRUCTION 990-1, WORKPLACE FLEXIBILITIES (dated April 22, 2024)

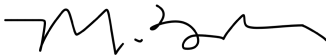
The Agency presented the Department of Health and Human Services (HHS) Instruction 990-1, Workplace Flexibilities, dated February 22, 2024, and April 22, 2024, to the Union for Impact and Implementation Bargaining per Article 12 of the Collective Bargaining Agreement between NIEHS and AFGE Local 2923, on April 23, 2024. The National Institutes of Health (NIH) adopted and began implementation of Instruction 990-1 for non-bargaining unit employees on or about February 22, 2024, and then after revision on or about April 22, 2024. The HHS Instruction 990-1 addresses telework and remote work and can be viewed at: <https://www.hhs.gov/about/agencies/asa/ohr/hr-library/990-1/index.html>.

The Parties acknowledge the following:

- the training requirement for eligibility is outlined in Instruction 990-1-150. As of April 2024, it states, "...all HHS employees are required to complete annual workplace flexibilities training (available in the HHS Learning Management System) to participate in the Workplace Flexibilities Program (WFP)..."
- the NIH has instituted a change for employees' completion of the Annual Information Security Awareness Refresher Training as a requirement for Workplace Flexibilities Agreement (WFA) application or renewal in 2024. Furthermore, the Parties acknowledge the employees' completion of the Remote Access Training (also known as Secure Remote Computing) as a requirement for WFA application or renewal.
- NIH establishes the timeframe for compliance and completion of WFA required training, in accordance with Federal law and Agency policy.
- that they are amid term Collective Bargaining Agreement (CBA) negotiations and the Parties will address workplace flexibilities as part of the term negotiations process. Until the implementation of a new CBA resulting from the term negotiations process, the Parties will adopt the HHS Instruction 990-1, Workplace Flexibilities Policy and other WFA required trainings per this Letter of Intent for AFGE Local 2923 bargaining unit employees (BUEs).
- the Union does not waive its right to bargain any further revisions of HHS Instruction 990-1.

- Within five (5) days of signing of this Letter of Intent, the Agency will notify employees that successful completion of the Workplace Flexibilities training, the 2024 Annual Information Security Awareness Refresher Training, and the Remote Access Training (also known as Secure Remote Computing) is required for application or renewal of a WFA in 2024.
- The Agency, on an annual basis, will timely notify employees of the requirements, including all training requirements to apply for, or renew a WFA. NIEHS employees shall complete the Workplace Flexibility Agreement (WFA) through the NIH WFA Dashboard (<https://wfas.nih.gov/>).
- In the event any employee is unable to complete all required training prior to the expiration date of the WFA due to unanticipated or exigent circumstances, the Agency will consider approval of renewal of WFA when the employee notifies their immediate supervisor (or designee), as soon as practicable, of intent to renew their WFA within ten (10) workdays of return to duty, including completion of WFA required training.
- This Letter of Intent does not establish any precedence. Any part of the CBA not explicitly addressed in this LOI remains unchanged and is not affected by this implementation of the HHS Instruction 990-1.
- This Letter of Intent shall expire at the implementation of a new CBA between NIEHS and AFGE Local 2923, or by mutual agreement of the Parties.
- Additionally, the parties are bound to this LOI until such implementation.

For NIEHS:



Matthew Burr
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Branch, NIEHS