

**MEMORANDUM OF UNDERSTANDING BETWEEN NATIONAL TREASURY
EMPLOYEES UNION AND NATIONAL CREDIT UNION ADMINISTRATION
REGARDING OFFICE OF GENERAL COUNSEL'S PROMOTION POLICY FOR
EXCEPTED SERVICE PROMOTIONS**

NCUA's Office of General Counsel (OGC) has developed a promotion policy for excepted service promotions. This Memorandum of Understanding (MOU) between the National Treasury Employees Union (NTEU) and the National Credit Union Administration (NCUA) is entered into between the parties to address the impact and implementation of the promotion policy for bargaining unit positions in the excepted service within NCUA's Office of General Counsel. This MOU does not affect the Agency's management right to fill vacant positions by recruiting eligible candidates through the announcement of such vacancies within the Agency or by recruiting outside from any appropriate source. This does not apply to promotions of employees who have not reached the full performance level of their positions or to filling vacant positions from outside sources. This MOU will apply to OGC Attorney promotions that will be filled internally.

1. The OGC Policy for excepted service promotions shall be interpreted and applied in a manner consistent with all applicable laws, rules, regulations, and executive orders.
2. The OGC Policy for excepted service promotions shall use a fair and objective approach to identify, evaluate and select OGC employees for promotions into excepted service positions on the basis of merit system principles (5 U.S.C. § 2301).
3. Actions taken under OGC's promotion policy shall be made without regard to race, color, sex, national origin, marital status, age, religion, sexual orientation, labor organization affiliation or non-affiliation, or non-disqualifying physical or mental disability, age and any other non-merit factor (5 U.S.C. § 2301).
4. A Notice of Interest (NOI) will be emailed to all bargaining unit employees within OGC so that employees are provided with a fair opportunity to apply for the position.
5. The NOI will allow at least 10 calendar days for employees to submit resumes and shall identify the minimum qualification standards required for the position.
6. The selecting official will meet with an employee who applies for a position and is found not eligible for the position to provide an explanation of why the employee was not eligible for the position. This meeting will occur within thirty (30) days from the date when the employee was notified that he/she was found not eligible for the position.

7. The Agency will fairly and equitably review employee resumes to determine whether an applicant meets the eligibility criteria established. If interviews are conducted, all employees interviewed will be asked the same set of questions.
8. The selecting official(s) will fairly and equitably compare and assess applicants' experience to select the candidate for the position to be filled.
9. If the Notice of Interest is cancelled, an employee, upon request, will be provided with a written explanation of why the NOI was cancelled. Such requests will be made through NCUA's OGC, who will provide the employee with a written response within five (5) business days.
10. All employees, who applied for the position to be filled and are not selected, will be notified, within three (3) business days, after a selection is made.
11. An employee selected for a promotion will be placed in the new position no later than thirty (30) days following the date of selection.

This MOU will become effective upon signatures of all parties and will remain in effect until superseded or canceled.

For NTEU:



Heather Hammes, President
NTEU-Chapter 303

Date: 6-27-08

For NCUA:



David M. Marquis
NCUA, Chief Negotiator

Date: 6-26-08