

Memorandum of Understanding
Between
The Court Services and Offender Supervision Agency
And
The American Federation of Government Employees, Local 727
(Amended to reflect modification to Item 17)

This Memorandum of Understanding between AFGE Local 727 (the Union) and the Court Services and Offender Supervision Agency (the Agency) contains those agreements reached between the parties relative to administration of the Drug Free Workplace Program (DFWP) as it applies to bargaining unit employees:

1. All bargaining unit employees will be provided a copy of the Drug Free Workplace Policy.
2. The Agency agrees to distribute both the DFWP and this DFWP Memorandum of Understanding to bargaining unit employees electronically concurrent with the issuance of the DFWP 60-day Notice/Acknowledgement of Receipt.
3. Mandatory DFWP training for bargaining unit employees will not be conducted during their lunchtime.
4. The Agency shall not require employees to report for drug testing during non-duty status time (e.g., lunch time).
5. The union will designate a Liaison to the DFWP program. The Liaison will:
 - a. Recommend additional measures, if any, that may be necessary or desirable, to assure the continued efficiency and effectiveness of the program.
 - b. Recommend adoption of such measures and;
 - c. Inform AFGE Local 727 on the operation of the program, subject to laws, rules and regulations concerning the confidentiality of employee records.
6. The union will be provided a quarterly report of the number of drug tests administered and the number of verified positive test results. A copy of the statistical data provided to HHS annually to assist in overall program evaluation and a copy of the Agency annual report to Congress required by Section 503(f) of the Act, shall be provided to the Union Liaison to the DFWP.
7. The Agency shall provide the Union with an annual report reflecting the number of bargaining unit employees who were terminated as a result of this program.
8. A copy of any report received by the Agency from the Department of Health and Human Services, which states that the performance of a certified laboratory used by the Agency is unsatisfactory, will be given to the union.
9. The Agency shall provide separate drug testing facilities for employees that are geographically and physically apart from offender drug testing facilities.

10. After providing a sample to the Employer for official testing, upon request from the employee and subject to the needs of the Employer, an employee will be allowed to take annual leave to obtain an independent test from a DHHS certified laboratory or one certified by a DHHS-recognized certification program in accordance with the Guidelines, at the employee's expense. The results of the independent test may be provided to (1) the MRO if they are the results of a sample obtained and processed in accordance with the Guidelines and (2) the employee's supervisor to facilitate his or her personnel decision.
11. When there is a positive test result and the MRO cannot contact the employee due to the employee being on leave, the time limits for the employee to respond to the MRO shall not begin to toll until such time as the employee returns to duty or can be notified to contact the MRO.
12. The Agency will initiate a technical review of the notification, collection and laboratory-testing phase of the drug screening which produced a positive result and the employee will be informed of the results of that review. The results of the review, without employee identifier information, will also be given to the Union liaison to the Drug Free Workplace Program.
13. The employee will be notified, in writing of the results of the testing of the split specimen (bottle b).
14. In addition to the above, the parties have also agreed to modifications to the policy that the Agency has decided to apply to all employees due to their general nature. Those changes are indicated in bold text in the document dated November 27, 2000.
15. The Union and the Agency agree that agreed upon changes to the Agency's Drug Free Workplace Policy (DFWP) will be submitted to the Department of Health and Human Services (HHS) for review.
16. Any changes mandated by HHS, the Agency Director, or any other necessary approving authority, affecting bargaining unit employees, shall be provided within five (5) business days of OHR's receipt, to the Union for further impact and implementation negotiations.
17. Any employee who fails to complete counseling, rehabilitation, tests positive for illegal drug use during treatment, when such tests indicate that the employee is not refraining from such drug use, or fails to adhere to the requirements of an abeyance agreement, will be terminated from employment with the Agency.



Frank X. Jacquette III
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For Employee and Labor Relations

Date: 1-28-05



Carolyn Brown
President
AFGE Local 727

Date: January 28, 2005