

Memorandum of Understanding
Between
The Adjutant General, West Virginia National Guard
And
The Association of Civilian Technicians, West Virginia Chapters

JUN 13 2013

SUBJECT: Administrative Furlough

This agreement is entered into under the provisions of Public Law 95-454, by and between the West Virginia National Guard, hereinafter referred to "Employer", and the Association of Civilian Technicians, West Virginia Chapters, hereinafter referred to as the "Association".

This final agreement between the parties applies to any proposed or actual furlough of any bargaining unit employee for twenty-two (22) work days (176 work hours) or less, for the life of the LMRA, *dated 12 October 2010*.

To the extent required by law, the Employer must initiate applicable collective bargaining obligations with the Association prior to issuing any furlough notices to bargaining unit employees. As administrative furlough is a planned event by an agency which is designed to absorb reductions necessitated by downsizing, reduced funding, lack of work, or any other budget situation other than a lapse in appropriations, the Employer will note the reason for the furlough specific to each proposed furlough occurrence, and provide appropriate information to the Association that is normally maintained, reasonably available, and necessary to perform the representational duties of the Association.

If the employer claims the necessary functioning of the employer requires a bargaining unit employee's furlough begin before completion of appropriate bargaining, the employer will promptly provide to the labor organization and the employee a written statement of the facts and reasons on which the claim is based. The claim for Furlough will not preclude or waive any right that may exist to contest the employer's claim.

Having initiated appropriate bargaining, the employer may commence the Furlough process per appropriate law, rule, and regulation. The Furlough process will include the following conditions.

All employees notified of Furlough requirement will be informed in writing of the total number of hours they will be required to surrender, the date the Furlough will begin and the date all Furlough action will cease.

Technicians will be allowed the right to request continuous or discontinuous furlough days off through their normal leave request process. All requests for specific furlough days off must be approved or disapproved in accordance with the LMRA, *dated 10 Oct 2010* (ARTICLE II-Workweek and Hours of Work, ARTICLE III-Attendance and Leave) and, applicable law, rule, and regulation.

The employer will obtain and provide to the bargaining unit employees and the labor organization adequate information concerning employees' potential entitlement to, and

procedures for seeking, unemployment compensation due to furlough. HRO will provide the contact information of the unemployment compensation office in ample amount of time for an employee to contact the unemployment office.

Entitlements will be discussed with the Association and employees (i.e. loss of leave, sick and annual, Thrift Savings Plan, and FEHB). Methods for calculations will be provided to the Association and employees. Individual assistance will be rendered, upon request.

The work schedule hours may be changed in accordance with the Labor Management Relations Agreement at discretion of The Adjutant General, as appropriate.

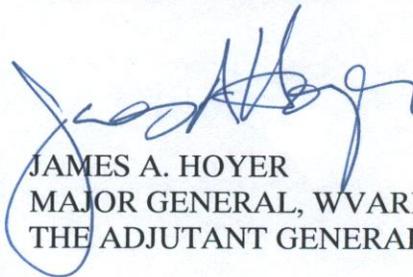
If the employees' scheduled furlough includes both the last workday before the holiday and the first workday after the holiday, the technician is not entitled to pay for the holiday. HRO must advise an employee they will not earn holiday pay. (See Comptroller General opinion B-224619, August 17, 1987)

FOR THE ASSOCIATION



DENNIS K. RAYBURN
ASSOCIATION OF CIVILIAN TECHNICIANS
CHAIRMAN, WV STATE COUNCIL

FOR THE EMPLOYER



JAMES A. HOYER
MAJOR GENERAL, WVARNG
THE ADJUTANT GENERAL