

**MEMORANDUM OF  
UNDERSTANDING**

This is a Memorandum of Understanding (MOU) by and between the Social Security Administration (SSA), Office of Hearings Operations (OHO), hereinafter referred to as the "Agency" or "Management" and the National Treasury Employees Union, Chapter 224 (NTEU), hereinafter referred to as "NTEU" or the "Union," and collectively referred to as the "Parties."

The purpose of this MOU is to address the impact and implementation of the Auxiliary Workload Tool, hereinafter referred to as "AWT" or "the Tool," for use in calculating the Decision Writer Productivity Index (DWPI) score for Senior Attorney Advisers (SAAs) and National Hearing Center (NHC) Attorney Advisers. For the purpose of this MOU, auxiliary time is duty time used for any type of work other than decision drafting, identified in the Tool or, except as set forth below.

**Section 1 – AWT Procedures**

- A. Upon implementation of this Agreement, AWT users will daily record time spent performing auxiliary work using the Tool. Daily entries will be completed within a reasonable time after completing a task, giving priority to the efficient and timely completion of the task. AWT users will self-report each auxiliary workload or task performed/assigned. They will specify the day the task or workload was completed. Time will be recorded in fifteen-minute increments (rounded up for 8 minutes or more, rounded down for 7 minutes or less) for each task and/or workload completed.
- B. Management should not normally request that an AWT user delete an entry, except where entered in error, however, Managers may deny unsupported entries. Management will not normally prohibit the submissions of auxiliary time in the Tool. If Management denies or questions the time submitted for any category, they must do so in AWT Remarks based on the entry being incorrect, not an approved assignment by Management, or for exceeding the Management allotted time for the assigned task. The AWT user will be given an opportunity to explain and/or voluntarily correct the entry. However, entries that remain denied will not be deducted from the employee's DWPI calculation.

- C. Senior Attorneys and NHC Attorneys will not normally be required to seek advance approval to perform policy research, ALJ advisement, or informal mentoring.

## **Section 2 – Non-Workload AWT Categories**

- A. The parties agree to the following non-workload AWT categories:
1. Non-standard training, approved in advance, (excludes OCEP or mandatory VOD trainings) such as GETA fund trainings, team building exercises, or other non-Agency specific trainings;
  2. Severe Computer Issues (defined as time spent beyond thirty minutes to resolve computer issues after previously informing supervisor of the issue);
  3. Telework Redeployment Commute Time (defined as any approved duty associated with travel to and from the ODS).
  4. Union Representation Consultation (defined as pre-approved time Senior Attorneys and NHC Attorneys spend discussing labor management issues/concerns with an NTEU designated representative, steward, or Board member for the purpose of representation).

While the tool does not contain a category for NTEU designated representatives, stewards, and Board members to record official time, the Agency recognizes that official time is auxiliary time and will be factored into the calculation of productivity metrics.

**IMPLEMENTATION**

1. This MOU will be effective upon completion of Agency Head Review (AHR) as set forth in 5 USC 7114(c). If upon AHR, any portion of this MOU is disapproved, the parties will negotiate those disapproved items in accordance with 5USC71 and the National Agreement.
2. The Agency will provide a copy of this MOU to the NTEU Chapter President within 10 days of approval by the Agency Head and will post a copy of this MOU to the OLMER website within ten (10) days after Agency Head Approval.
3. If Management elects to expand AWT to NTEU Attorney Advisers and Paralegal Decision Writers, the provisions of this MOU will additionally apply to those positions as well.
4. The Agency will share relevant annual aggregate AWT data upon request. Requests for these annual reports will be made to OEOHR beginning October 1<sup>st</sup> and no later than October 31st.

For NTEU:

  
Christie Saunders Date

  
Ilona Dotterrer Date

For SSA:

  
John D. Kuhn Date

  
Kawana Kates Date

  
Earnest Baskerville Date