

**MEMORANDUM OF AGREEMENT
BETWEEN THE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
AND THE LABOR CAUCUS OF THE LABOR-MANAGEMENT FORUM
REGARDING THE APPOINTMENT OF TERM EMPLOYEES**

PARTIES

The parties to this Memorandum of Agreement (MOA) are the National Aeronautics and Space Administration, Washington, DC (hereafter, NASA or Management) and the Labor Caucus of the Labor Management Forum established under EO 13522 (hereafter, Labor).

AUTHORITY

This MOA is authorized under the provisions of Executive Order 13522, Creating Labor-Management Forums to Improve Delivery of Government Services.

PURPOSE

This MOA between Management and Labor outlines the roles of NASA and Labor relating to the use of Temporary Employees agency-wide.

This MOA has no effect on any other agreement that may exist between the Agency and Labor.

BACKGROUND

Several years ago, to help maintain a flexible workforce, the Agency set a target of 15% of all scientist and engineering employees to be on term or time limited appointments by 2013. The OHCM stated that there may have been some instances where the Term hiring authority should not have been used.

The consensus of the Forum was that this target is unnecessary, and should be retracted. The Forum agreed that NASA's term hiring processes needed to be reassessed. Both Management and Labor agreed that there are appropriate uses for Term Appointments and that we want to ensure that this authority is used properly across the Agency.

A sub-team was identified to review the target and current Agency needs and develop supplemental guidance on Term appointments. See Appendix A.

GOVERNING LAWS AND REGULATIONS

Term appointments are governed by 5 CFR 316, Subpart C.

AGREEMENT

Management and Labor agree to the following:

All positions identified to be filled or extended as term appointments will meet, in addition to the specifications of 5 CFR 316.301(a), at least one of the following criteria:

- At the time the position is established, there is not a clear long-term need for additional capacity in the skill or skills of that position; or
- At the time the position is established, projects and/or institutional work to which the incumbent of the position could be assigned are not secure enough to assure full-time utilization of the position beyond a certain period of time

When making determinations, the default should be permanent absent an affirmative finding that the position should be term. The above criteria shall be used as vacancies occur, and to re-evaluate existing term positions that are encumbered by employees eligible for conversion under the NASA Flexibility Act of 2004.

POINTS OF CONTACT

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Leland Stone – Chair, Labor Caucus
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OTHER PROVISIONS

Nothing in this Agreement is intended to conflict with current law or regulation. If a term of this Agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

EFFECTIVE DATE

This MOA shall take effect immediately upon the signature of both parties.


MODIFICATION/PERIODIC REVIEW/RECONSIDERATION

Either Labor or Management has the right to request a review of this MOA at any time.

Changes to this MOA may only be made with the mutual consent of both parties and must be reduced to writing.

DURATION

The Agreement will be effective upon ratification by the Co-Chairs of the Labor-Management Forum. It will sunset at the termination of the existing Executive Order.

 _____ Lori Garver Deputy Administrator National Aeronautics and Space Administration	<i>11/19/10</i> _____ Date	_____ Lee Stone Chair, Labor Caucus	_____ Date
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Term Appointment Memorandum of Agreement - Concurrence

Toni Dawsey 11-19-10
Toni Dawsey Date
Assistant Administrator
for Human Capital Management

Michael C. Wholley 11/19/2010
Michael Wholley Date
General Counsel