MEMORANDUM OF UNDERSTANDING

The following constitutes an agreement between the Department of Veterans Affairs (VA) and the American Federation of Government Employees, AFL-CIO, National Veterans Affairs Council #53 (NVAC) regarding the Department's OF Bulletin 10047E3.02 "Texting Messaging While Driving."

1. The national parties agree this MOU does not waive NVAC's right to bargain on the Department's VA Directive and/or VA Handbook addressing the same subject once completed and provided to NVAC.

2. Bargaining unit employees can use electronic communication equipment provided by the Government while operating a motor vehicle with or without the motor running when one has pulled over the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

3. OF Bulletin 1004E3.02 applies to bargaining unit employees driving government-owned, government-leased, or government rented vehicles or privately-owned vehicles on official government business. It also applies when using electronic equipment supplied by the government while driving.

4. The Department does not condone management officials engaging in electronic communication(s) with a bargaining unit employee while the employee is operating a motor vehicle for the sole purpose of enforcement of this OF Bulletin.

5. A copy of OF Bulletin 10047E3.02 shall be provided by the appropriate management official to bargaining unit employees, when the employee is authorized to use a government-owned, government-leased, government-rented or privately-owned vehicles on official government business.

6. Bargaining unit employees may use wireless communication devices in compliance with State Law where required.

7. AFGE Local may bargain locally under Article 44, Mid-Term Bargaining, Section 4, if a request is made to local management officials under this MOU.

8. Upon their receipt, the appropriate management official will provide a copy of this MOU to the Local Union President.

Denise Biaggi
For the Department (VA)

3/3/2010
(Date)

Oscar L Williams Jr
For National VA Council #53 (NVAC)

2-24-2010
(Date)