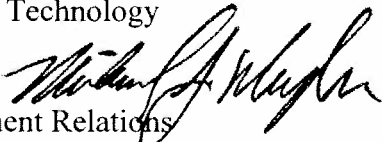




**U.S. Customs and
Border Protection**

MAY 11 2012

TO: Charles R. Armstrong
Assistant Commissioner
Office of Information and Technology

FROM: Michael J. Wenzler 
Director, Labor-Management Relations
Office of Human Resources Management

SUBJECT: Agency Head Review
Memorandum of Understanding – Windows 7, Office 2010, EaaS, File & Print

The subject Memorandum of Understanding (MOU) signed May 10, 2012, memorizes an agreement between U.S. Customs and Border Protection (CBP) and the National Treasury Employees Union (NTEU). The MOU addresses the implementation of Windows 7 Operating System, Microsoft Office 2010, Windows File and Print, and Email-as-a-Service. In addition, the MOU addresses the use of Office Communicator and Web Cams. The negotiated terms have been reviewed in accordance with 5 U.S.C. §7114(c) and under Department of Homeland Security, Customs and Border Protection Delegation Order 10-001 dated February 23, 2010.

The MOU does not violate existing law, rule or regulation, and is hereby approved. This approval does not constitute a waiver of, or exception to, any existing law, rule, regulation, or policy.

If you have any questions or need additional assistance, you may contact Don Stakes, Chief Labor Negotiator, by telephone at (202) 863-6335, or by electronic mail at Donald.Stakes@dhs.gov.

CC: Colleen Kelley, National President, NTEU
Jonathan Levine, Litigator, NTEU
Luke Chesek, Negotiator, NTEU
Barry Brown, Executive Director, Enterprise Data
John Wigton, Field Services Director, Labor & Employee Relations
Barry Carpenter, Labor-Management Relations Specialist

Attachment

**Memorandum of Understanding
Between
U.S. Customs and Border Protection
And
The National Treasury Employees Union**

This Memorandum of Understanding (MOU) is entered into by, and between U.S. Customs and Border Protection (CBP) and the National Treasury Employees Union (NTEU) regarding the Office of Information and Technology's (OIT) implementation of upgrades to the Windows 7 System and Microsoft Office 2010, Windows File and Print and Email-as-a-Service.

On July 26, 2011, CBP provided NTEU notice of its intent to implement major upgrades to the existing Windows 7 Operating System and Microsoft Office 2010, Windows File and Print and Email-as-a-Service. On September 2, 2011, CBP provided a comprehensive briefing to NTEU over these technologies. CBP intends to implement these technologies after the testing period has been completed.

With respect to the above-described initiative, the parties agree to the following:

1. CBP will offer online training for the Windows 7 Operating System and Microsoft Office 2010. It will provide Microsoft e-Learning modules at the beginner, intermediate and advanced skill levels for the following: Microsoft Outlook 2010, Microsoft Word 2010, Microsoft Excel 2010, Microsoft Power Point 2010, and Microsoft Access 2010. All bargaining unit employees will also receive Quick Reference Guides for the 2010 versions of Word, Access, Excel, Power Point, and Outlook. This does not preclude the Agency from offering additional related courses to bargaining unit employees.
2. If a bargaining unit employee utilizes Office Communicator, CBP will not utilize Office Communicator to track its bargaining unit employees' attendance or performance. A bargaining unit employee's 'status' on Office Communicator will not be utilized by the supervisor or management official as a tool to determine, or indicate, the bargaining unit employee's performance, work status, or location.
3. If a bargaining unit employee utilizes a webcam, CBP will not utilize the webcam to track its employees' attendance or performance.
4. If either party becomes aware of significant problems that arise due to the implementation of this initiative, CBP or NTEU shall inform the other party of such problems and the parties will meet to discuss and attempt to resolve them as soon as practicable. If parties cannot resolve the issue either party may re-open to bargain.

5. Except as addressed herein, CBP does not anticipate further adverse impact of Window 7 Operating System, Microsoft Outlook 2010 and EaaS on any bargaining unit employees as a result of this initiative. However, if adverse impact is realized at some point in the future, CBP will provide the appropriate notice to NTEU and bargain, to the extent provided by the parties' Collective Bargaining Agreement, applicable law, rule, and regulation.
6. If CBP decides to modify or expand this initiative, CBP shall provide NTEU with appropriate notice, as required and opportunity to bargain pursuant to Article 26 of the parties' Collective Bargaining Agreement, law, rule, and regulation.
7. This MOU is deemed executed upon the final signatures of both parties, and shall be considered effective upon agency head review, or the thirty-first day after final signature of the parties' or CBP's chief negotiators, whichever is first. Either party may reopen this MOU for revision or modification in accordance with Article 26 (Bargaining) of the CBP and NTEU National Collective Bargaining Agreement.

Barry Brown 10 May 12
Barry Brown, PhD Date
Executive Director, Enterprise Data
Management & Engineering, CBP/OIT

L. Cheseck 4/12/2012
L. Cheseck Date
NTEU, Negotiator

Randolph Gadson 4/12/2012
Randolph Gadson Date
Labor-Management Relations, CBP