

**Memorandum of Understanding
Between
National Air Traffic Controllers Association
and
Federal Aviation Administration**

This Agreement is entered into between the National Air Traffic Controllers Association, AFL-CIO ("NATCA" or "the Union") and Federal Aviation Administration ("FAA" or "the Agency"), herein collectively referred to as "the Parties." This Agreement represents the complete understanding of the Parties concerning the implementation of the Voluntary Leave Bank Program as described in LWS-8.12d, FAA Voluntary Leave Bank ("VLB"); Reference Material: Leave Sharing Limitations and Requirements; and HROI, Procedures for the FAA VLB dated April 20, 2020.

Section 1. The Agency shall provide all bargaining unit employees (BUEs) with access to CASTLE.

Section 2. The Agency shall provide all BUEs with training on CASTLE. BUEs shall be afforded duty time to complete the training. Fourteen (14) calendar days prior to distribution of the training, the Agency shall provide NATCA with a copy of the training and the opportunity to comment.

Section 3. BUEs shall be afforded duty time and access to a computer with privacy and internet access to enroll in the VLB via the CASTLE time and attendance system.

Section 4. BUEs make a request to become a leave recipient electronically via the CASTLE time and attendance system or, if making the request via CASTLE is impractical, by submitting a written application to the Agency using the NATCA VLB Recipient Application Form attached as Appendix 1. If a BUE is not capable of making an application on their own behalf, the BUE may choose to have their immediate supervisor or a management designee, or a personal representative of the BUE's choosing, submit the application. The management designee shall be located at the facility/office to which the BUE is assigned. Written applications must be submitted to the immediate supervisor or the management designee for creation in CASTLE.

Section 5. BUEs submit documentation via a direct upload to the CASTLE system. The Agency shall provide BUEs with access to a computer with a scanner, privacy, internet access, and FAA intranet access to submit the documentation. Employees are permitted to use this equipment to access their personal email accounts for the purpose of obtaining the necessary documents for uploading to the CASTLE system.

If access to a computer with a scanner, privacy, internet access, and FAA intranet access is unavailable or the BUE is otherwise unable to directly upload documentation to the CASTLE system, the BUE or their personal representative may submit the documentation via email, fax, or certified mail to the VLB Program Manager. The Agency shall post the VLB contact information on the VLB webpage, the link to which will be provided on the bottom of the NATCA VLB Recipient Application Form (attached as Appendix 1).

Section 6. BUEs will not be required to access their FAA.gov accounts to enroll or participate in the VLB.

Section 7. The NATCA Leave Bank Board Member ("LBB") will not be required to access their

FAA.gov account to perform their duties.

Section 8. A VLB leave recipient may use leave transferred to the leave recipient's account only for the purpose of a medical emergency or bonding for which the leave recipient was approved.

Section 9. Leave donated to the VLB recipient may be substituted retroactively for a period of leave without pay (LWOP) or used to liquidate an indebtedness for advanced annual or sick leave granted on or after a date fixed by the leave recipient's employing agency as the beginning of the period of medical emergency or bonding for which LWOP or advanced annual or sick leave was granted. However, the BUE must have applied for and become a VLB member prior to the start date of the medical emergency or bonding period for which they were awarded donated leave.

Section 10. Donated leave may be used consecutively or intermittently for any period of approved absence.

Section 11. BUEs should make requests for leave as soon as practicable in advance of the intended use. BUEs may need to adjust the proposed dates of use or may be unable to make a request prior to the qualifying personal or medical emergency or need for bonding due to unforeseen circumstances. Should such circumstances arise, a BUE will submit a new or revised request as soon as practicable.

Section 12. BUEs shall provide the following medical documentation or information in support of their request:

- a) If the BUE is experiencing a medical emergency, a description of the nature, severity, and anticipated duration of the medical emergency; and if it is a recurring one, a description of the approximate frequency of the medical emergency.
- b) If the BUE is seeking bonding leave following a birth, adoption, or placement documented proof of the birth, adoption or placement may be required.

If the LBB requires additional information from a BUE, the VLB Program Manager shall provide the BUE with an explanation for the need for additional information in writing. If the LBB requires certification regarding a medical emergency from more than one physician or other appropriate expert, the FAA will bear the expense associated with obtaining the additional certification(s).

Section 13. If the medical emergency or bonding period giving rise to approved VLB leave ends prior to the date previously authorized, the VLB leave recipient will notify the Agency via the CASTLE system. If it is impractical for the BUE to provide notification through CASTLE, the BUE will notify the Agency via written notification to their immediate supervisor or their designee.

Section 14. The Agency shall apply the provisions of the VLB program in a fair and equitable manner. The Agency shall ensure that during each LBB meeting where applications are reviewed and approved, each employee will have a fair and equitable opportunity to receive donated VLB leave.

On a monthly basis, the Agency will provide the NATCA LBB member with the following information:

- (1) The amount of leave available in the VLB;
- (2) The number of VLB applications during that month; and

(3) The following information for each VLB application:

- a. the applicant's bargaining unit status (NATCA or non-NATCA);
- b. the amount of leave requested; and
- c. the amount of leave received.

Section 15. This Agreement does not constitute a waiver of any right guaranteed by law, rule, regulation, or CBA on behalf of either Party.

Section 16. This Agreement shall remain in effect for the duration of each applicable CBA.

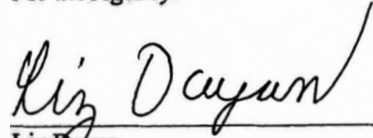
Signed this 5th day of November 2020:

For the Union:




Dean Iacopelli
Chief of Staff

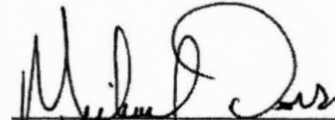
For the Agency:




Liz Dayan,
Exec Dir, Benefits and Worklife, AHB



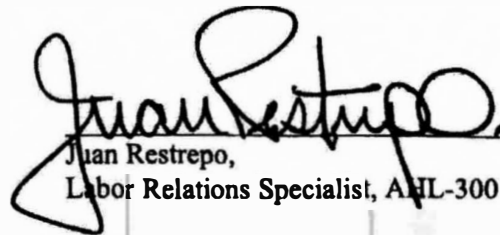
Nicole Vitale
Director of Labor Relations



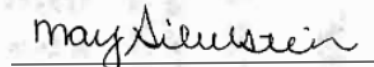
Michael Doss,
Director, AHL-300



Rich Santa
Eastern Regional Vice President



Juan Restrepo,
Labor Relations Specialist, AHL-300



May Silverstein
Labor Relations Staff Attorney

NATCA VLB Recipient Application Form

Applicant Name: Supervisor Name:
Phone Number: Phone Number:
Alternative Email: Email:

Describe The Nature And Severity Of The Medical Emergency

Application For: Employee Family
Expected Absence Per Pay Period: Continuous Intermittent

Emergency Began: Physician Name:
Emergency End: Physician Phone:
Hours Requested: LWOP Hours Used for this Emergency:

Leave Balance as of the Beginning of the Current Pay Period: Annual Leave:
Sick Leave:

Has Applicant Used the Voluntary Leave Transfer Program For This Emergency? Yes No

ALL FIELDS ARE REQUIRED - Attach medical documentation and/or justification for bonding purposes.
(Medical documentation shall include a description of the nature, severity, anticipated duration of the medical emergency, if it is a recurring one, and the approximate frequency of the medical emergency affecting the leave bank member. NOTE: When the leave application is solely for the purpose of bonding with a child, documented proof of birth or adoption may be required.)

Through my signature below, I authorize the access of my Voluntary Leave Bank application and associated records, including medical documentation, to the Voluntary Leave Bank Board Members for their review as they process my application, in accordance with HRRM LWS-8.12d and HROI, Procedures for the FAA Voluntary Leave Bank.

Signature: Date:

Privacy Act Statement (5 U.S.C. § 552a, as amended):

Authority: Information on NATCA VLB Recipient Application Form is solicited under the authority of section 347 of the 1996 Department of Transportation Appropriations Act, implementing personnel management system policies and procedures, including Human Resource Policy Manual (HRPM), LWS-8.12 and LWS-8-12d and Human Resources Operating Instructions (HROI), Procedures for the FAA Voluntary Leave Bank.

Purpose: The purpose for collection of this information is to enable the FAA to process applications for donated leave under FAA's Voluntary Leave Bank in accordance with FAA HRPM policy and HROI procedures.

Disclosure: Submission of this data, and any medical information, is voluntary. This information will become part of the Privacy Act System of Records DOT/ALL 19, [Federal Personnel and Payroll System](#). 73 FR 66826 (November 7, 2008). Incomplete submission will impede the FAA's ability to process the application for voluntary leave.

Routine Use of Information: Within the Department of Transportation (DOT), this information will be shared only with DOT employees, contractors, and detailees who have a need to know the information in performance of official duties. This information will be disclosed outside of the DOT only if a Privacy Act exception applies, which includes the routine uses listed in System of Records Notice (SORN) DOT/ALL 19, [Federal Personnel and Payroll System](#). The Department has also published 15 additional routine uses applicable to all DOT Privacy Act systems of records. These routine uses are published in the Federal Register at 84 FR 55222 (October 15, 2019) and 77 FR 42796 (July 20, 2012), and under "Prefatory Statement of General Routine Uses" (available at <https://www.transportation.gov/privacy/privacyactnotices>).