

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NATIONAL TREASURY EMPLOYEES UNION, (NTEU); THE AMERICAN
FEDERATION OF GOVERNMENT EMPLOYEES (AFGE); THE ENGINEERS AND
SCIENTISTS OF CALIFORNIA (ESC); THE NATIONAL ASSOCIATION OF
GOVERNMENT EMPLOYEES LOCAL R5-55 (NAGE R4); THE NATIONAL
ASSOCIATION OF GOVERNMENT EMPLOYEES LOCAL R1-240 (NAGE
NARRAGANSETT); AND THE NATIONAL ASSOCIATION OF INDEPENDENT
LABOR (NAIL)
AND
THE U.S. ENVIRONMENTAL PROTECTION AGENCY**

This Memorandum of Understanding (“MOU”) between the National Treasury Employees Union, (NTEU); The American Federation of Government Employees; the Engineers and Scientists of California (ESC); the National Association of Government Employees Local R5-55 (NAGE R4); the National Association of Government Employees Local R1-240 (NAGE Narragansett); and the National Association of Independent Labor (NAIL) (collectively the “Unions”) and the Environmental Protection Agency (“EPA,” “Agency,” or “Employer”) (collectively, “the Parties”) addresses the Agency’s proposed requirement that all removable storage media (“RSM”) used across all Agency workstations must be registered and approved by the Agency prior to use. RSMs copy, save, store, and/or move data from one system to another (e.g., USB thumb drives, external hard drives and solid-state drives). To register a device, device owners will submit an electronic request to their Information Security Officer (ISO) with a business justification for the use of a specific RSM. The ISO will review the request and approve or deny it based on the business justification, and will work with the requester to determine if there are other methods that can be used for the data transfer such as email, OneDrive, SharePoint, or GoAnywhere. Unregistered devices will be considered unauthorized and untrusted, and will be blocked.

The purpose of this initiative is to automate prevention of the usage of untrusted removable media; minimize the risk of loss or exposure of sensitive data maintained by EPA; reduce the exposure to external sources of malware to the EPA network and equipment; and to strengthen and enhance the Agency’s overall cybersecurity stance. The initiative will be implemented in November 2021.

In order to implement the above-described initiative, the parties agree to the following provisions:

- 1. Notice.** EPA will provide the following information in a communication package to employees prior to the rollout of this initiative: a copy of this MOU; notice that information sessions will be conducted to advise employees of the initiative. Only the information portion of the session will be recorded. These sessions will allow employees to ask questions. The Agency will take the questions and answers raised during the sessions and will add them to the existing FAQs. During these sessions the following will be provided: a description of the initiative, including the guidelines EPA will use in determining whether to approve or deny an employee’s registration request, examples of

requests that would be approved or denied, specific identification of all relevant agency policies applicable to the initiative, (for example, malware, information security, media protection procedures, etc.), and step-by-step instructions on how to register devices. The unions shall have the right to be present at the sessions and ask questions related to this initiative.

2. **Delays Caused by Registration.** If an employee's attempt to register a device delays the employee from meeting a timeframe, that timeframe will be reasonably extended, and the delay considered a mitigating factor for evaluative purposes. In most cases, Agency disapproval or approval of the device will proceed expeditiously and generally will not exceed five (5) business days. If a registration delay impedes the Union from meeting a contractual timeframe, that timeframe will generally be extended for a proportionate time; however, these circumstances should be rare.
3. **Denied Registration Request.** Before an employee's request is denied, the ISO will work with the requester to find alternative methods for storing and sharing information. If an employee's registration request is denied, an automatic notification will be sent to the requester. The reason(s) for the denial will be provided by the Agency to the employee in writing, and the employee will be afforded the opportunity to resubmit their request through the employee's management and Information Management Official (IMO) to the Senior Information Official (SIO), for reconsideration of the denial. A denied registration request shall not be made a part of an employee's official personnel file. Employees shall not be disciplined as a result of a denied registration request.
4. **Device Content.** The Agency shall not read information contained on employee devices, disclose such information further, or retain copies of the information. The registration process will only capture the device identification information.
5. **Expansion.** Prior to expanding the use of this initiative to require registration of items beyond RSM (e.g., CDs/DVDs, digital cameras, GFE mobile devices, lab instruments, etc.), the parties may agree to engage in the pre-decisional involvement (PDI) process. Engaging in the PDI process does not preclude the unions from engaging in impact and implementation bargaining to the extent required by law and contract.
6. **Union Materials.** The Union shall be allowed to follow the same procedures to register and distribute RSM containing Union-related materials, such as National Union Training content.
7. **Requesting RSMs.** An employee may request an RSM with a business justification through the employee's individual office, following their standard office procedures for purchasing supplies. Individual offices are free to directly buy RSM from available commercial sources, through their normal purchasing process, and supply them as needed to employees. An employee may request the Agency mail them the RSM if the employee is working remotely. The employee would then submit the request to register the RSM through the designated registration procedures.

- 8. Data to the Union.** If the information is available, for the first six (6) months after implementation, EPA will provide the designated National union representative for each union, on a monthly basis, data to include: the number of registration requests, whether the requests were approved or denied, and the number of days it took the Agency to process the request.
- 9. Priority Registration.** Employees will be given the option to indicate their registration request is time-sensitive in the “Additional Comments” section of the registration request form (e.g., the contents of the storage device need to be downloaded to meet an approaching deadline). The ISO will take into account the time-sensitive nature of a registration request.
- 10. Reopener.** Either party may reopen this Agreement at any time after twelve (12) months of its effective date. The parties may mutually agree to reopen or terminate this Agreement at any time.
- 11. Effective Date.** This Agreement will become effective upon Agency head review or on the thirty-first (31st) day after execution, whichever occurs first.

For the Union:

Timothy Digitally signed by Timothy Seidman Date: 2021.10.28 13:46:25 -0400
Seidman

Tim Seidman, NTEU

Date: _____

Gary Morton, AFGE

Date: _____

Mark Sims VP-GAT Unit
Mark Sims, ESC

Date: 10-28-2021

ZAKIYA DAVIS Digitally signed by ZAKIYA DAVIS Date: 2021.11.01 09:36:15 -0400

Zakiya Davis, NAGE R4

Date: _____

Lesley Mills
Lesley Mills, NAGE Narragansett

Date: 11/15/21

Leah Oliver
Leah Oliver, NAIL

Date: 11/15/21

For the Agency:

Denise Castro

Denise Castro, EPA

Date: 10/14/2021

For the Union:

For the Agency:

Tim Seidman, NTEU

Denise Castro

Denise Castro, EPA

Date: _____

Date: 10/14/2021

Gary Morton 10/15/21

Gary Morton, AFGE

Date: _____

Mark Sims, ESC

Date: _____

Zakiya Davis, NAGE R4

Date: _____

Lesley Mills, NAGE Narragansett

Date: _____

Leah Oliver, NAIL

Date: _____