

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT
STANDARDS AND THE FEDERAL MEDIATION
AND CONCILIATION SERVICE
REGARDING THE SHARING OF
INFORMATION AND COORDINATION**

Whereas, the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) (Public Law 86-257; 73 Stat. 519) imposes certain duties and responsibilities upon the Secretary of Labor with regard to prosecution of crimes arising under the Act and civil enforcement actions under the Act; and

Whereas, the LMRDA, in section 601, imposes upon the Secretary of Labor the responsibility for conducting investigations of persons who have violated, or are about to violate, any provision of the Act (except Title I, or amendments made by this Act to other statutes); and

Whereas, the LMRDA, in section 607, provides that the Secretary of Labor may make interagency agreements to avoid unnecessary expense and duplication of functions among Government agencies and ensure cooperation and mutual assistance in the performance of functions under the Act; and

Whereas, the Office of Labor-Management Standards (OLMS) is responsible for administering and enforcing most provisions of the LMRDA and related laws; and

Whereas, Title II of the Labor-Management Relations Act of 1947 (Taft-Hartley Act) established the Federal Mediation and Conciliation Service (FMCS) as an independent agency of the Federal government to prevent and minimize labor-management disputes affecting interstate commerce by providing mediation, conciliation, and voluntary arbitration services; and

Whereas, the Labor-Management Relations Act of 1947 (Public Law 80-101, as amended, 29 U.S.C. 158(d), 173 et. seq.) requires parties to notify the FMCS 30 days prior to a contract termination or modification date, and where the bargaining is for an initial agreement following certification or recognition, at least thirty days' notice of the existence of a dispute shall be given by the labor organization; and

Whereas, Congress in enacting the LMRDA, "finds and declares that the enactment of this Act is necessary to eliminate or prevent improper practices on the part of labor organizations, employers, labor relations consultants, and their officers and representatives which distort and defeat the policies of the Labor Management Relations Act, 1947...." (LMRDA Section 2(c), 29 U.S.C. § 401); and

It is hereby agreed and understood that OLMS and the FMCS (each also referred to as an "agency" or "party" and collectively as "agencies" or "parties") seek to define and enhance ongoing cooperation and coordination between the two agencies, and to govern the exchange, use, and safeguarding of data exchanged between the agencies to support their respective missions by means

of this Memorandum of Understanding.

1. *Facilitating Communication.* To promote communication and collaboration among senior management, OLMS and the FMCS will provide each other, annually, with updated lists of the names, telephone numbers, and email addresses of field office and national office directors, as well as other key staff as appropriate.
2. *National Office Coordination Group.* OLMS and the FMCS will establish a coordination group at the national office level to confer on matters of mutual concern and interest. The coordination group will meet at least once a year, with additional meetings to be held as needed.
3. *Sharing Information.* OLMS and the FMCS recognize the value to each agency of sharing information as permitted by law. OLMS and the FMCS further recognize that certain information maintained may benefit activities of both OLMS and the FMCS. The sharing of such information between OLMS and the FMCS on a controlled basis facilitates efficient operations.
4. *Persons to Contact.* The parties designate the following staff as contacts to fulfill the sharing of information called for in this MOU:

For OLMS: Andrew Davis, Director of the Office of Program Operations; Davis.Andrew@dol.gov; 202-693-1254

Karen Torre, Special Assistant to the Director of the Office of Program Operations; torre.karen@dol.gov; 202-693-1209

Andrew Hasty, Acting Chief of the Division of Interpretations and Regulations; Hasty.Andrew.C@dol.gov; 202-660-2027

For FMCS: Sarah Cudahy, Deputy Director for Labor Policy and Communications ; scudahy@fmcs.gov; 202-336-3326

5. *Information to be Shared.* The parties agree that information to be shared under this agreement will not include any personally identifiable information (PII) and any data exchange of confidential information will be encrypted.
 - a. Information to be shared by OLMS upon FMCS's request:
 - i. Upon FMCS's request to the OLMS district office officials identified in Section I (Facilitating Cooperation) of the MOU, OLMS will share the following information:
 1. Information regarding coverage determinations into the existence of a labor organization.
 2. Lists of current labor organizations.
 - ii. Should FMCS wish to request additional information from OLMS

regarding particular cases or other data collected by OLMS, it will make a request to the OLMS point of contact identified in Section IV (Persons to Contact) of this MOU.

b. Information to be shared by FMCS upon OLMS's request:

- i. FMCS Deputy Director for Labor Policy and Communications (or any contact designated by such official) will share appropriate F-7 Notice to Mediation Agencies forms that would be publicly-releasable.
 - ii. Should OLMS wish to request additional information from FMCS records regarding particular cases, it will make a request to the Office of General Counsel via ogc@fmcs.gov and copy the FMCS Deputy Director for Labor Policy and Communications (or any contact designated by such official).
- c. Additional data elements as well as data exchanges and/or technical arrangements (e.g., for transferring data by new channels or protocols) that are not covered by this MOU will require the written consent of the parties through the contacts referenced in section IV of this MOU.

6. *Safeguarding Data.* The parties recognize that the records to which OLMS and FMCS will be granted access pursuant to the information-sharing provisions of this MOU may be covered by the Privacy Act. The parties agree to comply with the laws, regulations, and directives that provide requirements for safeguarding Federal information systems and PII used in Federal agency business processes, as well as related reporting requirements. Additionally, the government has a need for Federal agencies to provide information to each other without making a public disclosure of the information. The parties do not consider a release of information pursuant to this agreement to constitute a public disclosure under the Freedom of Information Act. Instead, the parties' release of information constitutes a "limited disclosure."

Under this limited disclosure release, the parties require that they maintain the confidentiality of the information. In the event that a request is made by an outside party for information subject to this limited disclosure release, the parties will refer requests for each other's records to the other agency for response.

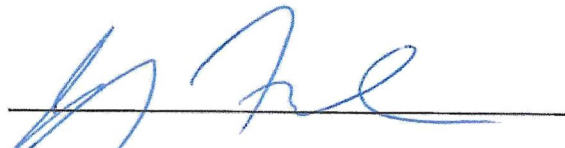
7. *Security Incidents.* Technical staff will immediately notify their designated counterparts when a security incident(s) is suspected or verifiably detected, so the other party may take steps to determine whether its system has been compromised and to take appropriate security precautions. Technical staff will provide reasonable support to their counterparts in support of analysis and/or investigation into any security incidents. FMCS will be notified via email to privacybreachresponse@fmcs.gov.

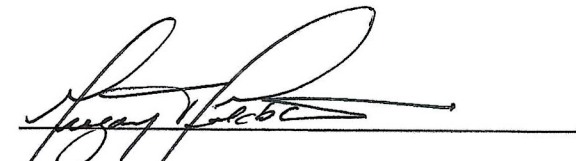
8. *Controlled Unclassified Information (CUI).* Each party acknowledges its responsibilities under Executive Order (EO) 13556, Controlled Unclassified Information (CUI) (November 4, 2010) and 32 CFR Part 2002, as well as other relevant authorities, regarding treatment of Controlled Unclassified Information (CUI). The parties will abide by such authorities as appropriate, consistent with each party's resources and progress toward implementation of the CUI Program. See 32

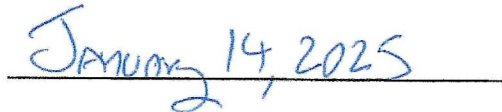
CFR § 2002.4(h).

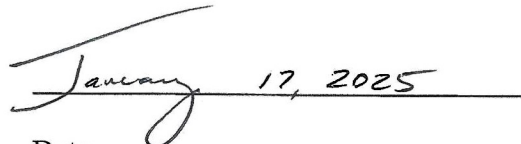
9. *Effective Date, Duration, and Termination of Agreement.* This MOU shall become effective upon execution of all required signatures and shall remain in effect for 5 years from the last signature of the parties. Either agency may terminate this agreement for any reason at any time with 30 days written notice.

The signatories below warrant and represent that they have the competent authority on behalf of their respective agencies to enter into the obligations set forth in this agreement.



Jeffrey Freund, Director
Office of Labor-Management Standards

Gregory Goldstein, Chief Operating Officer,
Performing Duties as Director
Federal Mediation and Conciliation Service

Date

Date