

ARTICLE 33. DOMESTIC TDY

Section 1. Purpose

- A. The purpose of this Article is to set forth procedures for assigning bargaining unit employees to domestic temporary duty (TDY) assignments. The procedures provide for a volunteer process followed by a mandatory system for temporary duty assignments. The only exemptions from these provisions are bargaining unit employees who participate in the regional Incident Management Teams (IMT) and Emergency Support Function 11 (ESF-11) collateral duty employees (e.g., Desk Officers). However, the Parties may subsequently negotiate additional exceptions.

- B. All types of domestic TDY assignments, including emergencies, all hazard TDYs and all other TDYs not covered by Article 44 Details, Special Assignments and Temporary Promotions are covered by this Article. Training, conferences, meetings, or seminars will not be considered a TDY for the purposes of this Article. Where conflicts exist between this Article and the APHIS Mobilization Guide, this Article shall be controlling. The Parties agree that the procedures outlined in this Article and the APHIS Mobilization Guide do not apply to temporary foreign TDY assignments.

- C. Each employee is tracked by the last date when he/she returned from a TDY assignment. This includes voluntary and mandatory assignments. Employees having completed a TDY assignment will be moved to the bottom of any voluntary or mandatory lists and listed by the return date of the TDY assignment. Employees having the same return date will be listed in order by Leave Service Computation Date (SCD). All references to SCD within this Article will be to the Leave Service Computation Date identified on employee's electronic pay stub.
 - 1. When a TDY assignment has not been completed since the implementation of this procedure in 2009, the sole criteria for tracking an employee on a volunteer list will be SCD seniority.
 - 2. When a TDY assignment has not been completed since the implementation of this procedure in 2009, the sole criteria for tracking an employee on the National Mandatory List will be SCD juniority.

Section 2. Domestic TDY Information

- A. A domestic TDY assignment is defined as an assignment of more than 10 working days, including travel time, to a work location outside the employee's regular duty station.

- B. A domestic TDY assignment normally will not exceed 28-calendar days (21-

calendar days when the TDY assignment is administered above the PPQ level). However, the Employer retains discretion to extend or shorten a TDY assignment based on the nature of the emergency. To the extent possible, employees will be given at least ten (10) working days advance notification of any mandated changes to the length of the deployment.

- C. It is in the interests of both Parties for selection procedures to be transparent. Lists compiled for voluntary and mandatory TDY assignments will be made available on the intranet.
- D. The Employer may make TDY assignments by state or local level based on the fact circumstances of the emergency. In these cases the qualified employees would be from the applicable state or local level. The Union may request a copy of the list used to select the employees.

Section 3. Volunteers

- A. A volunteer is a bargaining unit employee who has identified himself/herself as being available for a specific TDY assignment as an act of free will. Volunteering signifies that the employee is willing to voluntarily begin deployment 24 hours from the date the period for volunteering closes.
- B. Volunteers will be selected based upon qualification and availability.
- C. Volunteers will be solicited by an electronic communication addressed to all PPQ employees. Normally, the Employer will provide at least 24 hours for volunteers to respond to the communication. The communication will provide specific information on all of the following:
 - 1. the closing date and time for the period to respond;
 - 2. the specific dates of the TDY assignment, when known;
 - 3. the location and nature of the emergency;
 - 4. expected work hours;
 - 5. physical demands required;
 - 6. specific qualifications and any specialty positions needed; and
 - 7. recognize that the information may be subject to change.
- D. The following criteria must be met in order for bargaining unit employees to be eligible to volunteer for a TDY assignment:
 - 1. valid state driver's license;
 - 2. permanently employed;
 - 3. fully successful rating (satisfactory on ICS 225) on last evaluation of record, if available.
- E. Employees participating in temporary promotions, special assignments

and/or details must obtain permission to volunteer for domestic TDY assignments.

- F. Specific positions may be exempt at the discretion of the Employer. Examples may include but are not limited to Identifiers and Canine Officers. The Employer will notify the Union of any exempted positions.

Section 4. Selection Process for TDY Assignment

- A. Upon completion of the period of time to respond to a communication to all PPQ employees soliciting volunteers, the Employer will rank employees on a volunteer list. Employees will be initially ranked in order by Service Computation Date (SCD) with the most senior employee first and then in descending order. However, employees with a date of returning from a TDY deployment since the implementation of this procedure in 2009 will be moved to the bottom of the volunteer list and listed by the TDY return date. Employees with the same return date will be listed in order by SCD. Volunteers will be selected from the list in the order of appearance based on availability and qualifications.
- B. When a specific qualification (skill, knowledge or ability) is required for a TDY assignment, the Employer will select the first available employee with the required qualification(s). If there is not an available employee on the volunteer list with the necessary qualification(s), then a qualified and available employee will be selected from outside the volunteer list in accordance with the mandatory procedures. For example, when the qualifications of a Plant Health Safeguarding Specialist are required, other bargaining unit employees may be passed over until an employee with the desired qualification is reached or the voluntary list is exhausted and the mandatory list is utilized.
- C. The Hub may identify specific states as unavailable for TDY assignment due to ongoing emergency programs within the state. For example, employees within the state of California may be identified as unavailable due to intrastate emergencies.
- D. The Employer may identify specific single pest eradication or control program work units (e.g., Potato Cyst Nematode, Emerald Ash Borer, Citrus Health Response Program) with seasonal or intermittent workloads. Employees at these designated work units would receive priority consideration when volunteering for TDY assignments. The Employer will provide the Union courtesy notification of any such work units.
- E. Employer requests for a priority volunteer selection exception for geographic areas of consideration (GAC) or other considerations not addressed in the TDY MOU will be brought to the National President for case by case consideration.
- F. The supervisor may identify an employee as “unavailable” for a TDY

assignment with the concurrence of the Field Operations Associate Deputy Administrator or designee when staff reductions may result in the work unit's inability to accomplish required program activities.

- G. The Employer will identify as "unavailable" employees returning from foreign TDY and/or developmental assignments for a period of 21 calendar days upon return to his/her duty station. As with all emergency response operations, this is a general guideline that is subject to change based on the severity and scope of the emergency.
- H. After qualified and available volunteers have been exhausted the Employer will utilize the mandate procedures.
- I. Employees may ask their supervisor for an explanation as to why they were determined to be not qualified for a TDY assignment. If an employee is not satisfied with the explanation, then that employee may utilize the grievance procedure.

Section 5. Notification Process for All TDY Assignments

- A. Normally, employees will be provided as much advance notice of TDY assignment as possible, with a minimum of 14 days being desirable. However, some employees may be required to report on shorter notice for their initial TDY rotation. To the extent possible, the minimum reporting time for a mandatory TDY assignment from the date of the notice shall be 48 hours for employees in CONUS and 72 hours for employees reporting from outside CONUS.
- B. Initial notification should include the following information:
 - 1. reporting data and anticipated length of assignment;
 - 2. project intake duty station;
 - 3. project information; (i.e., specifics of the primitive working conditions and inherent physical demand requirements (if known));
 - 4. uniform requirement;
 - 5. contact person and telephone number;
 - 6. additional (if any) pertinent information;
 - 7. Union representative to contact for the TDY assignment.

Section 6. General TDY Information

- A. All TDY eligible bargaining unit employees may be required to participate in the Government Travel Charge Card program.
- B. When an employee is identified as unavailable or not qualified for TDY assignment then the employee will be passed over if his or her name is reached on the National Mandatory TDY List.

- C. When warranted due to the lack of available and qualified bargaining unit employees voluntarily requesting TDY assignments, employees will be mandated by using the National Mandatory TDY List. All bargaining unit employees will initially be placed on the National Mandatory TDY List by reverse Service Computation Date (SCD). New employees will be placed at the top of the list, but will not be mandated until all eligibility requirements have been met. Once an employee has completed a TDY assignment after the implementation of this procedure in 2009 (voluntary or mandatory), his/hers name will be moved to the bottom of the National Mandatory TDY List and will be identified by the date of the completion of the TDY assignment. Employees having the same date of completion will be listed in order by completion date and reverse SCD.
- D. Hazardous duty pay premiums will be paid when required by law, rule or regulation.
- E. Employees currently on TDY may be offered a TDY extension prior to the Employer utilizing any of the voluntary or mandatory lists.
- F. Once the employee reports to the TDY induction site, then the service shall be counted as attendance at a TDY assignment.
- G. Except in emergency situations, the Employer shall not contact employees while on annual leave for the purposes of making a mandatory TDY assignment. If an attempt is made to contact an employee, it will be on the telephone number provided by the employee for TDY contact, if any.
- H. The Employer has determined that only law enforcement personnel, trained to carry a weapon will be required to perform armed military or police duties on Domestic TDY assignments.
- I. The Employer may authorize a rest period not in excess of 24 hours at either an intermediate point or at the employee's destination if:
 - 1. the origin or destination point is outside of CONUS;
 - 2. the scheduled flight time, including stopovers, exceeds 14 hours;
 - 3. travel is by a direct or usually traveled route; and,
 - 4. travel is by coach-class service.

In addition, an employee may be granted up to two (2) hours of excused absence before or after a period of travel, if the time of departure from or arrival at the official duty site would not allow substantive work to be accomplished.

- J. Upon an employee's notification of deployment of forty eight (48) hours or less, that employee may be granted a reasonable amount of Administrative Leave, up to eight (8) hours in order to make preparations for the TDY.
- K. The Employer may authorize per diem or actual expense and round-trip transportation expenses for periodic return travel on non-workdays to his/her home or official station under the following circumstances:
 - 1. the Employer requires the employee to return to his/her official station to perform official business; or
 - 2. the Employer will realize a substantial cost savings by returning the employee home; or
 - 3. periodic return travel home is justified incident to an extended TDY assignment.
- L. Volunteers may be reconsidered at the local level prior to a mandatory assignment. It is the employee's responsibility to attempt to identify a volunteer for his/her mandatory TDY assignment. All efforts to secure management approval for a substitute for a mandatory assignment must conclude without any delay in the deployment process.
 - 1. A qualified and available employee, who obligates himself/herself to attend a TDY in another employee's stead, will receive TDY credit on the mandatory and voluntary tracking lists upon completion of the assignment.
 - 2. Any employee who has secured a qualified and available substitute shall be deferred mandatory assignment for that round only, but shall remain at the same position on the National Mandatory TDY List for subsequent rounds.

Section 7. Union Representative Information

- A. The Employer shall provide Union representative contact information provided by NAAE in printed project intake materials issued to the unit employee upon arrival at the TDY site.
- B. Union representatives will be authorized travel and attendance at a TDY location in accordance with Article 11 Official Time.

Section 8. Safety and Health

- A. Any Personal Protective Equipment (PPE) that is required on the TDY assignment will be provided to employees.

1. When employees are required to perform duties on a TDY assignment that requires full-face masks and the employee requires prescription glass inserts and does not already have them, then the Employer will provide them at no cost to the employee.
 2. Employees required to perform duties on a TDY assignment that require advanced certification and/or medical clearance (e.g. fit testing and medical clearance for supervising methyl bromide fumigations) in accordance with OSHA regulations, will have the advance certification and/or medical clearance completed prior to deployment or during project orientation at the work site. The Employer will maintain certification records and medical clearance records.
- B. The Employer will maintain safe project working conditions and equipment in accordance with government regulations and OSHA requirements. Employees will be cleared and trained for use of all safety equipment prior to the use of that equipment in accordance with OSHA regulations, when applicable, and any safety information provided with the equipment.
- C. The Employer will provide reasonable security for employees working in potentially unsafe work sites.
- D. Supplemental gear (e.g. steel toe boots, snake bite chaps, etc.) required by the Employer for the TDY assignment and not provided in the Uniform Contract will be provided to employees in advance of deployment or during project orientation at the work site. Supplemental clothing (e.g. cold weather gear, etc.) required by the Employer for the TDY assignment that is provided in the Uniform Contract and is not necessary for regular use in the employee's official duty station, will be provided to employees that have already exhausted their annual uniform allowance in advance of deployment or during project orientation at the work site.
- E. In advance of deployment or during project orientation at the work site, employees will be provided the opportunity to receive at the Employer's expense necessary vaccinations (e.g., Hepatitis B, seasonal influenza, and tetanus, etc.).
- F. The duties assigned to bargaining unit employees mandated to a TDY assignment will be consistent with the physical and medical requirements of the employee's position description to the extent possible.
- G. If an employee believes performance of his/her assigned duties will jeopardize his/her health or exceed his/her physical capabilities, then the employee will promptly notify the supervisor and request another assignment. The supervisor will evaluate the request and make a decision based upon the

employee's explanation and the nature of the TDY assignment. The Employer may provide a temporary light duty assignment or other available work, return the employee to his/her regular duty station, deny the request with an explanation or, take other action as appropriate.

- H. The Employer will maintain an occupational medical monitoring program in accordance with OSHA regulations, the APHIS Safety and Health Manual and all other pertinent Federal, State and local requirements. Actual and/or potential exposure to job hazards will be addressed by the Employer who may order medical evaluations/clearances, testing, vaccinations, or medications. Every effort will be made to have medical monitoring completed prior to deployment; however, the very nature of emergency response may preclude having all medical monitoring processes completed prior to deployment. Until medical monitoring is complete and the employee is medically cleared, the employee will not perform duties which may actually or potentially expose them to the identified job hazards.
- I. The Parties recognize that employee's regular family practice physicians may not have experience and expertise with employees deployed to outbreaks of pests or diseases threatening agricultural production and trade, other agricultural health situations threats to natural resources, threats to public health, agricultural terrorism and all hazard incidents. After the Employer has made the decision to deploy employees for a TDY assignment, the Employer will provide sufficient information so that the employee can determine whether he/she should seek medical documentation for exemption from certain duties.
- J. The Employer will provide the employee contact information to obtain medical and/or veterinary information as applicable, prior to or at demobilization regarding measures the employee should take before reintroduction to his or her household and shall bear the expense of any necessary prophylactic measures, including but not limited to, vaccinations, medications, quarantines, and social distancing when required by quarantine or biosecurity protocols.

Section 9. Availability Exemptions

All requests for availability exemptions must be in writing and presented to the employee's supervisor. The documentation provided shall be used for determining situations when an employee may be excused from certain mandatory TDY assignments.

A. Medical Conditions

- 1. The Parties agree that requests for medical availability exemptions impacting employee TDY assignments are special cases where time is of the essence. The employee is responsible for providing the Employer with medical documentation that precludes participation in

the assigned TDY. Medical documentation precluding an employee from TDY assignment must be current (normally, within 180 days).

2. The APHIS Mobilization Guide contemplates that employees may be mandatorily detailed to natural disasters and other national emergencies that may have primitive living conditions and/or working duties not in the employee's job description with short notice. In those situations where the employee is provided short notice to perform duties that may be outside of their medical restrictions, the employee may request a medical unavailability exemption. These circumstances may necessitate a request from the employee without medical documentation to substantiate the request. The Employer will provide reasonable time for the employee to procure the medical documentation.
3. The employee must have his/her physician provide a narrative statement (based on a review of current medical documentation from his/her records) in response to each item listed below (See Request for Temporary Light Duty form at the end of Article 32 Temporary Light Duty):
 - a. identify the general nature of the condition;
 - b. identify the anticipated duration of the condition;
 - c. identify any work restrictions or other changes in working conditions required; and,
 - d. indicate whether there is the likelihood of sudden incapacitation.
4. The Employer will evaluate the request and make a decision on the medical unavailability exemption. The Employer may identify the employee as eligible for a medical availability exemption; dispatch the employee to the TDY assignment with temporary medical restrictions; forward the medical documentation for further review by the Employer's Medical Officer; deny the request in writing; or, take other action as appropriate.

B. Serious Personal Obligations or Hardships

1. The employee must submit a detailed narrative explaining the nature of the obligations and provide supporting documentation.
2. If the personal obligation involves the health of a family member, the employee must provide a narrative statement from the family member's physician. The physician's statement must address the nature and severity of the illness (of the family member). The physician's statement must also specifically address the employee's need to care for the family member. If a spouse or other family member cannot provide the care, then the statement must explain in detail.

3. If the personal obligation involves the care of a family member (i.e., elderly parent, child, etc.), the employee must provide a narrative statement explaining other options explored, and why these other options are not viable. Additionally, the employee must provide supporting documentation for the options explored and any responses from those sources.

C. Jury or Court Obligations

1. Employees may be considered to be unavailable for TDY assignment for periods during which the employee is obligated to service for jury duty. The employee must provide a copy of any summons or similar document to the employee's supervisor for consideration.
2. Employees may be considered to be unavailable for TDY assignment for period during which the employee is obligated to appear in court or under subpoena for testimony. The employee must provide a copy of the summons, subpoena or similar documentation to the employee's supervisor for consideration.

D. Military Duty

The Employer will identify as unavailable an employee on National Guard, Reserve or recall military duty.

E. Annual Leave

1. Prior to the start of the leave year each employee will be permitted to select, identify and receive approval for up to six (6) weeks of long-term annual leave, if accrued during the year or carried over from the previous year, in accordance with local negotiated procedures. Long-term annual leave is defined as annual leave approved for a minimum of a full work week and may be in 32-hour increments when there is a holiday. This long-term leave will be identified for purposes of this Article as unavailable for a TDY assignment.

In those offices not selecting periods of annual leave at the beginning of the calendar year, the six weeks of long-term annual leave must be identified, requested and approved during the calendar year at least 30calendar days prior to the notification for TDY assignment to qualify as a period of unavailability.

2. When the long-term annual leave is annotated for unavailability for TDY deployment, the weekend (Saturday and Sunday) prior to the long-term annual leave and the weekend following the long-term annual leave will also be identified as not available.
3. Nothing in these provisions shall preclude an employee from requesting and receiving approval for additional periods of annual

leave. If an employee with an additional period of annual leave is notified of a TDY deployment, then the employee may request to be considered for the next TDY deployment and be passed over on the TDY list. The Employer will make a decision on the request based on the employee's individual circumstances and the nature of the emergency.

4. The Employer retains the right to cancel leave during periods of an emergency.
5. If it becomes necessary in an emergency situation for the Employer to cancel approved leave for a TDY assignment, then the Employer will provide a written cancellation to the employee and will provide notification to the Union.
6. When cancelled leave results in an employee having excessive use or lose annual leave balance, then the employee must make an effort to request to use the annual leave during other periods of time before the end of the leave year. In addition, the Employer will continue to follow the rules and regulations for restoration of forfeited annual leave.

F. Union Activity

For PPQ administered emergencies, the Employer may consider Union representatives unavailable for TDY assignment when the Union representative is scheduled for meetings on official time at the national or regional level. This includes committee meetings and national consultative or negotiation meetings.

G. Return TDY Assignments

Major incidents may require one or multiple return assignments or rotations. As a general rule, an employee can expect to return to their home duty station for at least the same length of time they were on the emergency assignment. During this period of time the employee would be identified as unavailable for TDY assignment. For example, if the employee was on a TDY assignment for 21 calendar days, that employee can expect to return home for a minimum of 21 calendar days before the next rotation. As with all emergency response operations, this is a general guideline that is subject to change based on the severity and scope of the emergency.

H. Other Exemptions

The Employer will consider any other valid reason for TDY exemption not specified above, presented by the employee or the Union. This may include objections to certain types of work, or fixed schedule life events, such as graduations, weddings, school, college, etc., that normally do not require the taking of advanced annual leave.

I. Denials and Appeals Process

1. When the Employer denies an exemption request pursuant to this Article, in whole or in part, the employee shall be entitled to a written letter of denial. The letter will contain the justification for the denial and the alternative options the Employer may afford the employee.

2. An employee denied a request for an unavailable designation for TDY assignment may exercise his/her rights to initiate a grievance through an expedited grievance procedure. The expedited grievance procedure for a denied request for an exemption will be subject to appeal through the negotiated grievance procedures, but will be initiated at the Field Operations Associate Deputy Administrator level. No informal grievance is required.