

Memorandum of Understanding

The parties to this Memorandum of Understanding (MOU) are the National Federal of Federal Employees, Local 1998 (NFFE) and the Department of State, Bureau of Consular Affairs, Passport Services (PPT). The parties have exchanged proposals on the instructions contained in 7 FAM 1300 Appendix C. This agreement settles all outstanding issues related to 7 FAM 1300 Appendix C.

- 1) The Agency will provide BUEs 30 minutes to review this settlement upon completion.
- 2) The Agency and Union recognize that a BUE's first recourse for resolving adjudication questions or related issues is their supervisor and their supervisory chain (and/or mentor, in cases where a new specialist is assigned a mentor). 5 U.S.C. §7114(a)(1), in part, states that unions have the exclusive right to represent, act for, and negotiate agreements covering all employees in their unit. Article 7 Section 1(b) of the Master Agreement, in part, states that the Union has the right to express their views to management on personnel policies, practices, and conditions of employment. Article 7 Section 1(c), in part, states that Union officials and Employer supervisors shall informally discuss items of concern regarding law, rule, or regulations. As an appropriate arrangement, pursuant to 5 U.S.C. §7106(b)(3), the Agency will continue to allow Union representatives to forward adjudication policy related questions that cannot be resolved through the first recourse stated in this provision, via electronic mail, to the PMO-PCLaborRelations@state.gov mailbox. When submitting such questions, the Union should explain the impact that the issue may have on their unit and the scope of the issue, including which specific agencies/centers are experiencing the issue, if known.
 - a. If questions or issues submitted in this manner are about specific cases, the Union will provide the application numbers in the e-mail.
 - b. If the questions or issues are about a specific national or local policy, those national or local policies will be attached to the e-mail by the Union, or referenced with a hyperlink if available electronically.
 - c. If the questions or issues are based on verbal instructions provided by management to BUEs, the Union will attempt to confirm those instructions in writing with the management officials who provided the instructions prior to submitting their request. If written confirmation cannot be obtained, the Union will provide as much information about the situation to PMO as possible and a copy of the e-mail attempt or attempts to receive clarity from management.
 - d. PMO/PC's LR team will be responsible for forwarding questions received in this manner to the appropriate office or offices for response or resolution.
 - e. If guidance or clarification is necessary on an issue raised by the Union under this provision, the Agency will ensure that such guidance is released nationally to all management and BUEs.


- f. The Agency commits to timely responses on union inquiries about adjudication policy submitted pursuant to this provision. The Union may request status updates regarding an inquiry submitted via this proposal.
 - g. The Parties acknowledge that this process is not meant to conflict with or be a substitute for the SKE Panel.
- 3) The Agency understands the Union's concern that 7 FAM Appendix C creates different requirements for widows/widowers and divorcees. The Agency will review whether 22 CFR 51.25 Name of Applicant to Be Used in Passport, which states that name changes for divorced persons require "A divorce decree specifically declaring the return to a former name." Part of this review will be consideration of whether or not the "Widowed/Divorced" checkbox on the DS-11 passport form needs to be split so that individuals performing passport adjudication have better indication as to whether the rules for widows/widowers or divorcees apply. The Agency will inform the Union of the results of the review and any actions that will be taken as a result of the review.
- 4) The Agency will make a reasonable attempt to ensure that CAWeb guidance referenced in this section is up to date. The Union may submit examples of instances where they believe the guidance is not up to date for the Agency's consideration. The Agency will respond to a submission by the Union under this provision in a timely manner.
- 5) The Agency will clarify whether a previous passport excludes an applicant from requesting an immaterial name change.
- 6) The Agency will incorporate information about acceptable signatures into 7 FAM 1300 and link to their location in an appropriate part of 7 FAM 1300 Appendix C. The Agency will clarify the weight that individuals adjudicating passport applications shall give to the signature in relation to determining an applicant's name to be issued in their Passport. Once this clarification occurs, Passport Specialists will not be forced to suspend applications in a manner that is contrary to the clarification.
- 7) The Agency will add a hyperlink to the upcoming definition of emergency and urgent circumstances from 7 FAM 1310 in Appendix C.
- 8) The Agency will clarify 7 FAM 1340 Appendix C (f) to specifically indicate that provisions (1), (2), and (3) apply only when the parents have submitted a court order changing their names that does not mention the minor.
- 9) The Agency will clarify whether or not all countries (or which countries) that utilize Family Registries also utilize such documents as a mechanism to legally change an applicant's name. If all countries that use such documents do not use them to legally change names, or a list of the countries that do cannot be provided in the FAM, the Agency will consider adding information on CAWeb about which countries complete name changes through Family Registries (7 FAM 1341.5).
- 10) The Agency will provide examples in 7 FAM 1341.6 Appendix C of language contained in name change documents conducted by Civil Law Notaries. The Agency will also provide an example of such a document on CAWeb, redacted as appropriate.
- 11) The Agency will update 7 FAM 1341.7 Appendix C if additional countries are identified as issuing Certificate of Name Changes that are acceptable for Passport Purposes.

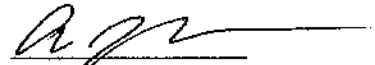
- 12) The Agency will clarify the Note following 7 FAM 1343.2 Appendix C (b)(1)(b) to indicate why these documents are acceptable for Passport Services. If an exemplar becomes available, the Agency will provide such a document on CAWeb, redacted as appropriate.
- 13) The Agency will clarify 7 FAM 1343.3 Appendix C to explain that, in the absence of a "Recognition of Common Law Marriage" document, the applicant will have to establish their name change under the customary name change provisions explained elsewhere in Appendix C.
- 14) The Agency will clarify 7 FAM 1343.4 Appendix C to explain that a court order is evidence of annulment. If an exemplar becomes available, the Agency will provide such a document on CAWeb, redacted as appropriate.
- 15) The Agency will clarify that the list of examples of immaterial name changes in 7 FAM 1350 Appendix C is exhaustive.
- 16) The Agency will clarify the Note following 7 FAM 1350 Appendix C (a) to indicate that ID that is not REAL ID compliant may truncate an applicant's name, and thus the citizenship evidence may be the best indication of the immaterial name change in those cases.
- 17) The Agency will clarify that 7 FAM 1371 Appendix C paragraph (c) only applies when an amended birth record cannot be obtained by the applicant (e.g. urgent or emergency travel, or that the vital records office is not issuing amended birth records).
- 18) The Agency will modify the link in 7 FAM 1374 (e) that currently goes to the top of 7 FAM 1300 Appendix P so that the link instead goes to 7 FAM 1347 Appendix P.
- 19) Until and unless Passport Services requires Passport Specialists to make phone calls on productive time in reference to resolving applicant name discrepancies related to Appendix C, management acknowledges that Passport Specialists are not required to make such phone calls on productive time. Passport specialists may continue to voluntarily call applicants to resolve name discrepancies. Passport Specialists are encouraged to submit such accomplishments to their supervisors for consideration in their performance evaluations. If a specialist is required to make phone calls to resolve applicant name discrepancies while on a measurable task, their supervisor will provide them with appropriate non-productive time. If Appendix C is amended to require phone calls be made by passport specialists, the Agency will bargain such a change, if appropriate.
- 20) In relation to 7 FAM 1300 Appendix C, Passport Specialists will not be charged errors solely based on an auditor's preference or opinion on what name an applicant should be given in their Passport. Errors charged to Passport Specialists in relation to this FAM section will be based on the guidance in 7 FAM 1300 Appendix C that Passport Services employees are expected to follow.
- 21) The Agency will update or provide appropriate IRLs in relation to the clarifications listed in this agreement, as appropriate. The Union may suggest which IRLs need updating or may be required for consideration. Typically, IRL changes take 90 days to be completed. The Agency will inform the Union of a delay in implementing any IRL changes necessitated by this agreement.
- 22) Topics stemming from Appendix C, such as the acceptability of applicant signatures in relation to their name usage and on adjudicating minor's applications where the parents are requesting a

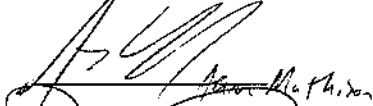
name change for the child without a court order, are examples of appropriate topics for local adjudication training sessions.


- 23) The Agency will provide guidance to the field regarding how, if at all, the recent Supreme Court decision Obergefell vs. Hodges impacts 7 FAM 1300 Appendix C.
- 24) In the next revision of Appendix C, the Agency will consider the Union's suggestion that a hospital birth certificate can alleviate the need for an applicant to submit a DS-10 and other customary name change documents for this Appendix.
- 25) All FAM clarifications required by this MOU will occur no later than the next full revision of 7 FAM 1300 Appendix C, which is currently scheduled to begin in September 2015. If the agency, subsequent to the next full revision of Appendix C, changes a clarification generated by this agreement, it will notify the Union and bargain, if appropriate.
- 26) Neither party waives any right they have outside of this agreement.

For the Union


JAMES LENSEN-CAVUS


Amayde J. Bodu


James McPherson


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For Management



