

GOVERNING LAWS AND REGULATIONS

SECTION 1. GENERAL: The Agency and the Union shall be governed by all applicable laws of the United States, including those in effect on the effective date of this Agreement and those which are subsequently enacted. They also are and shall be governed by all applicable Government-wide regulations in effect at the time that this Agreement is executed. The Agency will not enforce any Government-wide rule or regulation promulgated after the effective date of this Agreement which is in conflict with the provisions of this Agreement unless such rule or regulation is properly subject to the provisions of 5 U.S.C. § 7116(a)(7).

SECTION 2. PRECEDENCE OF AGREEMENT: Where existing provisions of Agency regulations are in conflict with this Agreement, the provisions of this Agreement shall govern.

SECTION 3. NEW OR CHANGED RULES OR REGULATIONS:

A. COVERED BY: Except as may be required by law, new or changed rules or regulations issued after the effective date of this Agreement (including those which are prescribed by higher authority) which are in conflict with working conditions specifically contained in this Agreement may not be made applicable to bargaining unit employees during the term of the Agreement without agreement of both parties.

B. IMPACT AND IMPLEMENTATION BARGAINING: The Agency shall notify the Union of new or changed rules or regulations required by higher authority which are not in conflict with working conditions specifically contained in this Agreement, but which may impact upon working conditions of bargaining unit employees. The Union may bargain over the impact and implementation of such rules or regulations in accordance with this Section.

C. MAINTENANCE OF STATUS QUO: For purposes of this Section, changes in working conditions contained in Agency rules and regulations but not contained in this Agreement may not be implemented unless bargained by the parties. Either party may reopen negotiations on such changes in working conditions.

D. MEMORANDUM OF AGREEMENT: Any changes to rules or regulations, with respect to working conditions of bargaining unit employees, or amendments to this Agreement which are negotiated and agreed to pursuant to this Section will be duly executed by the parties in a Memorandum of Understanding and will become an integral part of this Agreement and subject to all the terms and conditions of this Agreement.

Agreed: Agency: Union:

Date: 6-2-15

SECTION 4. COMPELLING NEED: The Union, however, recognizes that the Agency is a component of the Department of Defense (DoD) and that it must, therefore, operate strictly within the limits of the authority delegated to the Director of the Agency by the Secretary of Defense and that it must comply with and implement all non-discretionary directives issued by the Office of the Secretary of Defense (OSD) concerning matters not covered in this Agreement and not in conflict with this Agreement. At the same time, the Agency recognizes the right of the Union, in any given case, to allege that no compelling need exists for the Agency to implement a specific DoD directive and to seek relief by exercising the privileges accorded to it by 5 U.S.C. § 7117. Where the DoD, or the Federal Labor Relations Authority, determines that no compelling need for the directive exists, the matter may be negotiated at that time.

SECTION 5. MANAGEMENT RIGHTS: Nothing in this Agreement does, or ever shall, impinge upon, negate, reduce or detract from the rights and privileges which are vested in the Agency by virtue of the provisions of 5 U.S.C. § 7106, "Management Rights."

Agreed: Agency: SA

Union: AFW

Date: 6-2-15