

Directive 5010.1
Midterm Bargaining Agreement
Between
Food Safety and Inspection Service, USDA
And
National Joint Council of Food Inspection Local, AFGE

PREAMBLE: The parties recognize that each agreed upon provision, if applicable, applies to both office of field operations and Import division. FSIS Directive 5010.1 gives guidance and suggestions regarding topics at weekly meetings, but is not a requirement, nor is it all inclusive. There is no expectation that IPP are to explain every new or existing Regulation, Directive, Notice, Policy or Agency issuance. FSIS Directive 5010.1 is not limited to bargaining unit personnel and FLS, SPHV and SCSI can conduct weekly meetings if the Inspector is unavailable. MOI can be filed electronically or by hard paper copy. MOI documented issues can have a cumulative affect over time as it relates to plant deficiencies. There are no time constraints for the creation and subsequent completion of an MOI resulting from notes taken at a weekly meeting.

1. Current Agency policy requires Agency employees to ask the plant to hold a weekly meeting, although the plant is not required to participate, to discuss Agency and plant concerns.
2. While directives do not prescribe the specific content of weekly meetings, the Inspector shall use his/her professional judgment to determine the subjects to be covered based upon circumstances in the plant affecting inspection operations. Check list described in FSIS Directive 5010.1 is a guide of suggested topics, not a required check off list.
3. Since FSIS Directive 5010.1 does not provide guidance regarding the taking and maintaining of notes, it will be revised to reflect this guidance and provide necessary instructions regarding documentation of weekly meetings. Further guidance as it relates to 5010.1 will refer the Inspector to the specific Section, number and page in FSIS Directive 5000.1.
4. When asked, Inspectors may refer plant personnel to policy and regulatory information available on the FSIS web sites, and through Constituent update and AskFSIS. Inspection personnel are expected to apply Agency policy as it relates to the findings resulting from their sanitation, HACCP and other verification responsibilities.

5. While participating in a weekly meeting, an Inspector is not precluded from asking about allergens, recalls, customer complaints, import product testing, or other issues that may affect consumers, even if there is no evidence of such. The inspector, through observations or just being inquisitive does not have the sole responsibility to bring up the issue(s) at the meeting.
6. If a plant refuses to hold a weekly meeting, an MOI is created to state such refusal.
7. The Agency will provide guidance and training on Directive 5010.1 including the requirements and responsibilities of both bargaining unit employees and supervisors.
8. Weekly meetings are not mandated to be held on any specific shift, provided a plant official is available and is responsible for correcting/addressing day to day issues brought to the plant's attention by the Inspector.
9. Inspectors will not be made to go beyond directive the requirements of FSIS Directive 5000.1, Notice 41-09 and Directive 5010.1 regarding what is required of them.
10. Inspectors will not be required to create checklists, templates or forms for documenting weekly meetings. The Agency will discontinue the use of all checklists, templates or forms that have not been processed through the FSIS headquarters clearance procedure.
11. Directive 5010.1 shall be amended to state that inspection personnel will write a MOI in the event that no issues are identified for discussion at a weekly meeting. If management of a plant refuses to meet with IPP for the weekly food safety meeting, the assigned Inspector should document the fact on a MOI, provide a copy to plant management, and inform his/her supervisor of the same. Directives 5010.1 and 5000.1 will be amended to include information addressing the responsibilities of supervisory personnel. The plant's refusal to meet will not reflect negatively on the Inspectors in the view of the Agency
12. Any and all templates that are to be used for MOIs and weeks notes will be done as part of a nation-wide initiative.
13. Inspectors are not expected to include all topics listed in Directive 5010.1 as examples in every weekly meeting. Rather, they exercise professional judgment in creating a weekly meeting agenda or to determine that a weekly meeting is not necessary.

14. Inspection personnel are expected to take the time they determine is necessary to cover the topics of concern(s) at the weekly meeting and to provide for an opportunity for complete discussion. However, if based on the Inspector's judgment there is an indication that plant management is purposefully squandering time affecting the effectiveness of the meeting; the Inspector should document that fact in the MOI, with the Inspector having the flexibility to end the meeting, and notify his or her supervisor.
15. In the event Inspectors are not able to perform/complete other scheduled procedures due to conducting the weekly meetings, they are to use the appropriate not performed codes for those procedures that could not be performed. The use of not performed codes will not be held against the inspector.
16. The Agency will establish a specific task code in the PHIS system, when implemented, to document the performance of the weekly meetings of the inspector's task calendar as it relates 5010.1.
17. Per the directive, in multi shift/inspector assignments, the agency will clearly identify who is responsible for conducting and documenting the weekly meeting.
18. The Agency will provide training on Directive 5010.1 including the requirements and responsibilities of both bargaining unit employees and supervisors. The training will also include guidance on how to deal with difficult plant personnel and/or adversarial situations. Upon the implementation of PHIS, the Agency will make this info available on the individual inspector's page, the OFO intranet and in AgLearn.
19. The Agency will support each Inspector in the execution of FSIS Directive 5010.1 and enforcement actions that may result from issues identified by the Inspector based on fact, regulatory requirements and within the authority of the FMIA, PPIA, & EPIA.
20. Inspectors are not required to know about consumer complaints and would have no knowledge of a consumer complaint unless advised by the plant. If the Agency or the plant does not advise the Inspector of consumer complaints, the Inspector has no cause to place this on the agenda as a topic for discussion as it relates to 5010.1.
21. Regarding issues that do not rise to the level of non compliance for warrant discussion, Inspection personnel are not required to document the issue(s) on an NR. When fact(s) supporting a non-compliance is identified by the inspector, consistent with agency policy, the Inspector will write an NR. The Agency will write more specific guidance to it's supervisors regarding the agency's expectations in the writing, encouragement and support of inspectors in the execution of their duties and not discourage the writing of an NR.

22. Inspector may refer plant personnel to policy and regulatory information available on the FSIS web site to receive Constituent Update and askFSIS. Inspection personnel are expected to discuss Agency policy as it relates to the findings resulting from their sanitation, HACCP and other verification responsibilities, provided the plant agrees to meet.
23. IPP and Import inspection personnel may advise plant management that information regarding the Freedom of Information Act (FOIA) can be accessed on the FSIS web site. IPP are not obligated to assist the plant in the navigation of the FSIS web site. The Agency will remove the current language regarding FOIA in FSIS 5010.1 and insert this agreed language.
24. If a plant objects, verbally or in writing, to the content of an MOI a plant may register that objection to the Inspector or to other Agency officials in the supervisory chain.
25. If the Agency chooses to double or triple assignments, the Agency understands that some task, such as weekly meetings, may not be able to be performed.
26. The Agency plans to create a task code under PHIS (07) for the conducting of the weekly meetings. As in PBIS, PHIS will prioritize the importance of each task to be performed. The weekly meetings, as decided by the Agency, will not receive the highest priority, and is not critical.
27. There will be no changes in regard to bargaining unit performance elements as a result of Directive 5010.1.
28. There will be no changes in regard to the requirements of bargaining unit IPPS reviews as a result of Directive 5010.1.
29. Normally the Agency has the expectations that weekly meetings will be conducted during an Inspector's 8-hour day. In those instances where the establishment requests reimbursable overtime, the weekly meetings may be scheduled and conducted during that time.
30. The Agency has determined that sampling is a higher priority than weekly meetings.
31. Absent an overriding exigency, management agrees not to further implement changes in FSIS directive 5010.1 for bargaining unit (BU) employees until the parties have bargained to an agreement concerning the changes, or until an agreement is imposed on the parties through the impasse-resolution procedures provided by applicable law and regulations. A copy of all agreed and implemented

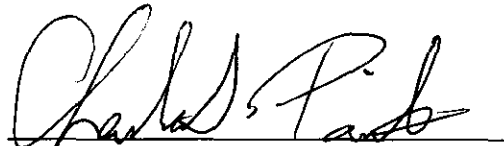
language will be provided to all affected employees. All bargaining unit employees will receive a revised copy of Directive 5010.1.

32. In combination slaughter/processing plants weekly meetings will be conducted as needed in order that slaughter line Inspectors employees can be given the opportunity to present relevant issues for company meetings.
33. Meetings as they relate to directive 5010.1 will not be conducted during company breaks, inspector breaks, lunch breaks or a time the Inspector is not receiving compensation. Breaks will not be reduced in length in order to conduct a weekly meeting. Weekly meetings will not be used as a method not to provide breaks.
34. As it relates to Directive 5010.1, Inspectors are only accountable for actions taken based on guidance and instructions from the Agency officials regarding the interpretation and application of 5010.1.
35. Agency supervisors at any level not implement their own individual policies pertaining to Directive 5101.1.
36. Using their knowledge of establishments' operations and utilizing sound judgment to make decisions related to the work they perform and regulatory compliance is an Inspectors' primary duty. The Agency will amend Directive 5010.1 to instruct Agency supervisors to provide guidance and instructions consistent with Agency policy to IPP related to the conduct and documentation of the weekly plant meetings.
37. The Agency recognizes the right of an employee, as it relates to discipline in the application 5010.1.
38. The agency will review and address all outstanding formal and informal disciplinary actions related to the implementation of FSIS Directive 5010.1 dated Jan. 7, 2010.
39. The conduct and documentation of weekly meetings with establishments and discussing issues that may affect establishments' regulatory compliance is an important part of Inspectors' inspection work. If Inspectors are not able to complete other scheduled procedures due to conducting the meetings, they are to use the appropriate not performed codes for the procedures that they could not perform. The Agency will establish a specific task in the PHIS system, when implemented, to document the performance of the weekly meeting on the Inspectors' task calendar, with there being no set limit of not performed task at it relates to 5010.1.

40. As a result of Directive 5010.1 bargaining unit inspectors will not perform any work previously performed under the exclusive domain of EAIO's.
41. If food safety/defense issues arise during the weekly meetings for which an inspector needs further guidance, the Inspector can seek guidance from his/her supervisor. Supervisory personnel should also review weekly meeting notes when they become available.
42. Requirement and responsibilities, if any, regarding 5010.1 for both bargaining unit employees and supervisory personnel will be covered thoroughly during a segment of the upcoming PHIS training.

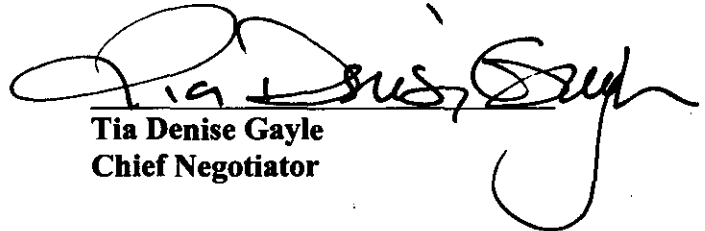
The parties have caused this Directive 5010.1 Agreement to be executed on the 20th of January 2011.

FOR THE UNION:



Charles Painter
Chairman, National Joint Council

FOR THE AGENCY:



Tia Denise Gayle
Chief Negotiator