

AGREEMENT TO RESCIND
MEMORANDUM OF UNDERSTANDING
USE OF COMMUNICATION DEVICES WHILE DRIVING

This Agreement to RESCIND the Memorandum of Understanding (MOU) entitled "Use of Communication Devices While Driving" dated 2002 is between the USDA – Forest Service (Management) and the National Federation of Federal Employees (Union), hereafter referred to as "the Parties".

1. The Parties agree the safety of Forest Service employees is paramount and we all share a responsibility for safety.
2. The Parties agree that Forest Service employees should follow the direction issued in FSH 6709.11, Health and Safety Code Handbook. This direction prohibits the use of a hand-held cellular telephone while driving (Section 12.34.6.d); requires vehicle operators to comply with all traffic laws, regulations, and ordinances even in emergency driving situations (Section 12.3); and instructs employees not to compromise their safety, the safety of their passengers, or public safety when driving (Section 12.03).
3. The Parties agree the intent of this Agreement in rescinding the former MOU is to protect the safety and welfare of our employees.

This Agreement becomes effective upon the signature of the last Party below.

For Union:



Ron Thatcher
FSC-NFFE President

Date: 10/02/09

For Management:



Cathy Neuman
Labor Relations Officer

Date: 10/2/09

_____ Initial 

_____ Date

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 1, 2009

EXECUTIVE ORDER

FEDERAL LEADERSHIP ON REDUCING TEXT MESSAGING WHILE DRIVING

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7902(c) of title 5, United States Code, and the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 et seq., and in order to demonstrate Federal leadership in improving safety on our roads and highways and to enhance the efficiency of Federal contracting, it is hereby ordered as follows:

Section 1. Policy. With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government-owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately-owned vehicles (POV) on official Government business, and some Federal employees use Government-supplied electronic devices to text or e-mail while driving. A Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment will help save lives, reduce injuries, and set an example for State and local governments, private employers, and individual drivers. Extending this policy to cover Federal contractors is designed to promote economy and efficiency in Federal procurement. Federal contractors and contractor employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal procurement.

Sec. 2. Text Messaging While Driving by Federal Employees. Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using electronic equipment supplied by the Government while driving.

Sec. 3. Scope of Order. (a) All agencies of the executive branch are directed to take appropriate action within the scope of their existing programs to further the policies of this order and to implement section 2 of this order. This includes, but is not limited to, considering new rules and programs, and reevaluating existing programs to prohibit text messaging while driving, and conducting education, awareness, and other outreach for Federal employees about the safety risks associated with texting while driving. These initiatives should encourage voluntary compliance with the agency's text messaging policy while off duty.

(b) Within 90 days of the date of this order, each agency is directed, consistent with all applicable laws and regulations: (i) to take appropriate measures to implement this order, (ii) to adopt measures to ensure compliance with section 2 of this order, including through appropriate disciplinary actions, and (iii) to notify the Secretary of Transportation of the measures it undertakes hereunder.

(c) Agency heads may exempt from the requirements of this order, in whole or in part, certain employees, devices, or vehicles in their respective agencies that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions.

Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients. Each Federal agency, in procurement contracts, grants, and cooperative agreements, and other grants to the extent authorized by applicable statutory authority, entered into after the date of this order, shall encourage contractors, subcontractors, and recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on

behalf of the Government. Agencies should also encourage Federal contractors, subcontractors, and grant recipients and subrecipients as described in this section to conduct initiatives of the type described in section 3(a) of this order.

Sec. 5. Coordination. The Secretary of Transportation, in consultation with the Administrator of General Services and the Director of the Office of Personnel Management, shall provide leadership and guidance to the heads of executive branch agencies to assist them with any action pursuant to this order.

Sec. 6. Definitions.

(a) The term "agency" as used in this order means an executive agency, as defined in 5 U.S.C. 105, except for the Government Accountability Office.

(b) "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(c) "Driving" means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

Sec. 7. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect or alter:

(i) Authority granted by law or Executive Order to an agency, or the head thereof;

(ii) Powers and duties of the heads of the various departments and agencies pursuant to the Highway Safety Act of 1966, as amended, 23 U.S.C. 402 and 403, section 19 of the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 668, sections 7901 and 7902 of title 5, United States Code, or the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 et seq.;

(iii) Rights, duties, or procedures under the National Labor Relations Act, 29 U.S.C. 151 et seq.; or

(iv) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,
October 1, 2009.

_____ Initial



_____ Date

MOTOR VEHICLE OPERATOR'S ACKNOWLEDGMENT
(FSM 7134.2-1)

This is to acknowledge my responsibility when operating U.S. Government-owned or leased vehicles and equipment. I understand that authorization to operate vehicles and equipment is limited as indicated, and I will adhere to the stated limitations except in emergency situations when I am specifically directed, in writing (1), to operate outside these limitations. I understand that this authorization may be withdrawn at any time, either temporarily or permanently, warranted by any of the acts listed below and/or when involved in an accident.

I understand that I may be disciplined, held responsible for damages (property & injury), or all three for any of the following: (2)

1. Operating a Government vehicle while under the influence of narcotics or intoxicating liquor; (3)
2. Leaving the scene of an accident in which I am involved without identifying myself; (4)
3. Failure to meet required physical standards; (5)
4. Revocation or suspension of State drivers license; (6)
5. Violations of Laws and Administrative Regulations relating to motor vehicle operation; (7)
6. Improper, negligent, or abusive use of the vehicle/equipment. (8)

I agree to advise my work supervisor of any change in my State drivers license or physical fitness (9). I also agree to report any conviction of a moving violation within 30 days (revocation before close of business on the following workday) to my supervisor and the Driver/Operator Program Manager (11).

When I operate a Government-owned or leased vehicle/equipment I will observe all State and local laws and regulations, both in letter and in spirit, observe the accepted standards of safe driving, particularly those described in the Forest Service Health & Safety Code, and drive defensively at all times to avoid accidents (10). I will also attend the required National Safety Council or Forest Service Defensive Driving Course (9).



Signature

Date

TYPE: (X)

Equipment less than 10,000 GVWR x

Special Equipment

CDL, Vehicles > 26,000 GVWR

SRS 4353, Blacksburg

Unit

OF-346 Number

Note: Numbers in parentheses () refer to REFERENCES on reverse of form.

- 1) Driver / Operator Examiner Handbook, Section III, Para. 3;
- 2) OPM Chapter 930 (1-16) & (1-19); FSH 7109.19 (63.4);
- 3) OPM Chapter 930; FPM Chapter 930 (1-16) a (1); FSH 6709.11 Chapter 2-1;
- 4) OPM Chapter 930 (1-16 a (3) & (1-16 f); AGPMR 104-38.5008;
- 5) OPM Chapter 930 (1-16 a (4) (5); AAGPMR 104.38.5007-6;
- 6) OPM Chapter 930 (1-16 a (4) (5); AGPMR 104.38.5007-6;
- 7) FPMR 101-38.301; 101-38.301-2 & 3; AGPMR Subpart 104-38;
AGPMR 104-38.5007-5;
- 8) FPMR 101-38.301; FPMR 101-38.301-2; FPMR 101-38.301-3; AGPMR
104.38-5008; AGPMR 104-38.5002; AGPMR 104-38.5003; AGPMR 104-
38.5004; AGPMR 104G-38.5004;
- 9) FPMR Chapter 930; FSH 6709.11 Chapter 2-1;
- 10) OPM Chapter 930 AGPMR 104-38.5007; FSH 6709.11 Chapter 2-1;
- 11) FSH 7109.19-92-9 Chapter 65.

FLEET CREDIT CARD USE REQUIREMENTS CERTIFICATION

On March 30, 2007, the Office of Inspector General (OIG) completed Audit 08601-03-TE, Controls over Forest Service Vehicle Fuel and Maintenance Costs. The audit reviewed fleet credit card operations. The OIG found that some Forest Service employees, who drive and use a fleet credit card, are not aware of the basic requirements for using Forest Service fleet credit cards. Each person that uses Forest Service fleet credit cards must certify that they have read and understand these eight basic requirements for using the fleet credit card. These are;

1. The fleet credit card is for official Government business only. Under no circumstances is the card to be used for personal purchases or as identification for personal purchases.
2. Only one fleet credit card can be issued to each motor vehicle, aircraft, boat, and piece of equipment that requires fuel. Anyone using a fleet credit card assigned to a vehicle or piece of equipment shall use the card only for the vehicle or piece of equipment to which the card is assigned.
3. Anyone using a fleet credit card assigned to a vehicle with an odometer must, whenever possible, enter a valid odometer reading when they purchase fuel.
4. Receipts must be kept for all purchases (including fuel). Anyone using a fleet credit card to purchase any item or service must collect and maintain a receipt for that transaction. Once a month the receipts will be given to the Local Fleet Credit Card Program Coordinator (LFPC).
5. The Forest Service fleet card will have a \$500 limit per transaction. Any purchases exceeding this limit must have authorization from the forest or station fleet manager (LFPC).
6. Use the grade (octane rating) of fuel recommended by the motor vehicle manufacturer when fueling motor vehicles owned or leased by the Government. Do not use premium grade gasoline in any motor vehicles owned or leased by the Government unless the motor vehicle specifically requires premium grade gasoline.
7. Purchase alternative fuel (E85, bio-diesel, compressed natural gas) when available (within 15 miles or 10 min. drive) for all flex-fuel and bi-fuel vehicles. Prior to travel, locate alternative fuel stations along route of travel. Consult your local Unit Fleet Manager if you have any questions about the appropriate fuel for your vehicle.
8. Each driver of WCF Fleet Vehicles is required to document vehicle use on a daily basis. Documentation will include; date, driver or fleet card user name, beginning and/or ending odometer reading, whether the vehicle was refueled (yes/no) and whether maintenance or repairs were performed (yes/no). This log will be kept in the vehicle green log book and turned in each month to the Unit Fleet Manager.

I _____ have read and



(Name of Operator)

understand the eight basic requirements for using the fleet credit card.

Signature: _____

Date: _____

Application for Authorization to Operate Government Vehicles & Equipment

(FSM 7134.1/FSH 7109.19, § 61.2)

Section 1 – To Be Completed By Applicant

(Forest Service Employees Only)

Instructions: Answer all questions completely; include your private, commercial, and government equipment experience.

1. Authorization request is for: Original Renewal Replacement Temporary Authorization (ADs)

2. Name: 3. Title: Biological Science Technician

4. Name and Address of Employing Office (Forest/District/Unit):
 USDA Forest Service, SRS
 1710 Research Center Dr.
 Blacksburg, VA 24060

5. Sex Male Female 6. Date of Birth 7. Color Hair 8. Color of Eyes 9. Height

10. Weight 11. State Driver's License Number 12. State Issued and Expiration Date

13. List your driving/operating experience for the past 5 years, add continuation sheet if necessary.

Months of Experience	Type of Equipment/Vehicle	Size	Yearly Estimate Hours/Miles	Special Training or Endorsements
60	Personal	<10,000 gvwr	12,000 mi	

14. List any restrictions placed upon your state license during the last 5 years:

15. List all arrests or summons for violations (tickets) you have received during the last 5 years, include the date, location, type of offense, disposition, or driver's license revocation. If drivers license was revoked, provide beginning and ending dates:

16. List all Motor vehicle accidents within the last 5 years: Include the date, place, circumstances, and cost of repairs.

PRIVACY ACT STATEMENT

The Privacy Act System of Records USDA/OP-1 Personnel and Payroll System for USDA Employees permits the collection of this information from USDA Employees. Solicitation of this information is authorized by 40 U.S.C. 491 and 5 CFR Part 930 Subpart A, which require OPM to regulate Federal employees use of Government-owned or -leased motor vehicles. It is used to select and retain only those drivers who can operate motor vehicles in a manor which will assure a reasonable degree of safety to self, others, and property. The information is used for the issuance or re-issuance of Official Form 346, U.S. Government Motor Vehicle Operators Identification Card (OF-346). The disclosure of this information is mandatory when an employee's job requires driving a Federal motor vehicle and is voluntary otherwise. However, failure to complete when requested may result in you not being permitted to operate a Government vehicle.

17. CERTIFICATION

I certify that the statements I have made in this application are true, complete, correct to the best of my knowledge, and made in good faith. I authorize the Forest Service to obtain information regarding my State driver's license history for use in determining if authorization will be given to operate Government owned and leased equipment. I understand all information will remain confidential, and any negative results will be forwarded to my supervisor for review.

Employee's Signature: _____ Date:

Section II – To Be Completed by Supervisor					
18. Employment Status of Applicant: <input checked="" type="checkbox"/> Temporary <input type="checkbox"/> Permanent <input type="checkbox"/> AD <input type="checkbox"/> Other (List)					
19. Applicant will be an: <input checked="" type="checkbox"/> Operator <input type="checkbox"/> Incidental Operator					
20. As the applicants supervisor I have observed the applicants performance under field conditions. I recommend that the hands on general & 4x4 road test be waived: <input type="checkbox"/> Yes, (Initial Here)_____ <input type="checkbox"/> No , please schedule a hands-on general & 4x4 road test					
21. As the employee's supervisor, I have personally reviewed the following: <input type="checkbox"/> Applicants Statement's on this form <input type="checkbox"/> OF 345 Physical Fitness Form <input type="checkbox"/> NDR-EMP Request for National Driver's Check <input type="checkbox"/> Applicants State Driver's License <input type="checkbox"/> Current CDL Medical Card <input type="checkbox"/> Renewal of Authorization to Operate Government vehicles and equipment (CDLs Required Annually) <input type="checkbox"/> Applicants operation of the equipment currently authorized to operate during the last four (4) years. (Renewals)					
22. Renewals - Refresher courses required every 3 years:					
Defensive Driving:	(Date)	Instructor:	Location:		
ATV:	(Date)	Instructor:	Location:		
Forklift:	(Date)	Instructor:	Location:		
Snowmobile:	(Date)	Instructor:	Location:		
23. As the employee's supervisor I: <input type="checkbox"/> Recommend <input type="checkbox"/> Do Not Recommend that the applicant to be authorized to operator the requested government equipment					
Signature of Supervisor:			Date:		
SECTION III - To Be Completed by Driver/Operator Examiner					
24. Operator meets the physical fitness requirements as shown on the: <input type="checkbox"/> OF-345 (Physical Fitness required for Motor Vehicle Operators) <input type="checkbox"/> SF-78 (Certificate of Medical Examination)					
25. General Road Test issued and passed <input type="checkbox"/> Yes <input type="checkbox"/> No (see above for waiver information)					
26. State Driver's License History Check <input type="checkbox"/> Pass <input type="checkbox"/> Fail					
27. <input type="checkbox"/> Applicant is not qualified to drive/operate the following vehicles or equipment due to the following reason(s): (Examples: Failed driver's license history review; not operated equipment in the last four (4) years, etc.)					
28. Reviewed By: Colin Krause					
Signature:		Title: Fishery Biologist		Date:	
Section IV – To Be Completed by Individual with Authority to Issue OF-346					
29. I certify that I have reviewed the information on this form and other information available and determined this applicant be issued an OF-346 with restrictions (if applicable) as indicated from the OF 345, SF-78, or State Drivers License.					
Signature of Issuing Official		Title: Fishery Biologist		Date:	