

**HEADQUARTERS, UNITED STATES ARMY, EUROPE AS HIGHEST SERVICE
AUTHORITY OF THE U.S. ARMY IN GERMANY**

AND THE

**HEAD WORKS COUNCIL
UNITED STATES ARMY, EUROPE IN GERMANY**

CONCLUDE THE FOLLOWING

SHOP AGREEMENT

**governing the use of a telecommunications system based on Voice over Internet Protocol
(VoIP system) for the U.S. Army.**

I. Preamble

Voice over Internet Protocol (abbreviated VoIP) provides a new form of voice and image communications that only gained importance with the increased proliferation of internet broadband connections over the past years.

VoIP allows for voice and video calling via regular internet or network connections. Voice communication via the computer, or VoIP, is also called IP telephony.

For this, typical IP telephony information like voice and control data, for example for establishing connections, is transmitted over a network also suitable for data communications. At the user end connections can be established by computers, data communication capable end devices, and conventional phones connected with specialized adapters. IP telephony is used worldwide for making calls directly via the internet – so-called internet telephony. The conventional telephone network is no longer used. The Head Works Council and the Highest Service Authority close the following agreement on the implementation of such a system.

II. Basis

a. German Personnel Representation Law (*Bundespersonalvertretungsgesetz*) (modified version); section 75(3)17.

b. Data protection provisions of the Federal Data Protection Act.

c. Principles for the protection of personal data and the guaranteed compliance of the German Telecommunications Act IAW Art. 10 German Basic Law; Art. 8 ECHR; section 88(1) German Telecommunications Act in conjunction with section 206 German Criminal Code.

III. Purpose and Scope

- (1) The object of this shop agreement is the operation of a VoIP-based telecommunications system (subsequently: VoIP system) and its components with central data collection and analysis.
- (2) This shop agreement governs the implementation and use of VoIP for the U.S. Army with regard to Local National employees represented by the USAREUR Head Works Council (HWC).
- (3) Provisions and agreements resulting from other legal bases shall remain unaffected.

IV. Data Protection

- (1) Data protection and data security will be guaranteed in accordance with legal provisions and relevant international agreements.
- (2) Measures thus required will be discussed between the parties to this agreement, and implemented without delay in case of a need for action.
- (3) All employees who can obtain knowledge of call data are obligated under the legal provisions and relevant international agreements to comply with data protection principles and this shop agreement.
- (4) The dissemination of data to third parties is prohibited.
- (5) Stored VoIP data must be comprehensively protected. Data storage devices with work-related data of individual employees must be stored inaccessible to unauthorized persons. Data no longer needed will be deleted.

V. VoIP-based monitoring of performance and conduct

From an objective point of view, VoIP technology as a technological feature is capable to monitor employee conduct or performance.

Personal data resulting from the use of VoIP may not be collected for the purpose of monitoring performance or conduct.

Personal data stored for data backup or guaranteeing proper operation may have no consequences for the working conditions and employment of employees.

VI. Period of Validity

- (1) This shop agreement shall enter into effect on the date it is signed.

(2) It may be terminated in writing by either party with a notice period of three months to the end of a calendar quarter.

(3) It shall continue to have effect until conclusion of a new agreement with the same governing purpose.

(4) If individual provisions of this agreement are or become invalid the validity of the other provisions shall remain unaffected.

(5) The parties to this shop agreement will commit to replacing the invalid provisions by valid provisions with corresponding content.

(6) If the parties to the agreement become aware of elements that are not covered by this shop agreement they commit to concluding, without delay, an amending provision consistent with the basic principles of this shop agreement.

VII. Signatures

Place, Date _____

/S/ Vera Garcia

Vera Garcia
Director of Civilian Personnel
United States Army, Europe

/S/ Andreas Rogel

ANDREAS ROGEL
Chairman
(Representative of Salaried Employees)

/S/ Mario Roosingh

Mario Roosingh
Deputy Chairman,
(Representative of workers)

/S/ Heidi Staley

HEIDI STALEY
Head SHE Representative,
USAREUR
(proper participation IAW Host Nation Acts and
Regulations)