

**Memorandum of Understanding
Between
U.S. Department of Housing and Urban Development
And
American Federation of Government Employees
National Council of HUD Locals 222**

SUBJECT: Voluntary Separation Incentive Payments (Buyout) for AFGE Bargaining Unit Employees in the Office of Administration

SCOPE: The scope of this supplement encompasses the implementation of Buyouts and the impact on bargaining unit employees located in the Office of Administration with a separation date on or before December 31, 2009.

1. **Buyouts to be Voluntary:** Buyouts are voluntary. No adverse action will be taken against an employee for not accepting a buyout offer.
2. **Release of Information:** The identity of any employee applying for a buyout will be held confidential. The Office of Human Resources (OHR) is the only office authorized to have access to the buyout applications and the identity of any employee requesting a buyout. The employee's identity will be released to Management, only after he/she has submitted **a retirement application package** to OHR, Payroll, Benefits, and Retirement Counseling (PBRC).
3. **Application Submission:** Employees may submit buyout applications by either of two transmission methods: electronic mail or facsimile. All applications must be submitted within the appropriate consideration period, irrespective of the transmission method. Applicants are authorized to use government equipment to prepare and submit the application.
4. **Notification of Receipt:** Employees will receive notification of receipt of the application by OHR within one (1) business day by electronic mail.
5. **Incomplete Applications:** Employees will be notified by electronic mail within two (2) business days if his/her application is complete. If the application is incomplete, the employee will be permitted to resubmit a corrected application.
6. **Competing Applicants:** In the event that more than one eligible employee applies for a single buyout, the employee with the earliest service computation date (SCD) will receive the buyout. In the event that two or more employees have the same SCD, the employee with the earliest entrance-on-duty (EOD) date with the Department will be used. In the instance where an additional tiebreaker is needed, the largest digit of the last digit of the

employee social security number will be offered the buyout. The date and time of application submission will not be a factor in the selection process.

7. **Employee Rights:** All decisions regarding the eligibility, selection and/or rejection of positions/ employees for buyouts will not be based up any discriminatory factors or other violation of law, rule or regulation or the HUD/AFGE Agreement.
8. **Employee Notification:** All employees being offered the buyout within the specific program area will receive simultaneous electronic notification, which includes the buyout plan that will outline the parameters of eligibility and the process for application.
9. **Approval Period:** Within five (5) business days after receipt of the application, Management will advise each applicant if: a) the application is approved or disapproved and the reason(s); or b) application will be held in abeyance, upon the determination of other eligible employees applying for the buyout and the approval of a buyout.
10. **Application Window:** The application window will be no less than fourteen (14) calendar days.
11. **Retirement Benefits Questions:** Employees will be notified of a specific contact person assigned to provide retirement benefit assistance. This information will include but may not be limited to an employee's eligibility for retirement, calculate estimated annuity, buyout/severance payments, review any special personal considerations, such as insurance and respond to questions about the retirement application.
12. **Acceptance of Buyout/Rescission Process:** Employees may rescind their application/decision for a buyout at any time prior to the effective date of separation date stated in the buyout plan.
13. **Employee Decision Period:** Employees will have three (3) business days to accept or reject the buyout offer. The exception would be that employees might have less than three (3) business days to accept or reject the buyout offer to meet the required separation date stated in the buyout plan.
14. **Approved Applicants:** Approved applicants will have the right to change their departure date as long as the date is within the established buyout separation window.
15. **Waiver of Agency Restrictions:** Management agrees to consider each waiver request independently. Each waiver request shall meet the required statutory and/or regulatory waiver standards.
16. **Reporting:** An electronic report of the results of the buyout will be submitted to AFGE National Council of HUD Locals 222, within 30 days of its completion.
17. **Union Rights:** The parties agree that this supplement does not constitute a waiver of any union rights under the HUD/AFGE Agreement, law, rule, or regulation.

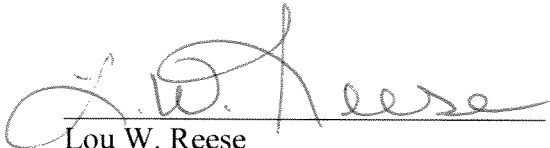
18. **Distribution of supplement:** An electronic copy of the signed supplement will be provided to AFGE National Council of HUD Locals 222, within 30 days of the completion of the negotiations.
19. **Termination date of supplement:** This supplement will be terminated upon issuance of any change to the statutory or regulatory provision governing buyouts or duration of the existing Agreement.
20. **Telecommuting:** This supplement will have no adverse impact on the Departments telecommuting policy.
21. **Work at home:** This supplement will have no adverse impact on an employee's Reasonable Accommodation to work at home.
22. **Local Negotiations:** Management agrees to provide the union notification of any subsequent changes to the bargaining unit employees' working condition, i.e., moves, details, and reassignments that may occur as a result of the buyouts.

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MANAGEMENT

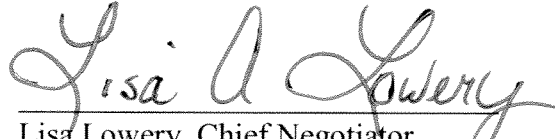


George H. Corsoro, Chief Negotiator
Labor and Employee Relations Division



Lou W. Reese
Team Member

UNION

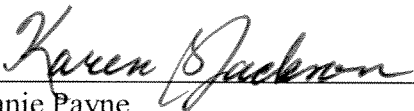


Lisa Lowery, Chief Negotiator
National Council of HUD Locals 222



Eddie Eitches
Team Member

APPROVED



Janie
Janie Payne
Deputy Assistant Secretary
for Human Resource Management

Date: 11-17-09

APPROVED



Russell Varnado
President, National Council
of HUD Locals 222

Date: November 17, 2009