



American Federation of Government Employees
Local 476

Affiliated with AFL-CIO

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August 21, 2015

MEMORANDUM FOR: Anita Crews, HR Specialist, Employee & Labor Relations, AHEDA

FROM: Jerry Gross, Steward, AFGE Local 476

SUBJECT: Demand to Bargain – Office of Strategic Planning and Management Buyout Plan
2015

This will serve as AFGE Local 476's demand to bargain over the proposed buyout plan that affects one bargaining unit employee, Tracy Price, within the Office of Strategic Planning and Management (OSPM). You provided notice of the proposed moves to the Union by email dated August 7, 2015.

The OSPM Buyout Plan dated July 2015 offered a window of August 3 to August 14, 2015 (August 17 in some places) for the affected employee to apply for the buyout. Due to the delayed notice to AFGE Local 476 and thereby to the employee, you extended the window to August 27. The Buyout Plan also required that the employee's effective separation date be on or before September 4, 2015.

I have attached the Union's preliminary demands regarding the proposed OSPM Buyout Plan in the form of a proposed agreement. These are preliminary proposals only, and the Union reserves the right to bargain and amend or add proposals, in accordance with Article 49 of the collective bargaining agreement.

I will serve as the contact for this matter.

Local Supplement 66

between

U. S. Department of Housing and Urban Development

and

American Federation of Government Employees Local 476

SUBJECT: Office of Strategic Planning and Management Buyout Plan Fiscal Year 2015.

SCOPE: The scope of this supplement encompasses the implementation of buyouts and its impact on bargaining unit employees in the Office of Strategic Planning and Management with separation dates no later than the end of Fiscal Year 2015.

1. Buyout Notification: Any buyout notice sent to the affected employee shall include as an attachment a copy of this HUD/AFGE agreement reached regarding this buyout and a copy of Article 36, VERA/VSIP (Buyouts) of the collective bargaining agreement (CBA). Management will schedule a meeting to inform the affected employee on how the VERA/VSIP will be implemented at a date and time that is mutually convenient to management, the Union, and the employee. The meeting will be held at least two weeks before the deadline for application submission.
2. Application Window: The application window shall be no less than 14 days, in accordance with CBA section 36.02(b), and shall close no earlier than September 20, 2015.
3. Separation Date: The separation date shall be no later than September 30, 2015. Management will extend a buyout offer on a date that allows the employee at least three business days to consider the offer before the separation date in accordance with CBA section 36.02(i).
4. Retirement Benefits Questions: In accordance with CBA section 36.05, management will provide the affected employee with the name, email address, and phone number of a specific person assigned to provide retirement benefit assistance upon notifying the employee. The contact person will be available to discuss eligibility for retirement and buyout, calculated estimated annuity, buyout and severance payment amounts, other personal considerations as appropriate, and questions about the retirement or buyout application.
5. Buyout Plan: Management will update the July 2015 OSPM Buyout Plan to conform to the terms of this agreement.
6. Buyouts to be Voluntary: Buyouts are voluntary. No adverse action will be taken against an employee for not accepting a buyout offer.
7. Employee Decision: The Department will cooperate fully with the employee's decision regarding whether to pursue or withdraw any other retirement application. The Department will take all steps necessary to support the employee's decision provided that such action is not expressly prohibited by law, statute, or government-wide regulations.

8. Application Submission: An employee applying for a buyout may submit the request through electronic mail or by facsimile in accordance with CBA section 36.02 (c). Management will provide the affected employee with an appropriate fax number in addition to an email address that may be used to submit the buyout application.
 - a. Employees are authorized to use government equipment and reasonable time to prepare and submit the request application.
 - b. The employee must submit a complete application before the close of the buyout deadline in order to be considered.
 - c. The buyout deadline shall be no less than two weeks after management meets with the affected employee and the Union, provides the employee with the name of a retirement benefits contact individual, and/or concludes an agreement with the Union on this matter, whichever is latest.
 - d. The application window will be no less than 14 calendar days, as provided by CBA section 36.02(b).
 - e. The Department will notify the applicant by email that the application has been received within one business day of its submission, regardless of the means of submission.
9. Application Errors: An application shall not be considered incomplete merely due to simple application errors, nor will such errors affect the buyout amount for an employee, provided that the application is submitted before the deadline. The applicant will be notified by electronic mail within two (2) business days whether the application can be processed. If the application is incorrect and/or incomplete, the employee will be notified of the reason(s), and will be given an opportunity to submit a corrected application.
10. Approval Period: Within five (5) business days after receipt of the application, Management will inform the applicant that the application is approved; disapproved and the reason(s) for disapproval; or temporarily deferred and the reason(s) for deferral.
11. Employee Decision Period: The affected employee will have at least three business days following the approval of an application to accept or reject the buyout offer.
12. Separation Change or Declination: The employee may decline a buyout or rescind the application at any time before the effective date of separation in accordance with CBA section 36.02(j). The employee may change the departure date in accordance with CBA section 36.02(h) provided that the revised date is before the established deadline.
13. Telework: The offer, application for, and acceptance of a buyout will have no adverse impact on any telework arrangement(s) in accordance with CBA section 36.03 (b).
14. Reasonable Accommodation: The offer, application for, and acceptance of a buyout will have no adverse impact on any employee's Reasonable Accommodation.

15. Leave: The employee's leave will be paid out at the time of departure, in accordance with statutory and regulatory requirements.
16. Preservation of Rights: Implementation of this agreement shall not diminish or waive any rights that the Union and bargaining unit employees have under the HUD-AFGE Collective Bargaining Agreement, law, or government-wide rule or regulation.
17. Policy and Conformance to Collective Bargaining Agreement: All VERA/VSIP actions shall comply with the CBA, in particular Article 36, VERA/VSIP (Buyouts), and Article 49, Mid-Term Bargaining. Management agrees that any additional departmental VERA/VSIP policy that affects AFGE bargaining unit employees will be negotiated prior to implementation, and will not be applied to this buyout and agreement without the express agreement of both parties.

Date: _____

For Management:

For the Union:

Anita O. Crews
Employee and Labor Relations Division

Jerry Gross,
Steward, AFGE Local 476