

**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:** Fiscal Year 2010 Voluntary Separation Incentive Payments (VSIP) and Voluntary Early Retirement Authority (VERA) (Hereinafter referred to jointly as Buyout Plan) for AFGE Bargaining Unit Employees in the Office of Public and Indian Housing (PIH).

**SCOPE:** The scope of this Memorandum of Understanding (MOU) encompasses the implementation of the Buyout Plan and its impact on bargaining unit employees in PIH with a VSIP separation date no later than September 11, 2010, and a VERA separation date no later than September 11, 2010.

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.
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 employee with the highest last digit of the 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 twelve (12) calendar days, unless extended by the Agency.
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 required effective date of separation 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 MOU:** An electronic copy of the signed MOU will be provided to AFGE National Council of HUD Locals 222, within 30 days of the completion of the negotiations.
19. **Termination date of MOU:** This MOU 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 MOU will have no adverse impact on the Departmental telecommuting policy.
21. **Work at Home:** This MOU will have no impact on an employee's reasonable accommodation.
22. **Local Negotiations:** Management agrees to provide the union notification and the opportunity to bargain, as appropriate, of any subsequent changes to bargaining unit employees' working condition, i.e., moves, details, and reassignments that may occur, as a result of the buyouts.
23. **Clearance Process:** Management agrees that bargaining unit members accepting the voluntary buyout will be required to obtain initials from the AFGE Local during the agency clearance process.

**FOR MANAGEMENT:**

Norman Mesewicz 7/30/2010  
Norman Mesewicz,  
Agency Representative

Deborah Hernandez 7/30/10  
Deborah Hernandez,  
General Deputy Assistant Secretary  
Office of Public and Indian Housing

**FOR THE UNION:**

Russell Varnado July 30, 2010  
Russell Varnado,  
Union Representative