

Memorandum of Understand
Between
Department of Housing and Urban Development
and
American Federation of Government Employees Council of HUD Locals 222

SUBJECT: Fiscal Year 2012 Voluntary Separation Incentive Payment (VSIP) and Voluntary Early Retirement Authority (VERA) (hereafter referred to jointly as Buyout Plan) for AFGE bargaining unit employees in the offices of Office of Field Policy and Management (FPM) and Office of Department Operations and Coordination (ODOC).

SCOPE: The purpose of this Memorandum of Understanding (MOU) encompasses the implementation of the Buyout Plan and its impact on bargaining unit employees in FPM and ODOC with a separation date no later than September 30, 2012.

1. **Employee Notification:** Upon notification of approval of the Department Buyout Plan from the Office of Personnel Management (OPM), all employees being offered the buyout within FPM and ODOC will receive simultaneous electronic notification, which includes the buyout plan that will outline the parameters of eligibility and the process for application.
2. **Application Window:** The Department will immediately accept applications, and will continue to accept application through August 15, 2012, unless mutually modified by the parties.
3. **Buyouts to be Voluntary:** Buyouts are voluntary. No adverse action will be taken against an employee for not accepting a buyout offer.
4. **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 Division (PBRD).
5. **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.

6. **Notification of Receipt:** Employees will receive notification of receipt of the application by OHR within one (1) business day by electronic mail.
7. **Incomplete Applications:** Employees will be notified by electronic mail as soon as possible if his/her application is complete. If the application is incomplete, the employee will be permitted to resubmit a corrected application.
8. **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.
9. **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.
10. **Approval Period:** Within five (5) business days after the application window closes, 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.
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 a 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 have the right to change their departure date, provided 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 a 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 agreement does not constitute a waiver of any union rights under the HUD/AFGE Agreement, law, rule, or regulation.
18. **Telecommuting:** This agreement will have no adverse impact on the Departmental telecommuting policy.
19. **Work at home:** This agreement will have no adverse impact on an employee's Reasonable Accommodation.
20. **Local Negotiations:** Management agrees to provide the union notification and the opportunity to bargain, as appropriate, of any subsequent changes to the bargaining unit employees' working condition, i.e., moves, details, and reassignments that may occur as a result of buyouts.
21. **Clearance Process:** Management agrees that bargaining unit members accepting a voluntary buyout will be required to obtain initials from the AFGE Local during the agency clearance process.

Norman Mesewicz
Agency Representative

Edward Eitches
Representative of the Union

Union Representatives:
Edwardo Bowen
Melanie Hertel
Sherry Norton