

SETTLEMENT AGREEMENT

The Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research ("FDA/CDER") and the National Treasury Employees Union ("NTEU") agree to the following in full and complete settlement of unfair labor practice charge WA-CA-11-0215.

FDA/CDER agrees to bargain, upon request, with NTEU over those office relocations and moves for which there is a duty to bargain, prior to implementing the moves. The bargaining will commence in accordance with Article 3, "Mid-Term Bargaining" of the HHS/NTEU consolidated collective bargaining agreement.

Within fifteen (15) days of the signing of this Settlement Agreement, NTEU may send the following message via electronic mail to FDA/CDER bargaining unit employees represented by NTEU Chapter 282:

The Food and Drug Administration/Center for Drug Evaluation and Research ("FDA/CDER") recognizes that the National Treasury Employees Union (NTEU) is the exclusive representative of bargaining unit employees at FDA/CDER.

In unfair labor practice charge WA-CA-11-0215, with respect to bargaining over the Hillandale move, NTEU proposed that the functional groupings be determined from the officially approved FDA organizational chart. FDA/CDER asserted that this proposal was not negotiable, and implemented the move upon reaching impasse and prior to the completion of bargaining. FDA/CDER acknowledges that by implementing this move prior to the completion of bargaining, it failed to comply with the requirements of the Federal Service Labor-Management Relations Statute.

FDA/CDER acknowledges its obligation to provide NTEU with notice and an opportunity to bargain over those office relocations and moves for which there is a duty to bargain, prior to implementing the moves. Further, FDA/CDER acknowledges that a proposal regarding the level at which management can determine functional groupings in order to establish the priority of office selection may be negotiable when such proposal does not excessively interfere with management rights.

FDA/CDER and NTEU agrees to bargain to maximum extent required by law over future office moves at the FDA/CDER.

FDA/CDER agrees to afford NTEU with notice and the opportunity to negotiate all appropriate issues on behalf of bargaining unit

employees as required by the Parties' Collective Bargaining Agreement and as required by the Federal Service Labor-Management Relations Statute.

In exchange for FDA/CDER's commitment to perform the above-referenced action, NTEU agrees to withdraw the unfair labor practice charge WA-CA-11-0215.

For FDA/CDER:

For NTEU:

<u>Melanie Keller</u>	<u>7/20/2011</u>	<u>Tim Hannapel</u>	<u>7/20/11</u>
Melanie Keller	Date	Tim Hannapel	Date