

MEMORANDUM OF UNDERSTANDING
BETWEEN
NATIONAL TREASURY EMPLOYEES UNION
CHAPTER 282
AND
FOOD AND DRUG ADMINISTRATION
CENTER FOR VETERINARY MEDICINE

The following agreement is made as a result of negotiations that culminated in a mediation/negotiation that took place on May 14, 2001, between the parties described above. The agreement responds to issues raised in the January 11, 2001, Notice of Proposed Change under Article 3 of the Collective Bargaining Agreement regarding proposed floor plan changes and office moves at the Muirkirk Road Campus, MOD2 Facility. This agreement applies only to this negotiation and, except as stated herein, is applicable only to the office space managed by the Office of Research, CVM, at MOD2.

Background:

1. January 11, 2001 - Management provided formal notice of proposed change to NTEU.
2. January 11, 2001 - NTEU exercised its right to bargain over the proposed change and requested a briefing.
3. February 2, 2001 - Briefing provided to NTEU, all Bargaining Unit Employees (BUE's) at MOD2 and NTEU-designated representatives of affected BUE's at MOD1.
4. Issues Management addressed in briefing of proposal included:
 - Conversion of the existing NTEU office to Office of Research (OR) office space;
 - Conversion of the area presently being used as a fitness center to OR office space;
 - Office moves for specific BUE's intended to provide space for newly hired employees at OR and to place OR BUE's with their organizational divisions, to the extent possible.
5. February 9, 2001 - NTEU provided counter proposal that, among other things:
 - Agreed to the relocation of the NTEU office to another room in MOD2, provided appropriate modifications are made;
 - Proposed to accept the conversion of the MOD2 fitness center to office space, provided that an adequate and appropriate replacement fitness center is provided elsewhere on the Muirkirk campus prior to converting the existing exercise room;
 - Preliminarily proposed office moves somewhat different from those proposed by Management.
6. February 21, 2001 - Parties met to discuss these and related issues.
7. March 14, 2001 - NTEU submitted formal proposal and parties met to negotiate the issues.

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8. March 29, 2001 - Parties met to negotiate issues. At this meeting, the parties agreed in principle:
 - To relocate the NTEU office under agreed-upon conditions.
 - To relocate the fitness center under agreed-upon conditions.
 - To mediate the office moves issue.


9. May 14, 2001 - NTEU and FDA representatives signed a Memorandum of Understanding memorializing the March 29, 2001, agreement-in-principle.

10. May 14, 2001 - Parties met to mediate the office moves issue with Lynn Sylvester, Federal Mediation & Conciliation Service. The parties present at the mediation session were:
 - ◆ For management:
 - Norris Alderson, Director, Office of Research, CVM
 - Faye Allison, Division of Labor and Employee Management Relations
 - Barbara Leach, Director, Administrative Management Staff, Office of Management and Communications, CVM
 - Cindy Lepson, Deputy Director, Division of Labor and Employee Management Relations
 - Michael Thomas, Director, Division of Residue Chemistry

 - ◆ For NTEU:
 - Richard Arkin, NTEU Chapter 282 CVM Vice President
 - Douglas Chadwick, NTEU Chapter 282 CDER Vice President
 - Eugene Freedman, NTEU Assistant Counsel and Field Representative
 - Joy Lazaroff, NTEU Chapter 282 Executive Vice President
 - Michael Myers, NTEU Chapter 282 MOD2 Bargaining Team
 - Sharon Quinn Harris, NTEU National Counsel and Field Representative
 - Valerie Reeves, NTEU Chapter 282 MOD2 Bargaining Team

The following agreement is the result of the mediation session:

Agreement:

The following applies to all bargaining unit employees (BUE's) employed as of May 15, 2001 and assigned to offices at MOD2 at the Muirbirk Campus in Laurel, Maryland, and the assignment of offices following future hires assigned to MOD2. 

1. Offices will be assigned first by function (based upon division), as follows:
 - Division of Residue Chemistry (DRC) - 2nd Floor
 - Division of Food Animal and Food Microbiology (DAFM) - 1st Floor
 - Division of Animal Research (DAR) - Ground Floor
 - Office of the Office Director (OD) - Ground Floor
 - Center for Devices and Radiological Health (CDRH) courtesy offices - Ground Floor

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BUE's for whom there is no available office space on the floor designated to the division they are assigned will be assigned to overflow interior offices on the Ground Floor. Rooms identified as overflow offices as of the date of this agreement are G527, G529, G602 and G510. Additional rooms may be designated by the parties as required. Overflow space will not be designated by division.

2. Preferences for office assignments will be determined by grade within divisions. Federal Service Computation Date (SCD) will be used to break any ties in competition for offices, followed by departmental, and then FDA seniority, if necessary.

- Principal Investigators (PIs) (research leaders, who, through credentials, experience, and training, plan, conduct, evaluate and report major research studies as well as oversee the work of support staff scientists) and GS-13 and above employees may choose a single-occupant window office or a single-occupant interior office within the space assigned to their division.
- On the 1st and 2nd floors, where there are large double-occupant window offices (greater than 200 square feet), the most senior (highest graded/earliest SCD) support scientist (SS) employee has the option of choosing to share a large double-occupant window office or a single-occupant window office.
- As new SS's are hired, they will be placed in single window offices (under 150 square feet and greater than 120 square feet) converted to small double-occupant window offices. If there are no converted small double-occupant window offices available, new SS employees will be placed in the large double occupant window offices, converting them to triple-occupant window offices. Once the senior SS employee makes the selection of a large double-occupant window office, the selection is permanent until the need for a new change is triggered.
- PIs may mutually agree to swap offices within each division. SS's may mutually agree to swap offices within each division. PIs and SS's may mutually agree to swap offices within each division only if the offices are equivalent.
- A PI and a non-PI may share a large double-occupant window office if no other offices are available. Under this circumstance, the office shall not be available for conversion to a triple-occupant office.

3. When there is a newly hired PI BUE for whom there is no single-occupant window office space available, a "bumping" scenario is triggered, as follows:

- The newly hired PI has the option to occupy the office of the most junior (lowest graded/ most recent SCD) SS employee with a single-occupant window or single-occupant interior office.
- The SS employee bumped from his/her office has the option of selecting a converted double-occupant small window office, a converted triple-occupant large window office referenced above (if the SS employee is in the division assigned to the 1st or 2nd floor), or, where available, the single-occupant interior office of most junior employee.



bumping rights

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- The employee bumped from the single-occupant interior office has the choice of selecting a converted triple-occupant office (if the SS employee is in the division assigned to the 1st or 2nd floor) or a converted small double-occupant window office.
 - The original occupant of the converted small double-occupant window office has the option of remaining in the converted small double-occupant window office or bumping into a single-occupant interior office of the now most junior employee. The employee bumped from the single-occupant interior office must occupy the converted small double-occupant window office vacated by original occupant.
4. When there is a newly hired SS employee for whom there is no appropriate office space available, the new SS shares office space with most junior SS employee within his/her division, if space is available. If there are no converted small double-occupant window offices available, new employees will be placed in the large double-occupant window offices, converting them to triple-occupant window offices. If space is not available within the division, the new SS employee occupies an overflow office on the ground floor. If no overflow space is available, the new SS employee is assigned to a modular workstation in G704. ←
 5. No office smaller than 120 square feet will be converted into a double-occupant office.
 6. Implementation:
 - Within two weeks of the date of the last signature on this MOU, NTEU will meet with BUE's at OR and will advise Management of the choices made by the BUE's by designation on the floor plan appended to this MOU. Management will implement and coordinate the moves within two weeks of receipt of the office designations from NTEU.
 - Management will follow the provisions of the MOU when office moves are triggered by future hires. Management will advise the employee(s) affected by the incoming new hire(s) and the NTEU CVM Vice President or his/her designee at least 10 days in advance of the impending office move. The employee and NTEU will be advised of choices, if any, and/or new office placement, as determined by the process of this MOU. ←
 7. In an informal arrangement between the two Centers prior to this MOU, CVM agreed to provide the CDRH with two offices at MOD2. Presently, CVM provides CDRH two window offices, both of which are occupied by CDRH PIs. That arrangement will continue under this MOU. Should either CDRH PI be replaced with a CDRH Support Scientist (SS) employee, that SS employee will be assigned to an interior office. The window office vacated by the CDRH PI will revert to CVM to fill in accordance with this MOU. Should two CDRH SS employees replace a CDRH PI, they will occupy the window office vacated by the PI.
 8. There are two appendices to this MOU, which are both incorporated by reference:
(a) Appendix 1 – List of Principal Investigators and GS-15's assigned to MOD2 as of May 15, 2001; and (b) Appendix 2 -- MOD2 Building Floor Plan showing designated division space, Office Director space, overflow space, and courtesy space allocated to CDRH PIs, as well as offices potentially available for double occupancy and triple occupancy.

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FOR THE UNION:

FOR THE AGENCY:

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National Council & Field Representative

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