

Element Building: OC & ORA move

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**Memorandum of Understanding (MOU) between
Food and Drug Administration
Office of Commissioner (OC), Office of Regulatory Affairs (ORA) and
National Treasury Employees Union, Chapter 282
Concerning the Relocation of OC and ORA to
Element Building**

Purpose

This Memorandum of Understanding (MOU) negotiated pursuant to Article 3 of the Food and Drug Administration (FDA)/National Treasury Employees Union (NTEU) Collective Bargaining Agreement (CBA), is entered into for the purpose of facilitating a smooth, professional transition to Element Building in Rockville, Maryland.

Office Space Allocation

Office space for BUEs will be allocated according to the MOU "Office Space Allocation and Office Selection at White Oak Campus" dated 7/2/2010. Managers occupying the larger sized offices, and employees occupying workstations, are excluded from the process. For the purposes of determining the ratio of BUEs to non-BUEs within each functional unit, supervisors occupying the same size office as employees will be included in that calculation. Prior to signing the MOU, Management will send NTEU the room numbers for where it proposes to locate these supervisors. The supervisors will be located in specific offices based on the business and operational needs of the functional units. Signature by NTEU constitutes its agreement that supervisors will be placed into these specific offices prior to any selection of offices by employees. Within each functional unit containing a mix of BUEs and non-BUEs, there will be a minimum of 1 window office for BUEs and for non-BUEs.

During the placement of supervisors in specific offices, if a functional unit is unable to maintain the prescribed ratio of windowed offices between BUEs and non-BUEs, the ratio in other functional units within the same component (Office) will be adjusted accordingly to maintain the prescribed ratio collectively (e.g., one functional unit is allocated 3 window offices for non-BUEs but has a operational need for 4 window offices for non-BUEs, the 4 window offices can be permitted with a corresponding decrease of 1 window office for a non-BUE in another functional unit within the same component).

Office Selection Priority

Office Selection Priority for BUEs will be conducted according to the MOU "Office Space Allocation and Office Selection at White Oak Campus" dated 7/2/2010.

Changes Prior to Relocation to Element Building

Upon completion of the office selection process described above, the offices identified for occupancy by BUEs shall, to the maximum extent feasible, remain available for BUE

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occupancy up through the time the relocation takes place. To the extent that unforeseen events beyond the control of the Employer require changes prior to relocation, the parties agree to proceed with the relocation and to satisfy any bargaining obligations immediately thereafter. If changes occur in the allocation of a functional unit's space subsequent to the effective date of this agreement but prior to office moves, the MOU will apply to the relocation of that functional unit's BUEs.

Furniture

FDA agrees to provide the Union with representative floor plans of the furniture installations. The employees will be able to view the furniture configuration of offices prior to making their office selections.

Parking

There are two parking locations for BUEs which are designated as South Lot (front of building) and East Lot (left of building, formerly Parklawn lot). There is no significant difference between these lots in distance to the building. Employees assigned to South Lot will access the lot using their employee badges. Employees assigned to East Lot will need an additional card, which shall be provided to employees assigned to East Lot at no cost to employees. Management shall be responsible for assigning spaces and shall do so for South Lot, starting with employees whose last names end in the letter A and continuing alphabetically through approximately half the employees to be assigned. The remaining employees shall be assigned to East Lot.

Reasonable Accommodations

Reasonable accommodations shall be provided to those BUEs who provide the necessary medical documentation to FDA in accordance with law, rule and regulation.

Occurrence of Office Moves

To the extent feasible, all office moves will occur during the weekends.

Inspection of Offices by Bargaining Unit Employees

Following the office selection process, to the extent management determines feasible BUEs may be scheduled to inspect their new offices on a day and time designated by FDA. At the time of the inspection, the offices may or may not be equipped with furniture. Employees are encouraged to report to FDA any deficiencies they observe. FDA will make its best efforts to accommodate such requests within a reasonable period of time.

Packing and Unpacking Business Items

FDA shall provide BUEs a reasonable amount of duty time to pack and unpack their offices and belongings/personal items. Accommodations will be made on a case by case basis for employees whose work may be interrupted due to the installation of computers and/or other equipment related to this move.

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Employees will pack/unpack the business items contents of their offices, such as files, office supplies, research materials, and other similar objects that can be reasonably accommodated in the new office. Once placed in totes/boxes, FDA will move such totes/boxes from the current work location to the new work location. FDA will pack and move desktop computers, printers, telephones, and related communications equipment.

Employees will remove all personal items from their existing offices prior to their assigned move date. We understand that FDA's agreement with contract movers does not provide for the reimbursement of missing or damaged personal items. Employees will be required to move their laptop computers.

Water Quality Data

The Employer shall provide water quality analysis it has about the quality of the water in Element Building prior to BUEs moving to the building.

Air Quality

Management shall provide air quality information it has, including but not limited to information showing that the air ducts in the building have been replaced, prior to BUE's moving to the building.

Defibrillators and First Aid Kits

The Employer shall install defibrillators on each floor of the Element Building. In addition each Division shall obtain first aid kits, which shall be readily available.

Outstanding Issues

Within 90 days after the final move to the Element Building has been completed, and upon request by either party, the parties will meet to discuss any outstanding issues including but not limited to the following:

Each party may have four representatives at this meeting. Further negotiations on any other outstanding issues will be held as deemed necessary by either of the parties.

Duration

This agreement will become effective upon Agency Head review in accordance with 5 USC Section 7114 (c) (2) or on the thirty-first (31st) day after its execution date, whichever occurs first.

Marsha Hayden 11/17/10
 Marsha Hayden Date
 For: NTEU Chapter 282

Michael Blum for 11/19/2010
 Michael Roosevelt Date
 For FDA/ORA

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M. Theodorakis EVP 11/17/2010
Michael Theodorakis Date
Executive VP
For: NTEU Chapter 282

Carolyn Kachoree for 11/9/2010
Karen Kapust Date
For FDA/OC