

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
NATIONAL TREASURY EMPLOYEES UNION AND
THE FOOD AND DRUG ADMINISTRATION**

This memorandum serves as an addendum to Interim MOU #1 regarding item #3 (Dispute Resolution System) and item #4 (Notice of proposed changes).

3. With respect to the Dispute Resolution System, the following changes have been agreed to by the parties:

- ◆ The grievant and/or his/her NTEU representative will be afforded the opportunity to make an oral presentation in accordance with the timeframes set forth in the DRS.
- ◆ NTEU and FDA will share equally the arbitrator's fees and expenses and transcript costs related to binding arbitration.
- ◆ A complaint concerning actions defined in 5 USC 4303 (removal or reduction in grade based upon unacceptable performance) and Section 7512 (removal, suspension for more than fourteen days, reduction in grade or pay, or furlough for thirty days or less for such cause as will promote the efficiency of the service) may be raised under the DRS or under the applicable statutory procedure, but not both. Initiation of a grievance or a statutory appeal will constitute an election.
- ◆ A complaint concerning discrimination on the basis of race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation may be raised under the DRS or the appropriate statutory procedures, both not both. Initiation of a grievance or a statutory appeal will constitute an election.

4. Notices of proposed changes in personnel policies, practices, and working conditions will be served upon Robert Tobias, National President of NTEU. NTEU will have 10 calendar days from receipt of the notice to indicate an interest in bargaining. NTEU must submit proposals no later than 5 workdays after notifying FDA in writing of this interest in bargaining.

This MOU is effective immediately upon signature of the approving official.

William Nealon, Labor Relations Officer
Food and Drug Administration

Jefferson Friday, National Counsel
National Treasury Employees Union

Approving Official:

Robert J. Byrd
Deputy Commissioner for Management and Budget

Date