

Phased Retirement Program

A Multi-Party Agreement between
The National Treasury Employees Union Chapter 243,
The National Treasury Employees Union Chapter 245,
The Patent Office Professional Association, and
The United States Patent and Trademark Office

November 14, 2016

Preamble: This agreement, between the United States Patent and Trademark Office (USPTO or Office), the National Treasury Employees Union, Chapters 243 and 245 (NTEU 243 and NTEU 245), and the Patent Office Professional Association (POPA) (collectively identified as Parties), concerns the implementation of the phased retirement program at the USPTO. The USPTO phased retirement program is established by the Phased Retirement Policy, OHR-202-05-09.

1—Sharing of Data: During the effective period of this agreement as set out in paragraphs 3 and 6 below, the Office agrees to share aggregate data on participation in phased retirement with NTEU 243, NTEU 245, and POPA. This data will be broken down by business unit and bargaining unit status, but in no event will it identify any particular individuals. The data will include the number of employees who apply, the number of applicants approved and disapproved, and the number of employees participating in phased retirement. To the extent it can be aggregated, the data will also include a summary of the reasons for disapproval. Aggregate reports will be shared each quarter during the first year and each six months thereafter from the anniversary date of this agreement through the end of the reopening period.

2—Collaboration: The policy and guidelines for this program, as well as other supporting documents, have been developed collaboratively by the Parties. Any party may request a meeting to discuss issues surrounding the program and all parties commit to meeting as quickly as possible to discuss these issues. The goal of the Parties will be to resolve all issues collaboratively and to amend the policy, guidelines, other documents, or this agreement to reflect agreed-upon changes. Agreed upon changes will be implemented. Each union and the Agency have discussed arrangements as it applies to members of each respective bargaining unit. These arrangements are appended to this document as Additional Information for NTEU 243 Bargaining Unit Members, Additional Information for NTEU 245 Bargaining Unit Members, and Additional Information for POPA Bargaining Unit Employees. If additional situations arise that are unique to a bargaining unit, that party and the Agency may collaborate on amendments to the appendix for that bargaining unit to cover those issues.

3—Effective Date and Implementation: This agreement becomes effective once all parties have signed it. The Phased Retirement Program will be implemented with respect to the members of NTEU 243, NTEU 245, and POPA promptly by the Office following the effective date of this agreement. Applications for phased retirement will be accepted immediately upon the implementation of the phased retirement program.

4—Notice and Bargaining Obligations: NTEU 243, NTEU 245, and POPA acknowledge that the USPTO has met its obligations to provide notice and an opportunity to negotiate over the implementation of the phased retirement program.

5—Revision Process: The Parties agree first to attempt to resolve all issues collaboratively as set out in Paragraph 2, above. If the issue(s) is not resolved through collaboration, any party may request bargaining over this program. If bargaining is scheduled to occur, NTEU 243, NTEU 245, and POPA will be offered an opportunity to participate in bargaining with all Parties. In order to participate in bargaining, each union must elect to do so. Alternatively, NTEU 243, NTEU 245, and/or POPA may elect to not engage in bargaining (if bargaining is proposed by a party other than the Office) or to have separate negotiations with the Office.

The Office will negotiate to the extent required by law. The Agency will not refuse to bargain over a Union-proposed change on the basis that the proposed change is "covered by" the Phased Retirement Program or this Memorandum of Understanding.

6—Duration and Expiration: This agreement will expire upon the fourth anniversary of the agreement. At that time, the Office will continue to operate the phased retirement program as it is currently operating and it will be considered the same as other services offered by the Office of Human Resources. Any party may request negotiations over the topic of phased retirement pursuant to term or midterm bargaining, and the parties will bargain to the extent required by law.

Signatures

/s/ _____
Harold Ross
President
NTEU 243

November 15, 2016
Date

/s/ _____
Kathleen Duda
Vice President
POPA

November 15, 2016
Date

/s/ _____
Howard Friedman
President
NTEU 245

November 15, 2016
Date

/s/ _____
Frederick Steckler
Chief Administrative Officer
USPTO

November 14, 2016
Date