

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NATIONAL TREASURY EMPLOYEES UNION
AND
THE ENVIRONMENTAL PROTECTION AGENCY**

This Memorandum of Understanding ("MOU") between the National Treasury Employees Union ("NTEU" or "Union") and the Environmental Protection Agency ("EPA" or "Employer") (collectively, "the Parties" or individually, "Party") addresses the implementation of the Employer's Phased Retirement Order.

In order to implement the Phased Retirement Order, the Parties agree to the following provisions:

1. **Data to the Union.** Upon request by NTEU, the Agency will provide the union with the following information:
 - a. A current list of all bargaining unit employees participating in Phased Retirement;
 - b. A list of all bargaining unit employees who completed an application for phased retirement and were not approved.
 - c. A list of all bargaining unit employees who entered phased retirement and ended phased retirement early.
 - d. A list of all bargaining unit employees who have requested to renew their phased retirement agreement for a second year and whether the Agency approved the request.
 - e. A list of all bargaining unit employees participating in phased retirement who submitted a request to return to regular employment and whether or not the request was approved.
2. **Significant Problems.** If either party becomes aware of significant unanticipated problems that arise following implementation of this initiative, the Employer or the Union will inform the other party, and the Parties will meet to discuss and attempt to resolve the problem as soon as practicable.
3. **Assignments.** Prior to approving a Phased Retirement application, the first level supervisor of record and an applicant for phased retirement will work together, in accordance with the Phased Retirement Order, to discuss potential Phased Retirement assignments, including whether the phased retiree will be reassigned to a position different than the position held prior to participating in Phased Retirement.
4. **Participation in the Phased Retirement Program.** Pursuant to Section 11.1 of the Order, Phased Retirement agreements may be for one year initially, and shall be renewable for a second year, at the employee's election, subject to management approval.
5. **Returning to Regular Employment.** Pursuant to Section 13.1 of the Order, employees may request to return to regular employment at the Agency. The Agency will not unreasonably deny an employee's request.

6. **Applicants Subject to Misconduct-Based Action.** The Employer may consider an employee for phased retirement who has been subject to misconduct-based action within the past two (2) years from the date of application for Phased Retirement. Pursuant to Article 49 of the Parties 2016 Collective Bargaining Agreement (“2016 CBA”), misconduct-based actions exclude counseling and warnings, whether oral or in writing. Misconduct-based actions occurring more than two (2) years prior to phased retirement shall not be considered by employers in assessing an employees’ selection for phased retirement.
7. **Effective Date and Termination.** This MOU will take effect upon Agency Head approval or on the thirty-first (31st) day following execution, whichever is earlier, and will terminate after four (4) years.

For NTEU

For EPA:

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Tim Seidman
National Negotiator
NTEU

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Date

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