

July 19, 2002

VIA FACSIMILE

Portia Robinson  
Labor Relations Specialist  
U.S. Patent & Trademark Office  
2011 Crystal Drive, Suite 612 (CPK1)  
Arlington, VA 22202

RE: Grievance - Freeze of Promotions and Other Violations Resulting from the Imposed RIF

Dear Ms. Robinson:

This letter responds to your July 18, 2002, voice mail message to me regarding the Agency's oral settlement offer in the above-referenced NTEU grievance filed on June 26, 2002. You stated that the purpose of your message was to "formally let NTEU know that management did, in fact, withdraw the settlement offer at 5:00 p.m. the day the Agency did not hear back from NTEU." As I explained to you on July 16 in both telephone conversations and correspondence, NTEU was seriously considering the Agency's offer. However, NTEU was unable to respond by the 5:00 p.m. deadline because, unfortunately, the Agency refused to answer specific questions about the offer which were critical to properly assessing its impact on bargaining unit employees. Indeed, you even admitted that whether the promotions to Grade 14 would be retroactive was an important issue but acknowledged that you would not be able to answer that question by the Agency's imposed 5 p.m. deadline.

As I am sure you can appreciate, NTEU could not simply accept the offer "as is" since the questions NTEU posed went to the heart of our understanding all of its terms. Further complicating matters was that different elements of the offer were communicated to different NTEU representatives. To date, the Agency still has not provided the information nor adequately explained why it would not extend the imposed deadline. In our view, such actions are inconsistent with the Agency's stated goal of carrying out the RIF with compassion and respect for PTO employees. Nevertheless, in a sincere effort to resolve this matter, NTEU submits the following proposal:

1) the Agency will immediately (a) "unlock" the freeze on the career ladder promotions to Grades 11, 12 and 13, and (b) promote those employees who were otherwise eligible for promotion retroactive to the date they first became eligible with back pay and interest;

2) the day after the earliest date of separation of any PTO employee separated because of the RIF, the Agency will (a) "unlock" the freeze of accretion of duty promotions to Grade 14 and

(b) promote those employees who were otherwise eligible retroactive to the date they first became eligible with back pay and interest;

3) the Agency will bargain with the Union over whether the promotions will affect the RIF standing;

4) all employees who are separated as a result of the RIF and who, prior to the date of their separation, were eligible for promotion to Grade 14, will be retroactively promoted from the date they first became eligible with back pay and interest. These promotions will not retroactively affect their RIF standing;

5) the Agency will not impose another freeze on promotions for the purposes of implementing any RIF;

6) the Agency will bargain with the Union over the data verification process during RIF negotiations and all other impact and implementation issues, including job sharing, details, and buyouts;

7) the Union will withdraw the June 26, 2002 grievance.

To promote resolution of this matter and to ensure that the Agency has a reasonable amount of time to consider NTEU's offer, this offer is extended until revoked. However, because this issue is important and is related to the upcoming negotiations over the RIF, I ask that you endeavor to respond by July 23, 2002. I am available to answer any questions that the Agency may have about the terms of NTEU's proposal or to discuss alternatives. I may be reached at (202) 638-7760, extension 2110.

Sincerely,

Sharon Quinn Harris  
NTEU National Counsel

cc: Frank Ferris, NTEU National Executive Vice President  
Howard Friedman, President, NTEU Chapter 245  
Anne Chasser, Commissioner of Trademarks  
Sean Kelly, USPTO, Attorney