

July 16, 2002

Portia Robinson
U.S. Patent and Trademark Office
Department of Commerce
2011 Crystal Drive
Suite 612
Arlington, VA 22202

Dear Portia:

During separate telephone conversations with Sandra Humphries Riviears, Howard Friedman and me over the past twenty-eight hours, you have communicated different elements of the Agency's offer to settle the June 26, 2002, grievance concerning the Agency's improper denial of promotions and other violations resulting from the announced RIF. Since you are unwilling to present the Agency's offer in writing, this letter confirms NTEU's understanding of the USPTO's oral offer. Specifically, the Agency agrees (1) to immediately "unlock" the freeze on career ladder promotions to Grades 11, 12 and 13, granting promotions to those employees who were otherwise eligible retroactive to the date they first became eligible and (2) to "unlock" the accretion of duties promotions to Grade 14 after the RIF is completed. In consideration for these actions, the Agency expects NTEU to withdraw the June 26 grievance with prejudice. As communicated by you, the Union had until 5 p.m. today to accept the Agency's offer.

As I have informed you several times today, NTEU is considering the Agency's offer, however to properly assess it and make an informed decision I need the Agency to answer several questions I have posed. For example, once promotions to Grades 11, 12 and 13 are unlocked will they be re-frozen at any time in the future to implement the announced RIF? Will these retroactive promotions only be monetary or will they also affect RIF standing? What date will promotions to Grade 14 be "unlocked"? Will they be retroactive to the date employees first became eligible? Is the Agency still willing to negotiate over the data verification process during RIF negotiations as stated in last week's grievance meeting?

As I also informed you, NTEU needs more time to appropriately consider and respond to the Agency's offer. Demanding that the Union respond within less than thirty hours of receiving the initial details of the offer does very little to promote resolution of this important matter. While I understand that you are not authorized to grant NTEU an extension, I reiterate my request that you seek authorization from the appropriate person as NTEU was unable to respond by 5 pm today. I submit that if the Agency is at all serious about settling this matter, it will provide NTEU with the requested information and grant NTEU's request for additional time to assess the offer.

You may contact me at (202) 638-7760, extension 2110.

Sincerely,

Sharon Quinn Harris
National Counsel

cc: Frank Ferris, Executive Vice President, NTEU
Howard Friedman, President, Chapter 245

