



American Federation of Government Employees
National Council of HUD Locals 222

Affiliated with AFL-CIO

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August 20, 2012

MEMORANDUM FOR: Norman Mesewicz, Employee & Labor Relations & Performance
Management Division, AHEDA

FROM: Jerry Gross, Co-Chair, Council 222 Mid-Term Bargaining Committee

SUBJECT: Demand to Bargain – Nepotism Policy

This will serve as Council 222's (the Union's) demand to bargain over management's proposed Nepotism Policy in accordance with Article 5 of the AFGE-HUD collective bargaining agreement. Management provided a draft of the Nepotism Policy to the Union on August 17, 2012.

Below are our preliminary proposals:

1. Written Responses: Management shall provide written responses regarding the Union's proposal provided below within five business days of receipt of this memo.
2. Meeting Time: Management shall work with the Union to set a mutually agreeable meeting time within thirty days to negotiate the proposed Nepotism Policy.
3. Management-Directed Actions: Management has the responsibility for identifying any possible violations of the Nepotism Policy that may result from management-directed actions such as, but not limited to, reorganizations. All such actions shall be considered a change in working conditions and subject to the requirements of Article 5 of the AFGE-HUD collective bargaining agreement.
 - a) Management shall inform the Union of any management-directed action that may lead to a violation of the Nepotism Policy involving, either directly or indirectly, a bargaining unit employee, at least ten days before implementing such action.
 - b) If a management-directed action unavoidably creates a violation of the Nepotism Policy, the affected bargaining unit employee(s) shall be given the choice of remaining in the current position or accepting reassignment to an equivalent position as identified and offered by management.
 - c) When a bargaining unit employee chooses to remain in the present position, management shall reassign the non-bargaining unit employee as necessary to avoid violating the Nepotism Policy.

4. Employee-Based Actions: If management identifies a potential or alleged violation of the Nepotism Policy involving a bargaining unit employee, and that results from neither a management-directed action nor any wrong-doing on the part of the employee (e.g., resulting from marriage or appropriate competitive selection procedures), the affected bargaining unit employee(s) shall be given the choice of remaining in the current position or accepting reassignment to an equivalent position as identified and offered by management. If the bargaining unit employee chooses to remain in the present position, management shall reassign the non-bargaining unit employee as necessary to avoid violating the Nepotism Policy.
5. Adverse Impact: There shall be no adverse impact on any bargaining unit employees' promotions, upward mobility, or career ladder positions, nor shall any bargaining unit employee shall be involuntarily relocated, separated, downgraded, or suffer financial impact as a consequence of implementation or application of the Nepotism Policy, barring a showing of wrongdoing by that employee.
6. Local Bargaining: Each Local Union shall receive notifications in accordance with Article 5 of the HUD/AFGE Agreement regarding local changes that may occur to bargaining unit employees including but not limited to moves, details, and reassignments that are or may be affected by implementation of the Nepotism Policy.
7. Bargaining Unit Status: No employee shall be removed from the bargaining unit as a result of this policy.

These are preliminary proposals only, and the Union reserves the right to bargain or amend or add proposals, in accordance with Article 5 of the collective bargaining agreement. I will serve as Chief Negotiator. You may contact me at jerry.gross@hud.gov or 703-280-9063.