



American Federation of Government Employees  
National Council of HUD Locals 222

*Affiliated with AFL-CIO*

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September 19, 2013

MEMORANDUM FOR: John Anderson, Senior Advisor, Employee Labor Relations Division,  
AHED  
Donnell Boykin, Deputy Director, Employee Labor Relations  
Division, AHED

FROM:  Jerry Gross, Mid-term Bargaining Chair, AFGE Council 222 of HUD Locals

Subject: Demand to Bargain – Innovative Time Program and Request for Information

This will serve as AFGE Council 222's (the Union's) demand to bargain over the Department's September 13, 2013, announcement of a plan to implement a pilot Innovative Time Program in the offices of Community Planning and Development and Field Policy and Management.

The Department's September 13 e-mail regarding the Innovative Time (also called Innovation Time) Program stated that the communication would serve as Article 3 (formal meetings) notice. Although the Department has not provided formal Article 5 notice, the Union will consider Mr. Anderson's e-mail to be such notice. The establishment of Innovation Time is a change of working conditions, as it provides some employees with up to four hours per week to work on projects outside their work assignments and position descriptions.

The September 13 e-mail refers to HUD Ideas in Action and Switchboard, from which the idea of Innovation Time originated. The Union has an outstanding demand to bargain related to HUD Ideas in Action and Switchboard, provided April 23, 2013, by Council 222 President Eddie Eitches to Donnell Boykins. This demand to bargain applies to the Ideas in Action, Switchboard, and Innovative Time Programs, as well as any other related idea generation, management, and implementation programs.

The Department has implemented numerous programs and policies that affect conditions of employment without engaging in or completing negotiations with the Union. The Union reminds HUD that it is necessary to comply with the existing collective bargaining agreement and any potential change to employee working conditions must be negotiated in good faith.

Below are our preliminary proposals:

1. Written Responses: Management shall provide written responses regarding the Union's proposals provided below and attached 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 ten days of this memo to begin negotiating the proposed Innovative Time Program policy.

3. Implementation: Management shall not implement any programs covered by this demand to bargain until such time as negotiations are completed as indicated by a signed agreement on the subject.
4. Negotiation of Working Conditions: Management will immediately cease and desist from using Innovative Time Program, Switchboard, and all other programs related to idea generation, management, and implementation as vehicles to implement changes in the working conditions of bargaining unit employees.
5. Information: Management shall provide in writing the information requested on the attached Information Request within five business days of receipt of this memo, and prior to beginning negotiations.
6. Additional Proposals: Additional preliminary proposals are provided in the attached proposed National Supplement.

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. Carolyn Federoff will serve as chief negotiator for this matter. Please include Sal Viola and me on all correspondence related to this matter.

#### Enclosures

1. Proposed National Supplement.
2. Request for Information

**NATIONAL SUPPLEMENT \_\_\_**

**between**

**U.S. Department of Housing and Urban Development**

**and**

**American Federation of Government Employees National Council 222 of HUD Locals**

**Subject:** Implementation of idea management programs, including Innovative Time (also called Innovation Time), Switchboard, and related programs.

**Scope:** The scope of this supplement encompasses the impact and implementation of all idea generation, management, and implementation programs (idea management programs), both pilot and permanent, on bargaining unit employees in all organizations of the Department.

**Purpose:** Both parties agree that this supplement provides an immediate update to the terms of the existing (1998) collective bargaining agreement. The terms of this supplement also shall be treated as part of a subsequent collective bargaining agreement, whether explicitly incorporated as an Article or otherwise, upon completion of negotiations related to the next collective bargaining agreement.

1. **Union Participation:** Management shall provide the Union with sufficient time to participate in planning any procedures and policies in connection with the solicitation, generation, evaluation, and use of ideas by bargaining unit employees through any idea management program.
2. **Local and National Bargaining:** Management shall notify Council 222 and each affected Local Union regarding implementation of an idea management program that may affect bargaining unit employees.
3. **Negotiation of Working Conditions:** Management shall not use idea management programs as a vehicle to negotiate changes in the working conditions of bargaining unit employees.
4. **Information:** Management shall identify to Council 222, and to any appropriate Local, each idea management program proposed for establishment and shall provide the following information in writing to the Union at least 30 days prior to implementation. The Union shall be afforded an opportunity to respond, and, if appropriate, negotiate the impact and implementation of the proposed program.
  - a. Purpose of program, including differentiation from other existing or prior programs.
  - b. Geographic locations affected.
  - c. Offices affected.
  - d. Bargaining unit personnel affected (by geographic location and office: name, grade, title, organization, and geographic location).

- e. Criteria for participation.
  - f. Time allowed for participation.
  - g. Methods of participation (meetings, online data entry, teleconferences, etc.).
  - h. Potential for awards and relevant criteria.
  - i. Extent of management involvement (meetings, oversight, etc.)
  - j. Information, guidance, and policies provided to employees in relation to the program.
5. **Union Concurrence:** Management shall advise the Union in advance of all employees participating in in any employee management group. Management shall provide the names, organizations, geographic locations, position title, grade, and contact information for each bargaining unit participant, and shall identify the purpose of the group. The Union shall have the right to approve bargaining unit members and to add a Union representative to any group that (a) whose members are selected or approved by management, (b) exists to oversee, administer, or implement an idea management program, or (c) may meet with management to discuss working conditions.
  6. **Voluntary Participation:** Bargaining unit employees may voluntarily participate in idea management programs such as but not limited to Innovation Time. No employee shall be required, pressured, or encouraged to participate as a condition of employment. Employees who choose to participate shall be permitted to withdraw their participation at any time without notice.
  7. **Adverse Impact:** There shall be no adverse impact on any bargaining unit employee due to actions taken in connection with any idea management program at HUD. There shall be no adverse impact on employees based on their participation in, withdrawal from, or nonparticipation in any idea management program, including their evaluation of any idea, the unsuccessful proposal of an idea, or participation in an idea project that was not successfully completed.
  8. **Alternative Work Schedules:** Employee work schedules shall not be affected by employee participation in idea management programs. Employees may request temporary or permanent changes to their work schedules to accommodate their participation in idea management programs in accordance with current negotiated policies. Management shall respond to such requests as required by current policies. Management shall not require changes to an employee's work schedule based on that employee's or another employee's participation or non-participation in an idea management program.
  9. **Telework:** Employee telework agreements shall not be affected by that employee's or another employee's participation in idea management programs.

10. Reasonable Accommodations: An employee's reasonable accommodation shall not be affected by that employee's or another employee's participation in idea management programs.

11. Selection of Participants:

- a. Management will afford all bargaining unit employees the same opportunities to participate in idea management programs and shall be subject to the same criteria for participation.
- b. Management will not deny any bargaining unit employee the opportunity to participate in such programs.
- c. Management will not use performance ratings as a basis for approving/disapproving employee participation.
- d. Management will, in cooperation with the Union, establish policies that ensure participation opportunities are fair and equitable.
- e. Management will explain in writing the reason for any disapproval of employee participation.

12. Time Allotted: Any bargaining unit employee may spend up to four hours per week on idea management programs and related projects. Such time shall be during normal duty hours. Employees shall not be required to limit their participation to lunchtime or break time. Employees who are participating in such programs are not eligible to earn credit hours, compensatory time, or overtime. Such time shall not be subject to official time limitations.

13. Performance Management: An employee's performance rating shall not be affected or influenced by the employee's participation in, withdrawal from, or nonparticipation in any idea management program.

14. Awards: Management shall provide Article 5 notice and negotiate separately each and any performance awards created to acknowledge and reward participation in an idea management program that are in addition to those described in Article 11. The methodology used to establish and give awards under this Article shall be developed and applied in a fair and equitable manner. Employee groups shall not have the authority to establish and give awards unless separately negotiated with the Union.

15. Committee Representatives:

- a. Council 222 shall select all bargaining unit representatives who serve on any committee that oversees or administers the operation and implementation of any idea management program, including but not limited to Switchboard, Innovation Time, or any other such program.

- b. Council 222 shall select all bargaining unit representatives who serve on any committee that is formed to meet with management to discuss ideas submitted through any idea management program that may affect bargaining unit employees.
- c. Time granted to committee representatives for participation in matters related to idea management programs shall be in addition to any official time allotted to the Union.
- d. No committee or committee member may negotiate an agreement, implementation of a policy or program, or other implementation of an idea unless expressly authorized to negotiate by Council 222.
- e. If any such committees are formed to handle ideas that have only local application with no potential to affect more than one Local, the affected Local may select the committee representatives and authorize Local negotiators.

16. Meetings with Management:

- a. Bargaining unit participants will not be required to meet with management to present ideas as a condition of participation.
- b. Management shall be responsible for notifying the Union (Council 222 and applicable Locals) in advance of all meetings held between bargaining unit participants and management in connection with idea management programs, whether in relation to implementation of an idea or in connection with the implementation of the program in general. This applies whether the meeting is initiated by bargaining unit employees or other personnel; management shall be responsible for ensuring that all managers and supervisors comply with the relevant collective bargaining unit agreement provisions and supplements.
- c. Any meetings with the Deputy Secretary, his designee, or other senior management (e.g., Assistant Secretary, Deputy Assistant Secretary, or equivalent) will include a Union representative designated by Council 222.

17. Publicity and Information:

- a. Management shall ensure that the publication, announcement, and evaluation of any ideas generated through idea management programs shall include the date the idea is announced or posted, the date the idea is submitted to management for evaluation, and the date of any decision regarding implementation of an idea.
- b. Bargaining unit employees shall not be required to provide identifying information, such as name, e-mail address, telephone number, or organization when submitting, commenting on, or evaluating ideas.

- c. Management shall ensure that the names and titles of all supervisory and management personnel responsible for evaluating and approving/disapproving ideas are included with any status information related to ideas submitted.
- d. Management shall coordinate with the Union any references to Union involvement in decisions, actions, or negotiations related to ideas submitted. Management shall not post any notices, information, or status updates mentioning Union involvement without Union approval.
- e. Management shall provide easily accessible information on all ideas generated and their up-to-date current status.

18. Effective Date: This Supplement will become effective the day after its final approval.

**For Management:**

\_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

**For the Union:**

\_\_\_\_\_ Date: \_\_\_\_\_  
Carolyn Federoff, Chief Negotiator  
\_\_\_\_\_ Date: \_\_\_\_\_  
Eddie Eitches, President, Council 222

## Request for Information: Innovation Time Program Pilot, Switchboard

Please provide the following information within five business days of receipt, and prior to beginning negotiations on idea management programs:

### Switchboard

1. The office(s) responsible for administering and overseeing Switchboard, and a description of each office's responsibilities.
2. The names, offices, geographic location, position titles, grades, and bargaining unit status of all personnel responsible for implementing, administering, or managing Switchboard, including all personnel officially or unofficially designated as "Switchboard Operators" or "Idea Implementers." This includes all personnel involved as a result of responses saying "we will look into this" and personnel included in "the Switchboard group" mentioned in John Anderson's September 13 e-mail.
3. The role that each person identified above serves in connection with Switchboard.
4. The means by which ideas are evaluated, merged, or referred to others for consideration.
5. The means by which ideas are submitted to the Deputy, including all procedures, meetings, or other transmittal methods.
6. All ideas submitted through Switchboard that include reference to Union involvement as part of the status update, including the idea name/subject and any information related to the dates/representatives of communication with the Union on the topic.

### Innovation Time Program Pilot

1. A copy of the original suggestion that generated the Innovation Time idea, as well as all information related to the presentation of the idea to Deputy Secretary Jones.
2. A list of all personnel included in the Switchboard group that presented the idea to Deputy Secretary Jones, including names, offices, geographic location, position titles, grades, and bargaining unit status.
3. The names, offices, geographic location, position titles, grades, and bargaining unit status of all personnel responsible for implementing, administering, or managing the Innovation Time Program pilot.
4. The names, offices, geographic location, position titles, grades, and bargaining unit status of all bargaining unit employees eligible to participate in the Innovation Time Program pilot.
5. The criteria by which bargaining unit employee participants will be approved or selected for participation.



6. The procedures by which bargaining unit employees may request participation.
7. Any methods or procedures that management will use to track time spent by bargaining unit employees on Innovation Time activities.
8. Any rules, policies, or guidance related to the Innovation Time Program pilot.
9. The criteria by which projects' "clear benefit to HUD" will be evaluated, either before a project team is formed, while the project is ongoing, or upon completion of a project.
10. The criteria and/or limitations related to the formation of a project team.
11. A list of all personnel with the authority to approve a project, to require a project to be dropped, and to approve implementation of a completed project idea.
12. A list of all similar pilots that the Department has implemented in the past.