



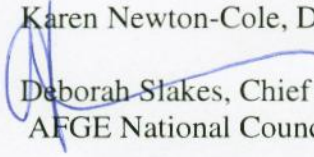
National Council of HUD Locals

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFFILIATED WITH AFL-CIO

Council 222

June ⁵/~~3~~, 2013

MEMORANDUM FOR: Karen Newton-Cole, Deputy Chief Human Capital Officer

FROM:  Deborah Slakes, Chief Negotiator
AFGE National Council of HUD Locals #222

SUBJECT: Request for Information: Field Office Closures

Pursuant to 5 U.S.C. § 7114 (b)(4) and Section 5.04 of HUD/AFGE Collective Bargaining Agreement (the Agreement), AFGE Council 222 of HUD Locals (“the Council” or “the Union”) requests that the Department of Housing and Urban Development (“HUD”, “the Department” or “Management”) provide information to the Council concerning the Department’s planned closure of 11 Field Offices within the Council’s jurisdiction.

On April 25, 2013, the Council received the Department’s Notice to Close 16 Field Offices, 11 of which contain AFGE bargaining unit employees. pursuant to Article 5 of the Agreement. In anticipation of bargaining the Field Office closures, the Council is submitting this request for information.

The standard adopted by the U.S. Federal Labor Relations Authority (FLRA) requires a union requesting information under 5 U.S.C. § 7114(b) (4) to establish a particularized need for the information by articulating with specificity why it needs the requested information including the uses to which the union will put the information, and the connection between those uses and the union's representational responsibilities under the statute.

The Council, as exclusive representative of the Department’s bargaining unit requires the information requested in this memorandum for full and proper analysis in order to determine the impact of the Department’s planned closure of 11 field offices and to assist the Union in formulating collective bargaining proposals and negotiating with the Department the Field Offices Closure Supplement to the Agreement.

The Council must have the specific information requested in this memorandum to allow it to ensure that AFGE bargaining unit employees are treated fairly and equitably and their rights under the Agreement, law, rule or regulation are not diminished as a result of the impact and implementation of the Field Offices Closure. This information will assist the Council in negotiating over procedures and appropriate arrangements for the affected Field Offices’ bargaining unit employees pursuant to 5 U.S.C. § 7106(b) (3).

The Council, upon receiving this information may also require this information to formulate a position or to determine whether to file an action before a third party to protect and enforce the rights of its constituency. *See Internal Revenue Service, Washington, DC, and Internal Revenue Service, Kansas City Service Center, Kansas City, MO and NTEU and NTEU, Chapter 66; VA and AFGE Local 3314, 28 FLRA 260, 265 (1987); Dept. of Navy, Portsmouth Naval Shipyard and Portsmouth FEMTC, 4 FLRA 619, 624 (1980).*

Therefore the Council requests the following information in unsanitized form. This request is consistent with the guidance established by the FLRA General Counsel guidelines. The Council has shown the necessity for the information and has established the right to such information to fulfill its representational duties towards the bargaining unit employees.

This information is or should be normally maintained by the Department in its regular course of business. The information should be reasonably available and accessible and is necessary for a full and proper discussion. There is no inconsistency with the provisions of the Privacy Act, 5 U.S.C. 552a related to the information being requested.

Additionally, the Union contends the unsanitized information is to be correctly provided since such disclosure is clearly defined as serving the public interest in assuring the actions of the Department are done in accordance with law, rule, and regulation.

For this purpose, and that of the FLRA guidance, the public interest is considered under the extent this information will shed light on the Department's performance of its statutory duties.

Should the Department differ with the Council's legal interpretation as indicated in this memorandum, the Council requests that the Agency provide sanitized copies of the following items. The Council shall continue to follow legal remedy to obtain the material originally requested in said specified form while temporarily accepting the given format.

Additionally, it is requested, and is required by law, that the following information also be provided in accordance with the FLRA guidance: 1) a statement that the information is maintained with an Agency "system of records" within the meaning of the privacy act; 2) a statement that disclosure of the information would implicate employee privacy interests; and 3) a statement of the nature and significance of those privacy interests. These statements are required by law (*see U.S. Department of Transportation, Federal Aviation Administration, New York TRACON, Westbury New York, 50 FLRA 338 (1995).*)

Therefore the Council requests the following information, including any documentation in paper, electronic and other form justifying the requested information:

- 1) Complete and accurate cost savings estimations as a result of the proposed Field Office closures with a breakdown by each physical location. Please include all supporting documentation and background information utilized to estimate all cost savings.
- 2) Complete and accurate cost expenditure estimation as a result of the proposed Field Office Closures with a breakdown by each Field Office and physical location. Please include all supporting documentation and background information utilized to estimate all cost expenditures.
- 3) Copies of all complete and accurate studies utilized to determine the impact on the local economy broken down by the physical location within the jurisdiction of each Field Office proposed to be closed
- 4) Complete copies of all GSA building leases for workspace occupied by HUD Regional and Field Offices.
- 5) A complete and accurate estimation of the effect of the Field office closures on the availability, accessibility, and quality of services provided for HUD clients and program recipients, broken down by the physical location within the jurisdiction each Field Office scheduled to be closed. . Please include including all supporting documentation and background information utilized to analyze this estimation.
- 6) Copy of the staffing plan for each of the Hub and Satellite office including the number of underwriters, Specialists Account Executives, and Troubled Specialists. Please include and specify the numbers types and grades of employees in each site.
- 7) A complete copy of the Department's Relocation Plan and procedures to be used for the Field Office Closures. This policy and procedures must include, but is not limited to, how employees will be selected for reassignment; offered positions within their current commuting area, and types of relocation benefits to be offered i.e. house hunting, temporary housing, and purchase of homes at appraised value 30 days after being listed for sale.
- 8) A complete and accurate listing of all work duties and functions that:
 - will be eliminated,
 - are proposed to be eliminated,
 - are being considered for elimination,
 - will be changed in how the function or duty will be changed,
 - is proposed to be changed and

- how it will be changed as a result of the Field Office closures

Please include all supporting guidelines, documents and background information utilized in determining any need for elimination or change of a work function or duty by position and by office.

- 9) A complete and accurate listing of current program area positions, functions and duties of positions that will be remaining as a result of the Field Office Closures.
- 10) Provide the projected workload for each of the program areas which is transferring work from each proposed Field Offices to be closed to each receiving HUD office and the current amount of staff within each program area located in the receiving HUD Office.
- 11) A complete and accurate listing of all which lists each affected bargaining unit employee currently working in the proposed Field Offices to be closed along with their service computation date, type of employment title series and grade of every HUD position held by the employee including the dates the employee held the position.
- 12) A complete and accurate listing of all affected bargaining unit employees currently working in the proposed Field Offices to be closed who will be offered Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Program (VSIP).
- 13) A complete and accurate listing of all affected bargaining unit employees currently working in the proposed Field Offices to be closed who will be given a proposed directed reassignment if they decline a Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Program (VSIP) option.
- 14) A complete and accurate listing of the physical location, program area and division of each affected bargaining unit employees working in the proposed Field Offices to be closed and their proposed directed reassignment if they decline a Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Program (VSIP) option.
- 15) A complete and accurate list containing the new title for each affected employee affected bargaining unit employees working in the proposed Field Offices to be closed. Include the Fair Labor Standards Act exemption status as a result of the reorganization.
- 16) Complete and accurate copies of any and all documentation used to determine the relocation costs broken down by each affected bargaining unit employees working in the proposed Field Offices to be closed.

- 17) A complete and accurate copy of the Department's application and proposal to the Office of Personnel Management (OPM) for Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Program (VSIP) authority. Please include with the application and proposal to OPM any and all documentation used in the Department's calculation and cost estimate ensuring adequate funding available to each affected bargaining unit employees working in the proposed Field Offices to be closed.
- 18) Complete and accurate copies of the Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Program (VSIP) applications that will be provided to affected bargaining unit employees working in the proposed Field Offices to be closed.
- 19) Copies of all position descriptions currently encumbered by each affected bargaining unit employees working in the proposed Field Offices to be closed. Please include each PD's respective classification rating sheet.
- 20) Copies of all new position descriptions for each affected Field Office employee's new position title. Please include each PD's respective classification rating sheet.
- 21) .Copies of OPM approval of new position descriptions' classifications for each affected bargaining unit employees working in the proposed Field Offices to be closed.
- 22) A copy of the Department's Training Plan to train affected bargaining unit employees affected bargaining unit employees working in the proposed Field Offices to be closed for new duties described in the new assigned position descriptions.
- 23) Provide any and all documentation used to determine training needs for affected bargaining unit employees working in the proposed Field Offices to be closed and provide the analysis, documentation, guides or training and/or IDP information these cost and training expectations are based upon.
- 24) Copies of all current telework and work at home agreements for affected bargaining unit employees currently working in the proposed Field Offices to be closed. The Council requires this information to analyze what work can be accomplished remotely.
- 25) Provide a complete and accurate listing sanitized listing of affected bargaining unit employees currently working in the proposed Field Offices to be closed who are provided reasonable accommodations. All personal identifiers (such as names, other matters which

identify a particular employee) are to be sanitized. The list however, should reflect the physical location, title and division each employee is assigned.

- 26) A complete and accurate list of persons hired, transferred or promoted within the past year within each of the proposed Field Offices to be closed. One report should be sorted by location, listing the cylinder, grade, series, type of appointment and date of promotion or transfer. Another report containing the same information but should be sorted by cylinder.
- 27) A complete and accurate list of all persons at HUD who were offered, accepted or declined relocation benefits in the past 3 years. Please breakdown of the cost of each reimbursable item.
- 28) A complete and accurate list of veterans with preferences currently employed by the Department and currently working in the proposed Field Offices to be closed. One report should be sorted by location, listing the cylinder, grade, series, type of appointment, service computation date and type of veterans' preference. Another report should be sorted by cylinder, grade service computation date and type of veterans' preference
- 29) Complete and accurate copies of all settlement agreements, grievance awards or mutually agreed solutions between Management and the Union and/or affected bargaining unit employees currently working in the proposed Field Offices to be closed.
- 30) A complete and accurate listing of affected bargaining unit employees currently working in the proposed Field Offices to be closed who have obligation for the repayment of student loan subsidy, training, other programs. Please include the Department's proposed repayment plan for each affected employee who experiences dislocation.
- 31) Copies of any and all comments, compliments or complaints received from HUD clients and Congressional complaints as a result of the proposed Field Office Closures.
- 32) Complete and accurate copies of all locally and regionally negotiated agreements between HUD AFGE Union Locals representing the affected bargaining unit employees currently working in the proposed Field Offices to be closed and Management.
- 33) Copies of existing Floor Plans for each of the HUD Field Offices proposed to be closed.
- 34) Copies of the proposed floor plans, construction estimates, and lease estimates for the HUD Offices receiving employees from the Field Offices proposed to be closed Please provide all supporting documentation to justify the construction and lease estimates as

well as the expected savings by closing each Field Office office and a cost increase for the foot print in the receiving offices.

- 35) A report listing the date vacancy announcements were posted by the Department in the past year, the location of the position.
- 36) A complete and accurate list of positions vacated in the past year. One report should be sorted by location, listing the cylinder, grade, series, type of appointment and date position was vacated. Another report should be sorted by cylinder listing the same information.
- 37) Copies of all complete and accurate studies and analysis for each affected bargaining unit employees working in the proposed Field Offices to be closed utilized to determine that telework or working from home cannot work or be effective as referenced by Deputy Secretary Maurice Jones on the May 23, 2013 Transformation Teleconference Call.
- 38) Identify the sources of funding to pay for relocation costs and buyouts to implement the Field Office Closures.
- 39) Copies of all complete and accurate studies and analysis to determine the sources of funding to pay for relocation costs and buyouts to implement the Field Office Closures.
- 40) Copies of Congressional Authorizations approving the sources of funding to pay for relocation costs and buyouts to implement the Field Office Closures.
- 41) Copies of Congressional Authorizations and Approvals that the Department's Federal Register Notice close the Field Offices was sufficient, and no further action is required.
- 42) Provide a copy of any and all Congressional authorization letters approving the reprogramming of any funds including but not limited to program areas' salary and expense budget funding utilized to fund both the Field Office Closures and the Multifamily Housing Reorganization. Identify the targeted Fiscal Year for each reprogramming to take place.
- 43) Provide complete and accurate copies of supporting documentation provided to Congress supporting the Department's request to reprogram funding from sources within its budget. to fund both the Field Office Closures and the Multifamily Housing Reorganization. Identify the targeted Fiscal Year each supporting documentation represents.

In accordance with the principles established in FLRA case law we need and expect to receive this information no later than **June 17, 2013** .(see *U.S. Immigration and Naturalization*

Service, Border Patrol, Tucson Arizona and National Border Patrol Council, Local 2544 FLRA July 16, 1997).

If the Department believes that it cannot provide the Council with some of the information because of legal impediments, or if there are questions concerning the contents of this request, please contact me by close of business the day of receipt. In this manner, we may discuss the problem and I may be able to revise my request so as to remove the impediment(s) and you will be able to provide the information.

If this request is denied, in whole or in part, please state in writing the name, position title, and grade of the official making the decision, and the statutory, regulatory, or contractual citation it is based upon

If the Agency is unable to fulfill any request in full, please fulfill it in non-objectionable part, and articulate any denial in detail and/or the Agency's interest in non-disclosure at the time that it denies the request for information. (*See U.S. Department of Justice, Immigration and Naturalization Service, Northern Region, Twin Cities, Minnesota, 51 FLRA 1467, 1473 (1996), reconsideration denied, 52 FLRA 1323 (1997), aff'd, 144 F.3d 90 (1998); IRS-Kansas City, 50 FLRA at 670.*)

If you have any further questions regarding this memo, please contact me at (414) 935-6693.

Thank you in advance for providing this information.

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