



American Federation of Government Employees
National Council of HUD Locals 222

Affiliated with AFL-CIO

451 7th Street, SW, Suite 3143
Washington, DC 20410

Eddie Eitches
President

Phone: 202-708-3077
Fax: 202-708-7638
E-mail: Edward.E.Eitches@hud.gov

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MEMORANDUM FOR: Mark Zaltman, Chief, Labor and Employee Relations Branch 1,
AHEDA

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

Subject: Demand to Bargain and Request for Information – Workplace and Domestic Violence
Prevention and Response Handbook

This will serve as AFGE Council 222's (the Union's) demand to bargain over the Department's proposed Workplace and Domestic Violence Prevention and Response Handbook. This also serves as the Council's request for information relating to the development and proposed implementation of policies expressed in that Handbook. The Council provides this response in accordance with Article 5 of the AFGE-HUD collective bargaining agreement.

Below are our preliminary proposals:

1. Management will provide written responses regarding the Union's proposals provided below and attached within ten days of receipt of this memo.
2. Management will not implement any policies or programs covered by this demand to bargain until all negotiations are completed as indicated by a signed agreement on the subject.
3. The Union expresses severe disappointment that management disregarded OPM's instruction that "An agency should involve its unions early in the process of policy development. It is good practice to involve unions before decisions are made so that they can express employees' concerns and offer their expertise." Consequently, the Union demands that management include Union appointees in a planning group, as recommended by OPM, established specifically to develop a policy that exclusively addresses domestic violence as it may affect the workplace.
4. Management will respond in writing within ten days to the following requests for information, which are based on OPM's Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies ("Guidance"):
 - a. Management will provide the Union with an analysis of the HUD's current ability to handle incidents related to domestic violence, sexual assault, and stalking in its workforce. The analysis will include an assessment of previous incidents that occurred and evaluating the responses to them. While management may withhold confidential information, it will provide the types of incidents including severity of the threat, number of each type, location, and agency response.

- b. Management will provide the Union with an assessment of available staff expertise, existing level of security, and jurisdictional issues. This assessment will address each geographic area separately. With regard to staff expertise, management will identify advanced education, degrees, or training that any relevant staff may have received to ensure appropriate levels of expertise to deal with incidents related to domestic violence, sexual assault, and stalking. Management will identify the basis of its assessment and any authorities consulted, such as experts on domestic violence, sexual assault, and stalking that may have been engaged to assess agency capacity.
 - c. Management will provide the Union with a list of all actions taken to date to address skills gaps identified; and all planned actions to fill such skills gaps, with planned completion dates.
5. Management will not conflate workplace violence and policies relating to perpetrators with domestic violence and policies related to supporting victims and protecting employees. It is improper and unethical to address victims of domestic violence or other personal threats, such as stalking, in the same category as an employee who may be violating standards of ethical conduct. To accomplish the necessary separation, management will provide two separate policy statements.
 - a. The Union notes that the OPM Guidance and the related Executive Order address only domestic violence and related issues.
 - b. If management wishes to simultaneously update its existing Workplace Violence policy, the Union is willing to address that as a separate matter.
6. Management will accurately and fully cite all laws, regulations, and policies where mentioned in the handbook.
7. Management shall neither discriminate against disabled employees, nor discourage employees with disabilities from seeking all available help, including but not limited to reasonable accommodations, by including a discussion of the Rehabilitation Act or in other ways directing attention toward individuals with disabilities in the context of either domestic violence or general workplace violence. To do so is offensive and discourages employees from seeking help and/or requesting necessary reasonable accommodations. Addressing potential threats posed exclusively by HUD's disabled population is discriminatory.
8. Management will address employees with disabilities in the context recommended by OPM in its Guidance, which is to ensure effective communication with persons with disabilities by providing appropriate auxiliary aids during training, outreach, and awareness activities, reporting procedures, administration of safety precautions, and an employee's usage of assistance services, and to provide reasonable accommodations to persons with disabilities as necessary to ensure that they receive the same benefits and flexibilities under agency policies as persons without disabilities.
9. Where and if it is appropriate to describe programs or legislation that relate to the concept of either countering workplace violence or providing protection and support against acts of

domestic violence, management shall use specific terms that accurately describe what services HUD provides and what rights HUD employees have.

10. Management will remove all policy statements that purport to obligate the Union to fulfill management responsibilities, such as “managers, supervisors, and union representatives must firmly and unequivocally commit to doing...”

These are preliminary proposals only, and the Union reserves the right to bargain, amend, or add proposals, in accordance with Article 5 of the collective bargaining agreement. This includes the right to submit further proposals and/or requests for information upon receiving management’s timely and complete response to the information requests identified above.

I will serve as the contact for this matter.