



American Federation of Government Employees
National Council of HUD Locals 222

Affiliated with AFL-CIO

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July 21, 2015

MEMORANDUM FOR: Michael Stein, Acting Director Employee and Labor Relations

FROM: Ashaki Robinson Johns, Chief Negotiator
AFGE National Council of HUD Locals 222 /s/

SUBJECT: Demand to Bargain: New Core – Transfer of Financial Management Systems to a Federal Shared Service

The HUD AFGE Council 222 (“Council”) has been informed that Management has scheduled multiple training sessions for employees impacted by the transfer of financial management systems to the Department of Treasury Administrative Resource Center (“New Core”). As this is a direct violation of the HUD/AFGE Collective bargaining agreement (“Agreement”) the Council demands that you **cease and desist** from implementation of any training related to New Core until bargaining and completed. If Management continues to commit this unfair labor practice the Council will respond accordingly.

The Council is submitting this information request to the U.S. Department of Housing and Urban Development (“the Department”) pursuant to 5 U.S.C. Section 7114(b)(4) and a demand to bargain in accordance with Article 5, Section 5.02 of the Agreement regarding the impact and implementation of the Department’s plan to implement New Core.

The standard adopted by the 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. *See Internal Revenue Service, Washington, DC, and Internal Revenue Service, Kansas City Service Center, Kansas City, MO and NTEU and NTEU, Chapter 66, 50 FLRA 661 (1995); VA and AFGE Local 3314, 28 FLRA 260, 265 (1987); Dept. of Navy, Portsmouth Naval Shipyard and Portsmouth FEMTC, 4 FLRA 619, 624 (1980).*

Particularized Need

On Tuesday, July 7, 2015, Management sent emails to employees within the Office of the Chief Financial Officer (OCFO) for training to help the Department move its financial

management services and procurement system to Treasury's Administrative Resource Center's (ARC) shared services solution in October 2015.

The Council, as exclusive representative of the bargaining unit, requires information for full and proper discussion and analysis in order to engage in mid-term bargaining on the Department's plan to move its financial services and procurement system to ARC. The information requested below will be utilized to confer and discuss with bargaining-unit employees the facts concerning the nature and extent of the proposed change in any position title, formulate bargaining proposals and counterproposals, and advise employees on additional matters concerning changes in conditions of employment. The Council needs to understand, analyze, and evaluate the Department's response to the information in order to formulate bargaining proposals and counterproposals.

In response to Management's unilateral decision to implement New Core the Council provides the following request for information and preliminary demands to bargain over the proposed implementation of New Core:

- 1) Written Responses: Management shall provide written responses regarding the Union's proposals 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 to begin negotiating once all requested information has been provided.
- 3) Status Quo: Status quo shall remain and no planned action shall take place until statutory and contractual bargaining is completed.
- 4) Adverse Action: Management shall not take any adverse action against employees in connection with implementing New Core either based on reorganization, reassignment or changes in assigned duties. No bargaining unit employee will be involuntarily separated or downgraded as a result of the Department's implementation of New Core.
- 5) Bargaining Unit Status: No position will be removed from the bargaining unit as a result of implementation of New Core
- 6) Relocation: There shall be no forced relocation of any bargaining unit employee as a result of the implementation of New Core
- 7) Priority Consideration: Priority consideration for other positions within HUD shall be provided for any employee whose job functions are being transferred to other service units/contractors.
- 8) Outstationing: Management shall to the maximum extent possible provide out-stationing to employees impacted by the implementation of New Core
- 9) New Positions: Management agrees that employees who are transferred to different positions must meet the minimum requirements of the new position that they will hold
- 10) Work Schedules, Telework, and Reasonable Accommodations: There shall be no adverse impact to employees' alternative work schedules, existing employee telework agreements or reasonable accommodations as result of implementation of New Core.
- 11) Annual Leave: Annual leave and/or sick leave previously approved will not be rescinded as a result of implementation of New Core

- 12) Position Descriptions: Affected bargaining unit employees shall be provided position descriptions for newly assigned positions and/or duties at least 90 days prior to placement in the position. The Department shall provide the Council evidence of OPM approval of new positions descriptions' classifications prior to implementation of New Core
- 13) Workload: To the extent possible, work as a result of New Core will be distributed equitably among affected bargaining unit employees.
- 14) Office Moves/Space Allocations: Management shall separately notify and bargain with affected Locals of any office moves that result from the implementation of New Core as required by the HUD-AFGE Agreement, Section 5.04 (2). All affected employees who are physically moving their offices shall be provided packing materials and granted sufficient time during the work day to box their office belongings on the designated date, and to unpack their belongings upon completion of proposed furniture replacement. Employees shall not be required to pack or unpack outside of duty hours. Employees shall not be required to lift, move, or carry boxes outside of their immediate work space.
- 15) Performance Standards and Appraisals: Performance standards of affected employees will be updated within 30 days of implementing New Core. All changes to performance standards will be accomplished in accordance with the HUD-AFGE collective bargaining agreement and relevant supplements. There shall be no adverse impact on the performance appraisals of affected employees as a result of the implementation of New Core.
- 16) Training: Management shall provide all necessary training to employees before implementing New Core.
 - a. Affected bargaining unit employees with newly assigned duties shall be given no less than 90 days to train so as to satisfactorily perform the duties as an appropriate arrangement.
 - b. Employees shall be allowed to identify any new training that will be necessary to perform any new positions/duties that are assigned as a result of the implementation of New Core. Any training identified by the employee shall be granted.
 - c. Training for newly assigned duties shall be in accordance with the terms of the Agreement
- 17) Information:
 - a. Please provide all information required under Article 5, Section 5.04, regarding the transfer of financial management systems to Department of Treasury Administrative Resource Center;
 - b. The estimated and actual lifecycle costs, functionalities deployed and the associated number of requirements remaining to be implemented;
 - c. A list of risk and issues with associated mitigation strategies and anticipated closure dates;
 - d. The status of organization change management activities;

- e. A list of the activities planned and completed business process reengineering efforts;
- f. The total number of bargaining unit employees within HUD impacted by position, location and organization.

These are preliminary proposals for the purpose of negotiating the changes under the subject line above and additional proposals may be added prior to the start of any necessary negotiations. It should be noted that the information requested in number 17 reiterates the request by the Senate Committee on Appropriations Report (#114-75). If there are any questions regarding this request I can be reached at (202) 402-7545.

cc:

Michelle Proctor Hall, Administrative Officer, Office of the Chief Financial Officer

Keisha Hurst, Branch Chief Employee and Labor Relations

Anita Crews, Human Resource Specialist, Employee and Labor Relations