



National Council of HUD Locals
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFFILIATED WITH AFL-CIO
Council 222

June 5, 2015

MEMORANDUM FOR: Jackie Mercer-Hollie
Director, Employee & Labor Relations Division

FROM: Salvatore Viola, Executive Vice President
HUD Council of AFGE Locals, Council 222

SUBJECT: Demand to Bargain: HUD's response to the security breach of HUD bargaining unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident

Pursuant to Article 5 of the HUD-AFGE Council 222 Agreement, AFGE National Council of HUD Locals No. 222 (Council or AFGE Council 222) demands to bargain the Department's response to the security breach of HUD bargaining-unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident affecting its systems and data that may have exposed the personal information of current and former HUD Bargaining unit employees.

The below proposals are preliminary bargaining proposals and are not to be considered all of the proposals that the Union can submit. A complete list of proposals may be presented prior to and at the time of bargaining in accordance with Article 5, Section 5.02(2) and (13) of the HUD-AFGE Council 222 Agreement and past practice.

Initial Proposals:

1. **Hold Harmless for Access to LOCCS and Other Systems**: HUD agrees that affected bargaining-unit employees subsequently victimized by identity theft and fraud as a result the security breach of HUD bargaining-unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident shall be held harmless with respect to having continuing access to the Line of Credit Control System (LOCCS) and other systems required to carry out the duties of their positions as an appropriate arrangement pursuant to 5 U.S.C. §7106(b)(3) to minimize the adverse effects of the privacy breach.

2. **Credit-Monitoring Services:** HUD agrees to pay credit-monitoring services for ten (10) years for all affected bargaining-unit employees as an appropriate arrangement pursuant to 5 U.S.C. § 7106(b)(3) to prevent the adverse effects of the security breach of HUD bargaining-unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident. The credit-monitoring services shall include free access to credit reports from all three credit-reporting bureaus (Experian, Transunion and Equifax) for employees. There shall be no deadline for affected employees to enroll in the credit-monitoring services during the ten-year period.
3. **Identity Theft Insurance:** HUD agrees to pay for identify theft insurance coverage of \$250,000 for ten (10) years for all affected bargaining-unit employees as an appropriate arrangement pursuant to 5 U.S.C. § 7106(b)(3) to prevent the adverse effects of the security breach of HUD bargaining-unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident.
4. **Restitution Prior to Identity Theft Insurance Coverage:** HUD agrees to pay full restitution to affected bargaining-unit employees for any financial fraud that occurred from June 4, 2015 until the identity theft insurance coverage became effective as a result of the OPM cybersecurity incident as an appropriate arrangement pursuant to 5 U.S.C. § 7106(b)(3) to address the adverse effects of the security breach of HUD bargaining-unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident.
5. **Consumer Rights Information Training:** HUD agrees to provide appropriate training of at least 3 hours to affected bargaining-unit employees on consumer rights information about understanding liability, detecting and contesting financial fraud, and removing fraudulent activities from credit reports as an appropriate arrangement pursuant to 5 U.S.C. § 7106(b)(3) to address the adverse effects of the security breach of HUD bargaining-unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident.
6. **Official Duty Time to Monitor and Dispute Credit Fraud:** HUD agrees that affected bargaining-unit employees shall receive a reasonable amount of official time of at least two hours per week to monitor their credit reports and contest financial fraud during duty time for three years from June 4, 2015 when employees were notified of the security breach of HUD bargaining-unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident
7. **Administrative and Restored Annual Leave to Dispute Credit Fraud:** HUD agrees that affected bargaining-unit employees shall receive a reasonable amount of administrative leave and/or restored annual leave on an as needed basis if they have to meet with creditors, credit-reporting bureaus, collection agencies, law enforcement agencies, and/or attend court proceedings to contest fraudulent activities as an appropriate arrangement pursuant to 5 U.S.C. § 7106(b)(3) to address the adverse effects of the security breach of HUD bargaining-unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident

8. **Legal Representation**: HUD agrees to provide legal representation to affected bargaining-unit employees if they are sued for financial liabilities related to identity theft as an appropriate arrangement pursuant to 5 U.S.C. § 7106(b)(3) to address the adverse effects of the security breach of HUD bargaining-unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident.
9. **Full Restitution**: HUD agrees to provide full restitution to affected bargaining-unit employees if they are sued for financial liabilities related to identity theft as an appropriate arrangement pursuant to 5 U.S.C. § 7106(b)(3) to address the adverse effects of the security breach of HUD bargaining-unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident

These are preliminary bargaining proposals and there may be additional proposals once the bargaining is to take place.

If there are any other questions or concerns, please contact me at (973) 776-7391. We look forward to working with you to respond the security breach of HUD bargaining-unit employees' Personally Identifiable information (PII) through the U.S. Office of Personnel Management (OPM) cybersecurity incident.