



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

*Affiliated with AFL-CIO*

451 7th Street, SW, Suite 3172  
Washington, DC 20410

Holly Salamido, President  
E-mail: Holly.Salamido@hud.gov

Phone: 202-202-5243  
Fax: 202-708-7638

April 8, 2016

MEMORANDUM FOR: John E. Anderson, Senior Advisor, Employee and Labor Relations  
Division, AHED  
Sinthea M. Kelly, Director, Administration Management & HR  
Division, CAGC

FROM:  Jerry Gross, Steward, AFGE Council 222 of HUD Locals

SUBJECT: Demand to Bargain – LexisNexis for Microsoft Office Upgrade

On April 4, 2016, HUD notified the Union that LexisNexis has upgraded a Microsoft Office add-in used by Office of General Counsel (OGC) staff to access to legal research within the Microsoft Office application, validate legal citation formats, and recreate tables of authorities. The upgrade for each OGC employee will be accomplished by obtaining the individual computer machine names for each person receiving the upgrade in order to create a customized install limited to OGC. This will be done through an Excel file that automatically captures the required machine and network connection information when opened on any workstation. HUD has indicated that the Excel file does not capture any personal information and the process is voluntary.

This will serve as AFGE Council 222's demand to bargain over HUD's implementation of the LexisNexis for Microsoft Office Upgrade. We offer the following preliminary proposals:

1. Notice: The Department will notify all affected employees at least two weeks prior to implementing any upgrades, and shall explain the effect of the change. The information shall include a description of the changes expected in the upgrade, the use of the Excel file, the consequences for not activating the Excel file, and any expected times the system may be unavailable.
2. Technical Assistance: Prior to implementing the upgrade, the Department will provide a User Guide with step-by-step instructions, which will also serve as a training tool. The Department will provide all affected employees with a copy of the User Guide or a direct link to access the User Guide online. The User Guide will contain information on how to activate the Excel file, and how to use the add-in. The Department will also ensure that the HITS Help Desk and/or LexisNexis will be available to further assist employees, and will provide information on how to contact the right technical support division.
3. Telework Ready Employees: The Department will provide instructions for installing the upgrade on computers used by employees who telework, either as regularly scheduled telework or situational telework. The instructions will cover both government-issued laptops

and privately owned computers. The Department will ensure that the upgrade is compatible with both Windows and Apple operating systems. The Department will provide the instructions for installing the upgrade on computers outside the OGC offices at the same time it issues the User Guide. The Department will ensure that employees who telework incur no additional expenses in order to implement the upgrade.

4. No Adverse Action: The Department will not take any adverse action against employees as a result of implementing the system upgrades. The Department shall not take any adverse action against employees who are unable to access their data or perform their work due to or following the system upgrade.
5. Features of Upgrade: The upgrade will include all the features for Lexis Advance as well as the other features of LexisNexis for Microsoft Office. The Department will ensure that each affected employee will have the necessary username and password.
6. Reasonable Accommodations: The Department will ensure that all training, software, and other materials conform to the requirements of all employees' reasonable accommodations.
7. Union Use of LexisNexis for Microsoft Office:
  - a. OGC employees who are Union representatives may use LexisNexis for Microsoft Office while on official time for representational purposes. Upon request, the Department shall install LexisNexis for Microsoft Office on those employees' computers in Union offices.
  - b. In accordance with collective bargaining agreement Sections 48.05(1) and 48.06, Access to Federal Personnel Guidance, the Department shall provide the Union with Union ten (10) user accounts for access to LexisNexis for Microsoft Office, under the same terms as provided for CyberFeds. These ten accounts shall be in addition to any accounts of OGC employees who are Union representatives.
8. Information to the Union:
  - a. Upon receipt of this demand to bargain, the Department shall advise the Union of the anticipated date of implementation or the implementation schedule for installing the upgraded add-in.
  - b. The Department shall provide to the Union (Council and each affected Local) a copy of the notice issued to affected employees, the User Guide, and the instructions for telework-ready employees on or before the date the information is distributed to employees. The Department shall also provide to the Union a sample of the data collected by the Excel file.

These are preliminary proposals only, and the Union reserves the right to bargain or amend or add proposals, in accordance with Article 49 of our collective bargaining agreement. For your convenience, I have attached a proposed Supplement containing these terms.

I will serve as the contact for this matter.

**Supplement \_\_**

**between**

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

**and**

**American Federation of Government Employees Council 222**

SUBJECT: LexisNexis for Microsoft Office Upgrade

SCOPE: This supplement covers the implementation of an upgrade to the LexisNexis service. The upgrade includes the LexisNexis for Microsoft Office add-in that is used by Office of General Counsel (OGC) staff to access to legal research within the Microsoft Office application, validate legal citation formats, and recreate tables of authorities.

1. Notice: The Department will notify all affected employees at least two weeks prior to implementing any upgrades, and shall explain the effect of the change. The information shall include a description of the changes expected in the upgrade, the use of the Excel file, the consequences for not activating the Excel file, and any expected times the system may be unavailable.
2. Technical Assistance: Prior to implementing the upgrade, the Department will provide a User Guide with step-by-step instructions, which will also serve as a training tool. The Department will provide all affected employees with a copy of the User Guide or a direct link to access the User Guide online. The User Guide will contain information on how to activate the Excel file, and how to use the add-in. The Department will also ensure that the HITS Help Desk and/or LexisNexis will be available to further assist employees, and will provide information on how to contact the right technical support division.
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4. No Adverse Action: The Department will not take any adverse action against employees as a result of implementing the system upgrades. The Department shall not take any adverse action against employees who are unable to access their data or perform their work due to or following the system upgrade.
5. Features of Upgrade: The upgrade will include all the features for Lexis Advance as well as the other features of LexisNexis for Microsoft Office. The Department will ensure that each

affected employee will have the necessary username and password.

6. Reasonable Accommodations: The Department will ensure that all training, software, and other materials conform to the requirements of all employees' reasonable accommodations.
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**Date:** \_\_\_\_\_

**For Management:**

**For the Union:**

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John Anderson, Chief Negotiator  
Employee and Labor Relations Division

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Jerry Gross, Chief Negotiator  
AFGE Council 222