
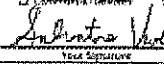


Xerox Fax Confirmation

Result Summary			
Job Number	232352	Submitted	3/14/2016 5:42:54 PM
Subject		Recipients	1
Total Pages	3	Status	1 of 1 successful
Billing Info			

Recipient Results			
Name	Number/ Address	Result	Elapsed Time
	(617) 565-6262	Success	02:22

 UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY		FOR FRLA USE ONLY Last No. Date Filed	
1. AGENCY AGAINST WHICH CHARGE IS BROUGHT <small>A Name of Charge Agency (Agency should use DOL & DFE)</small> U.S. Department of Housing and Urban Development 451 7th St. SW Washington, DC 20020		2. CHARGING PARTY <small>A Name of Charging Party (Include address, city, state & zip)</small> AGFC Council 232 of HUD Local 451 7th St. SW, Room 3072 Washington, DC	
<small>B Agency Representative (Include name, title, address)</small> Towanda Bishop, Chief Human Capital Officer 451 7th St., Room 2234 Washington, DC 20430 tel 202 432-8555 fax e-mail towanda.bishop@hud.gov		<small>C Charging Party Representative (Include name, title, address)</small> Salvatore T. Vioia, Executive Vice President HUD Council of AGFC locals the US Dept of HUD One Newark Center 21th Floor Newark, New Jersey 07102 tel 973-507-1478 fax e-mail salvatore.vioia@hud.gov	
3. BASIS OF THE CHARGE <small>A For each cause and factual statement of the facts, including the alleged unfair labor practice, including date and names of representatives, etc.</small> SEE ATTACHED FAXED TO (617) 565-6262			
<small>1. Which law(s) of the U.S.C. Title 5 do you believe the Agency has violated? (1) (2) (3) (4) (5) (6) (7) (8) (9) (10)</small>			
<small>2. Have you or anyone else talked the matter to any other FRLA staff?</small> Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, specify:			
<small>3. Do you have a grievance?</small> <input type="checkbox"/> <small>4. Federal Mediation and Conciliation Service</small> <input type="checkbox"/> <small>5. Federal Service Employees Union</small> <input type="checkbox"/> <small>6. Labor Employment Department Commission</small> <input type="checkbox"/> <small>7. House Personnel Practices Board</small> <input type="checkbox"/> <small>8. Office of Special Counsel</small> <input type="checkbox"/> <small>9. Other administrative or judicial proceeding</small> <input type="checkbox"/> <small>10. Negotiating Agency or UAW</small> <input type="checkbox"/> <small>11. Other</small> <input type="checkbox"/>			
4. DECLARATION I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. <small>I UNDERSTAND THAT MAKING KNOWLEDGELY FALSE STATEMENTS CAN BE PUNISHED BY THE FEDERAL GOVERNMENT, 18 U.S.C. 1001</small> THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1B BY (check all appropriate boxes) <input type="checkbox"/> in person <input type="checkbox"/> by certified mail <input type="checkbox"/> by first class mail <input type="checkbox"/> by fax <input type="checkbox"/> by electronic delivery <input type="checkbox"/> by certified mail <input type="checkbox"/> e-mail (see instruction)			
Salvatore T. Vioia <small>Type or Print Name</small>		 <small>Your Signature</small>	
		3/14/16 <small>Date</small>	



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

Date Filed

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)
 U.S. Department of Housing and Urban Development
 451 7th St. SW
 Washington, DC 20410

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)
 AFGE Council 222 of HUD Locals
 451 7th St. SW, Room 3172
 Washington, DC

b. Agency Representative (include name, title, address)
 Towanda Brooks, Chief Human Capital Officer
 451 7th St., Room 2254
 Washington, DC 20410

tel. 202 402-6955 fax
 e-mail towanda.a.brooks@hud.gov

b. Charging Party Representative (include name, title, address)
 Salvatore Viola, Executive Vice President
 HUD Council of AFGE Locals c/o US Dept of HUD
 One Newark Center
 12th Floor
 Newark, New Jersey 07102

tel. 917-607-1474 fax
 e-mail salvatore.t.viola@hud.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.
 SEE ATTACHED

FAXED TO: (617) 565-6262

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) (2) (3) (4) (5) (6) (7) (8)

c. Have you or anyone else raised this matter in any other procedure? No Yes If yes, where?
 Grievance Procedure Federal Mediation and Conciliation Service Federal Service Impasses Panel
 Equal Employment Opportunity Commission Merit Systems Protection Board Office of Special Counsel
 Other Administrative or Judicial Proceeding Negotiability Appeal to FLRA Other _____

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

In Person 1st Class Mail Fax Commercial Delivery Certified Mail e-mail (see reverse)

Salvatore T. Viola

Salvatore Viola

3/14/16

Type or Print Your Name

Your Signature

Date

INSTRUCTIONS FOR COMPLETING FORM 22:

General

Use this form if you are charging that a federal agency committed an unfair labor practice under paragraph (a) of section 7116 of the Federal Service Labor-Management Relations Statute. File an original form with the appropriate Regional Director, Federal Labor Relations Authority. If you do not know that address, go to the FLRA's website at www.flra.gov or contact the Office of the General Counsel, Federal Labor Relations Authority, (202) 218-7910. If filing the charge by fax, you need only file a fax-transmitted copy of the charge (with required signature) with the Region. You assume responsibility for receipt of a charge. A charge is a self-contained document without a need to refer to supporting evidence and documents that are also submitted to the Regional Director along with the charge. If filing a charge by fax, do **not** submit supporting evidence and documents by fax. See 5 C.F.R. Part 2423 for an explanation of unfair labor practice proceedings and, in particular, §§ 2423.4 and 2423.6, which concern the contents, filing, and service of the charge and supporting evidence and documents.

Instructions for filling out each numbered box

- #1a.** Give the full name of the agency, and component if applicable, you are charging and the mailing address, including the street number, city, state, zip code. If you are charging more than one agency or component with the same act, file a separate charge for each agency or component.
- #1b.** Give the full name, title, and other contact information for the agency's representative. Be as specific and as accurate as possible.
- #2a.** Give the full name of the union or individual filing the charge and the mailing address, including the street number, city, state, zip code. If the union is affiliated with a national organization, give both the national affiliation and local designation.
- #2b.** Give the full name, title, and other contact information for you or your representative. Providing all available contact information, especially e-mail addresses, will assist the investigation of your charge.
- #3a.** It is important that the basis for the charge be *brief* and *factual*, rather than opinion. Describe what happened that constitutes an unfair labor practice, who did it, where it occurred and when.
- Give dates and times of significant events as accurately as possible.
 - Give specific locations when important, e.g., "The meeting was held in the auditorium of Building 36."
 - Identify who was involved by title, e.g., "Chief Steward Pat Jones" or "Lou Smith, the File Room Supervisor."
 - Tell what happened, in chronological order.
- #3b.** Identify which one or more of the following subsections of 5 U.S.C. 7116(a) has or have allegedly been violated. Subsection (1) has already been selected for you because a violation of (2) through (8) is an automatic violation of (1). List all sections allegedly violated:
- 7116(a) For the purpose of this chapter, it shall be an unfair labor practice for an agency-
- (1) to interfere with, restrain, or coerce any employee in the exercise by the employee of any right under this chapter;
 - (2) to encourage or discourage membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other conditions of employment;
 - (3) to sponsor, control, or otherwise assist any labor organization, other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;
 - (4) to discipline or otherwise discriminate against an employee because the employee has filed a complaint, affidavit, or petition, or has given any information or testimony under this chapter;
 - (5) to refuse to consult or negotiate in good faith with a labor organization as required by this chapter;
 - (6) to fail or refuse to cooperate in impasse procedures and impasse decisions as required by this chapter;
 - (7) to enforce any rule or regulation (other than a rule or regulation implementing section 2302 of this title) which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed; or
 - (8) to otherwise fail or refuse to comply with any provision of this chapter.
- #3c.** If you or anyone else that you know of has raised this same matter in another forum, check the appropriate box or boxes.
- #4.** Type or print your name. Then sign and date the charge attesting to the truth of the charge and that you have served the charged party (individual named in box #1b). Check the box or boxes for all the methods by which you served the charge. You may serve the charge by e-mail only if the Charged Party has agreed to be served by e-mail.

UNFAIR LABOR PRACTICE

SECTION 3 (a)

3/14/2016

It is the HUD Council of AFGE Locals' (the Union) charge that the Department of Housing and Urban Development (HUD) is unilaterally instituting a change in the process for determining Quality Step Increases (QSIs) as part of Bargaining Unit Performance Awards without negotiating in good faith with the Union.

It should also be noted that the Agency violated its contractual obligation to bargain in violation of Article 49 of the HUD/ AFGE Council 222 Agreement.

On February 4, 2016, Anjanette Twiggs (Twiggs), Human Resources Specialist sent an email to the Union as a "courtesy," forwarding management's final decision on performance award amounts for bargaining unit employees for HUD's Fiscal Year 2015 Performance Cycle. The email contained an attached memorandum dated February 3, 2016 to HUD's Principal Staff from Towanda Brooks, Chief Human Capital Officer. In addition to the determined performance award amounts, the memorandum included a new selection process for determining QSIs, where employees would participate in a panel/group peers to participate in the selection process due to a limited amount of QSI awards available.

On February 5, 2016 at 11:18 AM AFGE Council President Holly Salamido (Salamido) advised HUD through an email sent to Twiggs that implementing a new peer-controlled selection process for QSIs is not only a violation of Article 49 ("Mid Term Bargaining") of the HUD/AFGE Collective Bargaining Agreement but an unfair labor practice.

On February 5, 2016, at 5:04 PM Peter Constantine (Constantine) replied to Salamido's email. The mail stated that the February 3, 2016 memorandum to HUD's Principal Staff from Towanda Brooks, Chief Human Capital Officer contained the same language in the Fiscal Year 2014 Performance Awards memorandum dated January 8, 2015. Constantine further stated that it is Management's intent regarding the memorandum's language to promote fairness and transparency in awarding QSIs and that the current contract does not specify a process by which Management makes QSI determinations. Constantine went on to state that should an office determine to utilize a panel or similar process to determine FY2015 QSIs management will seek to comply in good faith with any applicable provisions under the collective bargaining agreement.

On February 5, 2016 at 6:01 PM Salamido responded to Constantine addressing the ambiguousness of Constantine's email and again advising him of HUD's obligation to bargain and that the Union would submit a demand to bargain.

On February 6, 2016 the Union submitted its demand to bargain the QSI process.

As of the date of this Unfair Labor Practice charge, the Agency has not responded to the Union's Demand to Bargain.

Therefore it is the Union's position that the Agency violated its statutory obligation to bargain in violation of the Federal Service Labor-Management Relations Statute at 5 U.S.C. § 7116(a)(1) and (5).

Supporting evidence and documents will be provided upon the Authority's request.