



American Federation of Government Employees
National Council of HUD Locals 222

Affiliated with AFL-CIO

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Office of the Chief Human Capital Officer
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RE: OGC DEC ADR Tool —Request for Information Pursuant to 5 U.S.C. § 7114(b) and Demand to Bargain

This Request for Information and Demand to Bargain is in response to the Department of Housing and Urban Development's (HUD's) Article 49 Notice of August 18, 2020, and your follow-up email on August 24, regarding HUD's proposal to implement a new Analyst Dashboard Report (ADR) for Field and HQ Office of General Counsel (OGC) Departmental Enforcement Center (DEC) employees other than those in the Compliance Division.

I. Request for Information. Council 222 requests that HUD provide the following information pursuant to 5 U.S.C. § 7114(b) (4), which obligates HUD “to furnish to the exclusive representative involved (Union), or its authorized representative, upon request...data which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining.”

Statement of Particularized Need for the Requested Information: AFGE Council 222 (the “Union”), in its representational responsibilities under the Statute, requires the following information regarding the proposed system to understand the nature and scope of the proposed change in practices for OGC DEC employees as required under Article 49, Section 49.03(4). It is also needed in order to understand how the tool will be used, what information it will provide, and how much time will be spent using the system. HUD's answers will enable the Union to formulate appropriate proposals for negotiation over the proposed ADR tool and to ensure the Union is not negotiations from a position of ignorance.

1. Management has stated that “Currently there is no one place for DEC employees (Enforcement and Financial Analysts) to review the progress of their work assignments/referrals.” The employees, however, have indicated that at least one other existing system performs a similar function. Therefore, please provide the following information.
 - a. A list of all systems used by DEC analysts, the purpose and functions of, and/or information provided by each, and an indication of whether the information is provided or available to the employees and/or to supervisors and managers.

- b. An explanation of the iREMS (integrated Real Estate Management System) and how it differs from ADR. The employees have stated that this keeps analysts up to date on all financial, physical, and non-filer referrals. Specifically, please identify the functions of the iREMS and any overlap with the ADR.
 - c. A list of all data or information that is not provided by the current systems that will be provided by ADR.
 - d. The sources for the data (i.e., specify the existing databases or systems) that will be used by the ADR to generate new reports, and the ADR reports that will use each data source.
 - e. A list of any systems and data entry that will be eliminated by the ADR implementation.
 2. A list of all reports or screens that will/can be generated by ADR and identify who can generate or view them (e.g., analyst, supervisor).
 3. A list of all individuals (name, position/title) who will have access to ADR that identifies what they can review in ADR, including their access to specific analysts' workload and case status.
 4. A list of all the time periods (e.g., analyst review, team lead review) and users whose work will be tracked by ADR.
 5. An explanation of whether the ADR will identify delays and the source of delays. For example, will it identify cases that are overdue before they are assigned to an analyst or cases awaiting team leader review and attribute the delays to pre-assignment or team lead?
 6. The frequency that employees are expected to enter data in ADR, and the total amount of time that employees are expected to spend entering data in or checking reports from ADR each day or week.
 7. An explanation of how ADR will "aid DEC employees in prioritizing their workload" if the ADR will require "no additional data search or querying on the part of the HQ or Field employees."
 8. Copies of the following documents/images related to the ADR. It is expected that these have been provided by the contractor to HUD.
 - a. Screen shots of different input and report or data screens.
 - b. Examples of each report that can be generated (either online or for print), and identification of the level at which the report may be requested (e.g., analyst, manager).

- c. Planned training material (e.g., instructions and slides or other handouts) related to ADR, including handbooks or instruction manuals that can be used after training is completed.
9. Please clarify whether Enforcement Assistants will be affected by this change. Will their work be covered by ADR and will they have access to the system?
10. The exact date when the system will be implemented and the dates that training will be provided (if not currently known, then please provide estimated dates and update that information as soon as it is known). Given the large number of affected employees, please provide information related to make-up dates for training or ongoing availability of training, as it is likely not all employees will be available on the same dates.

II. Demand to Bargain. Council 222 demands to bargain over the proposed change in working conditions and provides the following as preliminary proposals.

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. Request for Information: Management shall provide responsive answers to the request for information before negotiations begin. The Union recognizes that Section 49.03 states, “Any requests for further information by the Union shall not delay the commencement of negotiations.” Nevertheless, the information requested above addresses the nature and scope of the change, which has not been provided sufficiently to enable bargaining. It is expected that most, if not all, of the requested information can be provided within a few days.
3. 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.
4. Status Quo: The status quo will remain, and the Department will not implement any changes until all bargaining is completed in accordance with the Agreement.
5. No Waiver of Rights: Neither the method of bargaining, nor the proposed system change nor any agreement resulting from bargaining over this matter shall diminish or waive any rights that bargaining unit employees have under the parties’ collective bargaining agreement, law, rule, or regulation.
6. Accessibility: The Agency shall comply with the requirements of Section 508 of the Rehabilitation Act of 1973 as they relate to the implementation of the new Analyst Dashboard Report (ADR) system.
7. Training and Information: Management shall provide all necessary training to employees either before implementing these changes or immediately upon implementation. Management shall provide follow-up instruction as needed in writing, online, in person, or by telephone.

8. Accuracy of Reports: Management shall ensure that all reports generated by the system accurately reflect both the timing of when delays occur and the responsible individuals. Employees shall not be held responsible for case processing delays that are out of their control.
9. No Adverse Action: Management shall not penalize or hold employees accountable for system errors as a result of implementing the new ADR system, nor prior to providing training to employees on the use of the new system. This includes but is not limited to inability accessing or entering data due to the changes and down time between terminating the old system and implementing the new system.

These are preliminary proposals only, and the Union reserves the right to amend or add proposals in accordance with Article 49 of the collective bargaining agreement.

I will serve as the Chief Negotiator for this matter.



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