



American Federation of Government Employees  
National Council of HUD Locals 222

*Affiliated with AFL-CIO*

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July 8, 2021

MEMORANDUM FOR: Sasha Samberg-Champion, Deputy General Counsel for Enforcement and Fair Housing, Office of General Counsel

Sonya Gaither, Director of Labor & Employee Relations Division,  
Office of the Chief Human Capital Officer

FROM:

Salvatore T. Viola, President, AFGE National Council of HUD Locals  
No. 222

SUBJECT:

Cease and Desist: Increased Requirements for Bar Dues  
Reimbursement

AFGE Council 222 (the Union) demands the Department of Housing and Urban Development (HUD) cease and desist from imposing increased requirements related to the reimbursement of bar dues beyond what is stated in our collective bargaining agreement (CBA). CBA § 7.02 states:

Upon receipt of proof of payment and consistent with other legal and fiscal requirements, the Department agrees to partially reimburse Office of General Counsel and the Office of Chief Financial Officer attorneys for their mandatory state bar dues in one state. The Department agrees to a minimum of \$100 per attorney, on an annual basis, unless sequestration, a federally imposed hiring freeze, furloughs, or a reduction-in-force occurs.

In 2020 and previous fiscal years, HUD only required that attorneys submit a Standard Form (SF) 1034, Public Voucher for Purchases and Services Other than Personal, an itemized invoice and proof of payment. See attached memo, Reimbursement for Bar Dues Paid in FY 2020 (Attachment 1). On June 24, 2021, HUD imposed two additional requirements: a signature on the SF 1034 and supervisory approval of the form.

Supervisory approval of bar dues reimbursement is not required by the CBA; on the contrary, the Department's prior agreement via the CBA to reimburse all Office of General Counsel and Office of Chief Financial Officer attorneys for one state's mandatory bar dues *prohibits* adding a supervisory approval step; supervisors have no authority to deny an attorney's request for reimbursement. Please immediately cease imposing this requirement.

The requirement that attorneys sign the SF 1034 imposes an unnecessary burden. The SF 1034 has no signature block; there is no inherent requirement for a submitter to sign the form. The instructions for the form do not require a signature. 48 CFR Appendix A to Part 1232, Instructions for Completing the SF 1034. In fact, contrary to your sample SF 1034 (Attachment 2), your own instructions for the block labeled "Payee's name and address" state only that "this

should match your payroll information to ensure electronic payment” (Attachment 3). The submission of a valid invoice/proof of payment in the attorney’s name is sufficient to show that the SF 1034 is an honest and valid submission.

Finally, HUD has significantly reduced the period during which bar dues must be paid without explanation. In the past, you have required attorneys to pay dues between October 1 and September 15 of a fiscal year. Although that was not consistent with the CBA, which does not provide for any black-out periods, the brief exclusion of two weeks had a minimal effect on attorneys’ ability to obtain reimbursement. The FY 2021 requirement that dues must be paid by August 13 expands the black-out dates from two to seven weeks. There does not appear to be any provision for future reimbursement of bar dues paid from August 14 through September 30. The creation of such a lengthy black-out period for reimbursement of bar fees paid violates the CBA and presents a problem for attorneys who pay their dues in August and September. For example, Ohio and Texas require payment on or before September 1 and August 31 respectively; New York requires payment of the bar registration fee within 30 days of an attorney’s birthday. Please advise the Union immediately of how you intend to reimburse attorneys who pay their mandatory bar dues between August 13 and September 30, 2021.

Thank you for taking prompt action to correct these violations of our collective bargaining agreement. Please confirm that HUD has halted these practices and inform the Union of the steps you are taking to correct these issues.

Attachments:

1. June 12, 2020, Memo: Reimbursement for Bar Dues Paid in FY 2020
2. Sample SF 1034
3. June 24, 2021, Memo: Reimbursement for Bar Dues Paid in FY 2021