



American Federation of Government Employees
National Council of HUD Locals 222

Affiliated with AFL-CIO


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MEMORANDUM FOR: Michael P. Johnson, Branch Chief, Employee and Labor Relations
Division, OCHCO

FROM: Jerry Gross, Bargaining Committee Co-Chair, AFGE National
Council of HUD Locals 222 

SUBJECT: Request for Information Pursuant to 5 U.S.C. § 7114(b)(4):
Revised Chapter 13, Space Design Standards Policy

AFGE Council 222 (the Union) requests that the Department of Housing and Urban
Development (HUD) provide the information identified below pursuant to 5 U.S.C. § 7114(b)(4).

On June 26, 2023, HUD notified the Union, as required by Article 49 of the HUD/AFGE
Agreement, that it planned to revise Chapter 13 of HUD Handbook 2200.01, Administrative
Services Policy Handbook. The Union requires the information identified below in order to
develop bargaining proposals related to HUD's Article 49 notice.

Information Requested

1. For each location where bargaining unit employees may report to an office, a list of all leased space by geographic area, including the total square footage, utilization rate, average occupancy rate, organizations occupying the space, and scheduled date of lease termination.
2. For each location identified in #1 above, the amount of square footage that HUD intends to reduce/eliminate, and the desired or estimated date for implementing that space reduction.
3. For each leased property where HUD may consider terminating the lease before the end of the lease period, the annual leasing cost, the annual savings expected, and any cost of early termination.
4. For each location where HUD anticipates achieving space reductions, a copy of the current and proposed floor plans identifying the space to be used by each organization; the private offices and work stations for permanent occupancy (identifying the employees' seating assignments), hoteling, and hot desking; locking storage for employees who use hoteling and hot desking; shared spaces, such as meeting and break rooms; the proposed or expected implementation date; and a list of the names of affected bargaining unit employees and their regularly scheduled days in office.
5. A detailed description of the proposed policies and procedures that will be used to implement hoteling and hot desking, including systems and methods employees will use, the expected

implementation date for those policies and procedures, and a list of affected employees by geographic region and office.

6. A detailed explanation of why the proposed Chapter 13 fails to comply with the requirements of the HUD/AFGE Agreement, including Supplement 35.

Statement of Particularized Need

In its Article 49 notice, HUD stated, “the Department currently rents 3,571,531 square feet of space at an annual cost of \$95,006,843. Our first year of experience operating with these enhanced flexibilities reflects an average pay period occupancy of 26.79%. The corresponding vacancy rate this last year is 73.21% with an associated cost of \$69,557,718. It’s imperative we reach agreement on a new space policy to reduce our operating costs so we can recognize the cost savings associated with the increased workplace flexibilities.” HUD’s proposed changes to Chapter 13, however, provide no specific information about how or when such savings may be achieved. HUD also wrote, “as you’re aware when we negotiated Supplement 35 (attached), the parties agreed that . . . any bargaining unit employee who is not working in the office at least six (6) days per pay period is subject to space sharing arrangements.”

Management, however, failed to acknowledge in its Article 49 notice that Supplement 35 requires Management to “provide to the Union an Article 49 Notice and will negotiate any proposed space sharing policies with the Union before implementation in compliance with the CBA and Statute.” Supplement 35, Section 3. Yet the proposed Chapter 13 does not provide information about the policies that HUD intends to establish in order to implement space sharing and achieve the desired savings.

The Union requires this information for full and proper discussion, understanding and negotiation of these topics, and to develop bargaining proposals as appropriate. Negotiation is a key element of the Union’s representational duties. Moreover, much of the information requested is required to fulfill HUD’s Article 49 obligations.

The Union requires the information in requests 1, 2, and 3 in order to understand the specific impact on bargaining unit employees that might occur as HUD takes steps to accomplish the potential \$70 million cost savings through space reduction. The information will be necessary to determine the nature of the changes in conditions of employment and the extent of their impact. Request 3 is required to enable the Union to perform a cost-benefit analysis, to evaluate the benefits to HUD in comparison to the detriments to the bargaining unit, especially as it appears that HUD would like the Union to waive some of its rights.

The Union requires the information in request 4 to understand which employees in each specific location will be impacted so that the Union can work with affected Locals to develop appropriate bargaining proposals. The Union also needs this information to determine whether HUD’s plans comply with the requirements of the HUD/AFGE Agreement, including Supplement 35. Ensuring compliance with the contract is one of the elements of union representational responsibilities under the Statute. *Federal Aviation Administration and National Air Traffic Controllers Association*, 55 FLRA 254, 259-60 (1999).

Request for Information Pursuant to 5 U.S.C. § 7114(b)(4):
Revised Chapter 13, Space Design Standards Policy

The Union requires the information in request 5 because HUD did not provide this information in its Article 49 notice. HUD failed to include, in either its Article 49 notice or the proposed Chapter 13, anything more than a definition of hoteling and hot desking; there was no description of the new practice that would be implemented. As HUD failed to include a statement of the proposed hoteling/hot desking policy and implementation date(s) for each affected region, the Article 49 notice could be considered deficient with regard to hoteling and hot desking. Furthermore, the Federal Labor-Management Relations Statute in 5 U.S.C. Chapter 71 “creates a duty for the Agency to provide information that is relevant to the Union’s need to understand new policies or the application of old policies that may affect members of the bargaining unit.” *American Federation of Government Employees, AFL-CIO, Local 1345 v. FLRA*, 793 F.2d 1360, 1363 (D.C. Cir. 1986). HUD has not provided sufficient information for the Union to understand what HUD’s new policies related to space management are, let alone how or when those new policies will be applied and how they will affect members of the bargaining unit. Specific information is critical to the full and proper discussion, understanding, and negotiation of hoteling and hot desking.

The Union requires the information in request 6 in order to determine HUD’s basis for proposing violations of the parties’ joint agreement to provisions of the HUD/AFGE Agreement and Supplement 35. This information is critical to the full and proper discussion, understanding and negotiation of HUD’s proposed changes to its space management policy.

Deadline to Provide Requested Information

Please provide the requested information no later than July 10, 2023. The requested information is essential to the Union’s development of bargaining proposals, and the deadline for submitting preliminary proposals is July 11, 2023. The Union will require time to review the information before submitting final proposals. The Union notes that it is an Unfair Labor Practice in violation of 5 U.S.C. §§ 7116(a)(1), (5) and (8) not to timely furnish documentation in response to an information request under 5 U.S.C. § 7114(b)(4), which the FLRA defines as timely to meet the Union’s representational responsibilities. See *Bureau of Prisons, Lewisburg Penitentiary and AFGE Local 148*, 11 FLRA 639 (1983); *Department of Defense Dependent Schools and North Germany Area Council, Overseas Education Association*, 19 FLRA 790 (1985); and *Department of Transportation, Federal Aviation Administration and National Air Traffic Controllers Association Local 171*, 57 FLRA 604 (2001).

Finally, you are reminded of your obligation to inform the Union explicitly if any requested information does not exist.