

**Memorandum of Understanding
Between
U.S. Department of Housing and Urban Development
And
American Federal of Government Employees Council 222**

SUBJECT: Diversity Council

SCOPE: This memorandum of understanding (MOU) governs the composition and operation of HUD's Diversity Council and any subcommittee thereof.

1. **Endorsement Method:** The Diversity Council will utilize an endorsement method to make recommendations rather than a voting method. All recommendations made by members of the Diversity Council will be forwarded to the Chair, with an indication of which members endorse which recommendations.
2. **AFGE Members:** Council 222 will be permitted to have five members participating on the Diversity Council.
3. **HUD Diversity and Inclusion Strategic Plan:** The Diversity Council may discuss and provide recommendations on the HUD Diversity and Inclusion Strategic Plan. If the Council discusses the Plan it will be in plenary session and not in subcommittee. The recommendations, if any, regarding the Plan will follow the endorsement method described in provision one above.
4. **Affinity Group Self-Certification Requirements:** In order to be a recognized HUD affinity group, a representative of that group must self-certify in writing that their group meets the requirements of 5 CFR 251.01. Specifically that the group:
 - (a.) Must be a lawful, nonprofit organization whose constitution and bylaws indicate that it subscribes to minimum standards of fiscal responsibility and employs democratic principles in the nomination and election of officers;
 - (b.) Must not discriminate in terms of membership or treatment because of race, color, religion, sex, national origin, age, or handicapping condition;
 - (c.) Must not assist or participate in a strike, work stoppage, or slowdown against the Government of the United States or any agency thereof or impose a duty or obligation to conduct, assist, or participate in such strike, work stoppage, or slowdown; and
 - (d.) Must not advocate the overthrow of the constitutional form of Government of the United States.
5. **Challenges to Affinity Group Self Certification:** If any AFGE member of the Diversity Council challenges the veracity of the self-certification of an Affinity Group the

Chair shall convene a panel of one management member (presiding), one AFGE union member and one member drawn from an Affinity group other than the group being challenged. The panel shall meet to consider any evidence the challenged group or other parties may submit. After a period of deliberation the management member (presiding) shall put the matter to a vote of the three panel members. The challenged group must obtain at least two votes supporting the self-certification in order to gain/ sustain recognition. If the challenged group fails to obtain/ sustain recognition they may reapply with a self-certification no earlier than the next stated meeting of the Diversity Council. The panel shall meet at no travel cost to the Agency.

6. **Diversity Council Membership:** Recognition as an Affinity Group does not automatically confer Diversity Council Membership. A recognized Affinity Group and/or group seeking recognition and Membership must petition the Diversity Council in writing. The Chair shall read the petition to the Council. The Council will have an opportunity to discuss the petition and will make recommendations to the Chair in accordance with provision one above. The Chair shall have final decision whether to admit a Member of the Diversity Council, subject only to challenges of Affinity Group Self-Certification in accordance with provision four above. Nothing in this provision should be read to restrict in any way the Chair's ability to appoint management members to the Council.
7. **Meetings Outside of Diversity Council:** Prior to any scheduled meeting outside of the Diversity Council meetings and which take place between an Affinity Group or HUD Common Interest Group on the one hand and the Deputy Secretary (or his/her designee) or any OCHCO management official with policy making authority (including but not limited to the Policy Division) on the other hand, and which meeting concerns working conditions of AFGE bargaining unit employees, the Affinity Groups or HCIG shall be given a handout in the form attached as Exhibit "A" explaining exclusive representation. Such a group will be afforded the opportunity to meet with the Union and the Employee and Labor Relations Division for further explanation prior to the scheduled meeting.
8. **Supplement on Affinity Groups:** Management and the Union agree to execute a supplement in the form attached as Exhibit "B," agreeing to implement those terms that were agreed to in formal bargaining between the parties.

For the Agency:

Nancy Acornetto

For Council 222, AFGE:

Holly Salumides
4/5/16

Exclusive Representation By the Union

- Under Federal law, the Union is the exclusive representative of bargaining unit employees.
- As the exclusive representative of bargaining unit employees, only the Union has the right to negotiate with management officials on matters that affect the working conditions or “conditions of employment” of bargaining unit employees. This includes all personnel policies, practices and matters that affect the working conditions of bargaining unit employees.
- Examples of matters that affect working conditions include employee benefits such as the use of leave (including parental leave, leave banks, leave transfer), the use of VERA/VSIP “early out” authority, transit benefits and performance awards. Other matters affecting working conditions include reorganizations, performance appraisal systems, space allocation, office moves and health and safety issues.
- Under Federal law, employees who are members of the bargaining unit may not negotiate with management on any matter affecting working conditions. “Negotiations” involves the exchange of proposals and the “back and forth” discussion on suggestions for changes to working conditions submitted or made by bargaining unit employees.
- Employees meeting with management to submit suggestions for changes in working conditions speak on their own behalf, and may not claim that they represent the views of all bargaining unit members who have an interest in the suggestion or proposal, for example all parents, all members of an age group, ethnic or demographic group.
- If employees who are members of the bargaining unit believe that issues or matters concerning conditions of employment should be negotiated, they should contact their union representative.