

NATIONAL SUPPLEMENT 146
between
U.S. Department of Housing and Urban Development
and
American Federation of Government Employees National Council 222 of HUD Locals

SUBJECT: Implementation of a new National HUD Workplace and Domestic Violence Prevention and Response Policy Handbook of 2015, replacing Handbook 791.1 Rev 2 Chg. 1, Employee Safety and Health, Chapter 10: Workplace Violence (1995).

SCOPE: The scope of this supplement encompasses the impact and implementation of a new workplace and domestic violence prevention and response policy by HUD on bargaining unit employees in all organizations of the Department. Any changes to the policy that affect the bargaining unit shall be negotiated in accordance with the collective bargaining agreement between the parties. (Took out OPM Guidance reference.)

BACKGROUND: The Workplace and Domestic Violence Prevention and Response Policy is new for the Department. Currently, no procedures other than standard EEO and grievance procedures are in place to resolve employee complaints related to workplace and domestic violence, sexual assault, harassment, or stalking. Supervisors, managers, non-supervisory team leaders, and other employees are required to take annual sexual harassment training, but no other training related to workplace and domestic violence prevention and response is available to HUD personnel at this time. Employee Assistance Counselors, who are trained in the areas of mental health and substance abuse and have at least a Master's degree, in accordance with current requirements, are available nationwide and are accessible through toll-free numbers. Employee assistance program services are covered by HIPAA, the Privacy Act, and 42 C.F.R. Part 2 (Confidentiality of Alcohol and Drug Abuse Patient Records).

1. Management will not implement any workplace and domestic violence prevention and response policies or programs described in this supplement that would apply to AFGE bargaining unit employees until all relevant negotiations are completed as indicated by a signed agreement on the subject.
2. Management will include an accurate list of all applicable regulatory and legal authorities in the handbook.
3. Management shall neither discriminate against disabled employees, nor discourage employees with disabilities from seeking all available help.
4. Management will address employees with disabilities in the context recommended by OPM in its Guidance, which is to ensure effective communication with persons with disabilities by providing appropriate auxiliary aids during training, outreach, and awareness activities, reporting procedures, administration of safety precautions, and an employee's usage of assistance services, and to provide reasonable accommodations to persons with disabilities as

necessary to ensure that they receive the same benefits and flexibilities under agency policies as persons without disabilities.

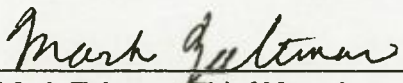
5. Where and if it is appropriate to describe programs or legislation that relate to the concept of either countering workplace violence or providing protection and support against acts of domestic violence, management shall use specific terms that accurately describe what services HUD provides and what rights HUD employees have.
6. Management will remove all policy statements that purport to obligate the Union to fulfill management responsibilities, such as “managers, supervisors, and union representatives must firmly and unequivocally commit to doing...”
7. If an employee files a complaint against a fellow employee that includes allegations of violence, threats of violence, or fear of violence, including allegations of sexual assault, allegations related to threats/fear of sexual assault, sexual harassment, or stalking, the Department will consider moving the complainant or the alleged perpetrator to another office or physical location to provide greater physical security until the complaint is resolved. If no secure location exists within Department’s offices, the Department will consider other options, including telework, until the complaint is resolved.
8. All investigations of workplace and domestic violence, sexual assault, harassment, or stalking, or otherwise conducted under this policy, shall comply with the terms of the collective bargaining agreement, law, rule, and regulation.
9. The Department will not require mediation to resolve complaints that involve accusations of violence between employees.
10. For instances that lead to disciplinary action, the standard of evidence required is preponderance of evidence.
11. In the event that an employee is arrested in response to a domestic violence, assault, harassment, or stalking accusation, the Department will take administrative actions in accordance with 5 C.F.R. § 752 and the terms of the collective bargaining agreement while the employee is awaiting trial or judgment.
12. The Department will provide information to employees clarifying what Employee Assistance Program services are provided by the Department and what are external or federally provided services (e.g., the website and toll-free numbers).
13. The Department will identify to individuals seeking assistance from the Employee Assistance Program what information may not be confidential and under what circumstances, and what records of any meetings will be retained and who will have access to such records.
14. The Department will include the concept of cultural competency in its handbook. OPM defines “cultural competency” as a set of behaviors, attitudes, and policies that come together to enable effective work in cross-cultural situations.

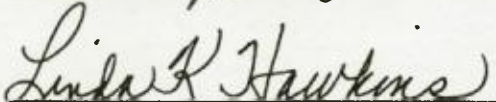
15. When written consent is required for the release of protected information, the Department shall take no adverse action against employees who decline to provide such consent.
16. The Department will not require employees to involve themselves in the private lives of co-workers, even if a co-worker has shared personal information.
17. In order for any disciplinary action to be taken, it must be proven that actions or words by others were insulting, threatening, abusive, or obscene. There must be specific evidence regarding any charges brought against an employee, and the employee must be given the opportunity to respond to any charges against him or her.
18. The Department will apply the *Metz* standard (*Metz v. Department of the Treasury*, 780 F.2d 1001, 1004 (Fed. Cir. 1986)) to assess whether a threat has been made.
19. The Department will not require employees to report personal matters, including protective orders. The Department may encourage such reporting.
20. The Department will not impose requirements on employees relating to personal, physical, or mental health issues (e.g., obtaining medical treatment for injuries) unless they relate directly to work.
21. As it relates to this policy, the Department will recognize that the Union has an obligation to represent all bargaining unit personnel, whether alleged victim or alleged perpetrator, and will take no action nor make any rules to interfere with the Union's obligations under the collective bargaining agreement, laws, rules, and regulations.
22. The Department will publish a list of all Headquarters and Regional Crisis Response Managers along with contact information within thirty days of implementation of the policy and will keep that list up to date.
23. The Department will at all times protect the privacy of all employees in accordance with all applicable laws, rules, and regulations.
24. The Department will take no actions that interfere in internal Union operations, unless there is a direct threat to the physical safety of any employees within government workspace.
25. At least annually, Management will make information available about HUD's workplace and domestic violence prevention programs to the bargaining unit.
26. Management agrees that if an employee's local workstation or individual work schedule needs to be changed or amended, or if the employee's supervisor is to be changed, the change process will be expedited so that it is implemented within 30 days of the initial request. Management will ensure that all bargaining obligations under the collective bargaining agreement are met.

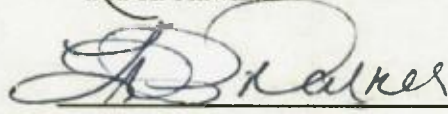
27. Management will notify the applicable local Union representative in addition to the parties listed in Handbook Chapter 5 (building security personnel, FPS, local law enforcement, immediate supervisor) in the event there is a violent incident in the office.
28. Management will advise employees of the appropriate law enforcement entities who have jurisdiction over the local HUD Office.
29. Management agrees that all Safety and Health Committees in local HUD offices, as described in the collective bargaining agreement, will receive information about the Crisis Response Team, workplace violence prevention, and procedures to follow in the event of a workplace violence situation.
30. Management agrees that reasonable accommodation procedures and rules requested as a result of a workplace or domestic violence event shall be processed in accordance with Supplement 41 and the HUD Reasonable Accommodation policy. An employee who is a victim may request an immediate/interim reasonable accommodation to allow the employee to continue to work. Upon request the employee and supervisor shall engage in an interactive process to propose and determine an appropriate immediate or interim accommodation. During the process, the Disability Program Manager may be utilized to facilitate the interactive process. Management shall make every effort to ensure employee safety, health, and well-being by taking appropriate temporary measures.
31. At the employee's request, in preparation for a restraining order, management will explore options to maintain employee safety. Management will help employees identify the location where the employee works, may be reassigned, or sent for temporary duty, detail, or training so that the employee may obtain a restraining order.
32. Management shall inform employees about Federal rules related to weapons in the workplace, notwithstanding local concealed carry laws.
33. Management agrees that if an employee is injured in a workplace violence event or a domestic violence event in the workplace, the employee's injuries may be covered by the appropriate workers' compensation laws. Management shall advise injured workers of the appropriate form to be filed.
34. In the event of damage to Federal property, management shall consider whether the employee was the victim of workplace or domestic violence.
35. Any changes to Workplace and Domestic Violence Prevention and Response policies that affect bargaining unit employees, as agreed to upon concluding this supplement, shall be subject to notice and negotiation.
36. No employee or Union rights under law, rule, regulation or the collective bargaining agreement shall be waived as a result of this supplement.

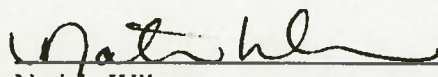
37. When provisions of the Departmental policy are inconsistent with or contradict this supplement, this supplement will prevail.

For Management:


Mark Zaltman, Chief Negotiator 3/26/15

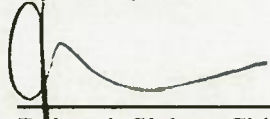

Linda K. Hawkins

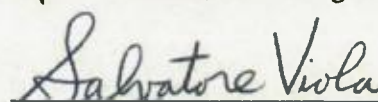

LaShawn A. Walker

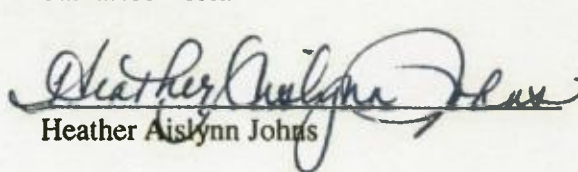

Natisia Wilson

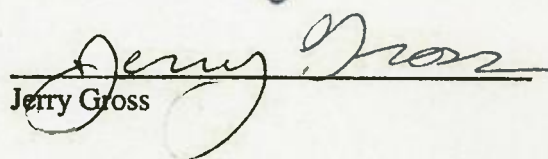
Date 3/26/15

For the Union:


Deborah Slakes, Chief Negotiator 3/26/15


Salvatore Viola


Heather Aislynn Johns


Jerry Gross