



National Council of HUD Locals

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFFILIATED WITH AFL-CIO

Council 222

November 6, 2012

MEMORANDUM FOR: Jackie Mercer-Hollie, Director
HUD Employee and Labor Relations Division
Ricardo Miranda

FROM: Ricardo Miranda, Assistant Chief Steward
AFGE National Council of HUD Locals #222

SUBJECT: Grievance of the Parties concerning Social Security Numbers Data Breach

In accordance with Article 22, Section 22.15(1) of the U.S. Department of Housing and Urban Development (HUD)-American Federation of Government Employees (AFGE) Council 222 Agreement (the Agreement), I am filing this Grievance of the Parties (GOP) with you concerning the Agency's contractual and statutory violations regarding failure to bargain in good faith in not scheduling bargaining for the Social Security Numbers data breach and not furnishing all information requested pursuant to 5 U.S.C. § 7114(b)(4). On October 2, 2012, AFGE Council 222 (the Council) demanded to bargain the impact and implementation of HUD's response to the security breach of bargaining-unit employees' Personally Identifiable information (PII) through an email sent inadvertently to all HUD employees containing an Excel spreadsheet with all employees' names and Social Security Numbers. The Council found out about this security breach on October 1, 2012 through an advisory email sent to all HUD employees by the HUD Office of the Chief Human Capital Officer. On October 4, 2012, the Council submitted to the Agency a 5 U.S.C. § 7114(b)(4) Request for Information concerning the breach of employees' privacy of Social Security Numbers. On October 11, 2012, AFGE Council 222 submitted its preliminary bargaining proposals for the impact and implementation of the Agency's response to the dissemination of employees' Social Security Numbers.

On October 17, 2012, the Agency requested and the Council agreed to an extension to begin bargaining and furnish the information requested under 5 U.S.C. § 7114(b)(4) until October 26, 2012. Beginning on October 26, 2012 through October 31, 2012, the Agency furnished some schematic data in response to the Council's October 4, 2012 Request for Information. AFGE Council believes that the information and documentation furnished by the Agency in response to the Union's Request for Information was not fully responsive and in bad faith. To date, the Agency has refused to schedule bargaining for the impact and implementation of the Agency's response to the dissemination of employees' Social Security Numbers.

Therefore, it is AFGE Council 222's position that the Agency violated the HUD-AFGE Council 222 Agreement. HUD specifically violated the Preamble, Article 4 and Section 4.01; Article 5 and Section 5.02, Article 22 and Section 22.01. In accordance with Article 22, Section 22.01 of the Agreement, AFGE Council 222 reserves its right to raise in this grievance any violation of the contract and any law, rule, regulation, Agency handbook, policy, etc. related to the dissemination of employees' Social Security Numbers.

Pursuant to 5 U.S.C. § 7116(d), this Grievance of the Parties also includes that the Agency failed to bargain in good faith and committed an Unfair Labor Practice (ULP) in violation of Federal Service Labor-Management Relations Statute at 5 U.S.C. § 7116(a)(1) and (5) because of its stalling of the scheduling of bargaining for the impact and implementation of the Agency's response to the dissemination of employees' Social Security Numbers. The Council also asserts that because the Agency was not fully responsive to its Request for Information, HUD was bargaining in bad faith and committed another ULP in violation of Federal Service Labor-Management Relations Statute at 5 U.S.C. § 7116(a)(1), (5) and (8).

Meeting

AFGE Council 222 is **not** requesting a meeting with you for informal resolution pursuant to Article 22, Section 22.15(2) of the Agreement.

Remedy

The requested remedy is that management contact me immediately to schedule the impact and implementation bargaining with AFGE Council 222 concerning the Agency's response to the dissemination of employees' Social Security Numbers. The Agency shall also immediately provide any and all documentation responsive to the Council's October 4, 2012 Request for Information under 5 U.S.C. § 7114(b)(4).

Response

In accordance with Article 22, Section 22.15(3) of the Agreement, please provide your written response within 30 days of receipt of this GOP.

cc:

Eddie Eitches, AFGE Council 222 President

Perry Casper, AFGE Council 222 Chief Steward

Dorothy Crow-Willard, AFGE Local 3972 Vice President

William Taylor, AFGE Council 222 Assistant Chief Steward