

Request for Information/Particularized Needs Request
Pursuant to 5 U S C 7114 (b)
April 3, 2015

Subject Case: Council #222 Grievance of the Parties (GOP) on the Multifamily Reorganization Job Swap/Exchange application, process and use with employees.

The Union requests the following information pursuant to 5 U.S.C. 7114(b) and the CBA between the parties. Covered under 5 USC 7114 (b)(4) “in the case of the agency, to furnish to the exclusive representative involved, or its authorized representative, upon request and, to the extent not prohibited by law, data -...”

This data should be provided in unredacted form, if possible, and sanitized only if necessary. The information will be accepted in sanitized form, but the Union reserves the right to challenge any sanitizations. Please provide the requested information in electronic/digital format whenever possible. The descriptions below are meant to be construed liberally but if there is any ambiguity, please contact the Union Representative as soon as possible and prior to responding. Perry Casper, Chief Steward for Council #222 and designated representative for this arbitration for the union would be the first contact.

The union further requests that the specified information be furnished within a reasonable time not to exceed twenty (20) calendar days. If the request is denied, in whole or in part, please state in writing the name, position, title, and grade of the official making the decision, and the statutory, regulatory or contractual citation it is based upon. A number of the Council locals have been forced to file Unfair Labor Practice charges regarding the failure of the agency to provide or timely provide information under such requests. You may recall a finding by the Federal Labor Relations Authority on one such request as recently as November 18, 2014 in the Headquarters local 476 and Council #222 Washington, DC where HUD signed a settlement agreement and posted:

WE WILL respond timely to requests for information made by the American Federation of Government Employees Local 476 and Council #222, AFL-CIO as required by section 7114 (b)(4) of the Federal Service Labor-Management Relations Statute (Statute). WE WILL NOT in any like related manner, interfere with, restrain, or coerce employees in the exercise of their rights assured by the Statute.

General Statement of Particularized need: The Union believes that the Agency has violated the Collective Bargaining Agreement (CBA), the MFRT Supplement, and other law, rule and regulation in regard to its failure to properly apply the Job Swap/Exchange requirement bargained by the parties.

The Union needs the requested information to prove the underlying facts and contentions in its grievance. The Union also needs the information to show that the Agency improperly violated the law, CBA and MFRT Supplement.

The information will be used in preparation for settlement negotiations and in preparation for Arbitration Hearings, as well as in evidence at Arbitration.

The requested information will further enable the Union to fulfill its representational duties to represent employees under the statute. If the Agency is unable to fulfill any request in full, please fulfill it in any non-objectionable part, and explain any denial in detail.

- 1.) Identify all employees that are eligible for the Job Swap/Exchange pursuant to the Multifamily Reorganization Transformation (MFRT). Please include their name, position, series, grade and geographic location (office location/city location).**

Particularized need:

The union believes the Agency violated the CBA and MFRT Contract Supplement along with other law, rule and regulation. The Union also believes that the Agency conduct constituted bad faith, mismanagement, negligence, malfeasance, and willful abuse of authority and public trust. The union needs the requested information to prove the underlying facts and contentions in its grievance and to use the material for possible evidence in these charges. The Union wishes to correctly identifying affected employees and determine that the Agency was aware of the employees involved.

- 2.) Identify any employees that received a position by way of a job swap/exchange in the MFRT Supplement provisions or without the MFRT provisions and note if the swap/exchange was under the MFRT Supplement or outside of the Supplement. Please include the name of the employee, the position received, grade received, and series swapped/exchanged into, the location of the position, and the position that the employee swapped/exchanged from. List the name of the employee that swapped/exchanged with the MFRT position. Please list the time in grade for all employees involved in the job swaps/exchanges.**

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- 3.) Identify by name, all employees listed in response to request No. 1 who requested, applied, or made known their desire to obtain a job swap/exchange pursuant to the MFRT Supplement provisions on job swap/exchange. Please include the position that the employee applied, requested, or made known for which they wished to swap/exchange with. Please include the name of the employee they wished to exchange/swap with. Please list all employees that were**

deemed eligible that requested the swap/exchange either going from the multifamily program area ar into the multifamily program area. If the position to be swapped/exchanged had multiple employees attempting the swap/exchange of the position, please list which employee received, if any, the swap/exchange.

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- 4.) For each employee identified in Response No. 3, please indicate whether that employee was given the job swap/exchange of the position, or any position requested, and if not, state the reason for such a denial from any supervisor or manager involved with the decision. Please identify the response as coming from a multifamily supervisor or other program area supervisor/management official.**

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- 5.) For each employee identified in No. 3, list each supervisor from the actual or possible giving position to be swapped/exchanged and each supervisor for the actual or possible receiving office that took part in the decision to approve a job swap/exchange or deny the job swap/exchange. Please list the level in the chain of command (first level supervisor, second level supervisor, etc...) for each employee listed in No. 3.**

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correctly identifying affected employees and determine that the Agency was aware of the employees involved.

- 6.) Please identify or provide any and all jobs, positions, or job series that were provided or identified for employees that the Agency considered eligible for employees to job swap/exchange into.**

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- 7.) Please provide all application, e-mail requests, notification of employee interest or intent to job swap/exchange that were provided to the Agency or supervisors by employees that wished to swap/exchange from multifamily or from any other program area into multifamily.**

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- 8.) Please provide a list of all multifamily employees that would be eligible for a job swap/exchange during the MFRT and are currently or have been out stationed to offices that are not listed in the Agency MFRT receiving locations. List the date of those affected employees still out stationed or who have been out stationed since the start of the MFRT and the reason for that action.**

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- 9.) Please provide a list of all multifamily employees that would be eligible for a job swap/exchange during the MFRT and who have received hardship or reasonable accommodations to stay in their current office locations. Please list the jobs that they are assigned to including the position title, grade and series.**

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10.) Please identify the supervisors that were part of any decision in approving or disapproving the following employees for a job swap/exchange that may have been requested or made know to the Agency. Please provide all e-mail exchanges between the employee (listed below) and any supervisor(s) regarding the discussion, request or desire to job swap/exchange.

- **Lynette Shrum, Des Moines**
- **Steve Sandegren, Kansas City**
- **Rodney Baxter, Ft Worth**
- **Dianne Smith, Ft Worth**
- **Daniel Perhay, Cleveland**
- **Robert Castillo, Indianapolis**
- **Laura Owen, Birmingham**
- **Suzanne Write, Knoxville**
- **Howard Roberts, Knoxville**
- **Dave King, Knoxville**
- **Jason Hare, Louisville**
- **David Melanson, Louisville**
- **Theresa Andrews, Louisville**
- **Andrea Schmidt, Greensboro**
- **Andrea Hendricks, Birmingham**
- **Joe Korley, Birmingham**
- **Sharon Law, Birmingham**
- **Paul Romano, Birmingham**
- **Brian Van Dorstein, Birmingham**
- **Angela Vasse, Jacksonville**
- **Kenneth Rozler, Buffalo**
- **Michael Pritchard, Jackson**
- **Vincent Cadotte, Jackson**
- **George Hartzog, Jackson**
- **Williams Radau, Jackson**
- **Frances Oglesby, Jackson**

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- 11.) Please provide any other documents or materials that are in the possession of the Agency regarding the instruction to supervisors or management officials on the use of the MFRT Supplement in regards to the job swap/exchange program and process including but not limited to any Agency and work program instructions on how to determine eligibility or acceptability to employees to the positions that employees may request, apply or desire to swap/exchange. Please provide any instruction that would include training to supervisors or managers or any agreements between work program areas (CPD, FHEO, PIH, etc...) on how or who can be swapped/exchanged.**

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- 12.) Please provide a list of all buyouts that have been made under the MFRT process and the availability of funds for each MFRT wave and the MFRT in general. Please provide the instructions given to all parties completing the buyout process, if there are any that indicate what limits, if any have been placed upon the buyout authority and amount of funds available for buyouts. Please include in this information any known reason or instructions to the Bureau of Fiscal Services (BSF) Contracted for HUD through the U.S. Dept. of Treasury Administrative Resource Center used by HUD employees to assist on the MFRT buyouts that limits the amount and number of buyouts that would be available under the MFRT.**

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