



American Federation of Government Employees  
National Council of HUD Locals 222

*Affiliated with AFL-CIO*

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May 24, 2022

MEMORANDUM FOR: Marcia L. Fudge, Secretary, Department of Housing and Urban  
Development

Adrienne Todman, Deputy Secretary, Department of Housing and  
Urban Development

Demetria L. McCain, Principal Deputy Assistant Secretary, Fair  
Housing and Equal Opportunity

Lori Michalski, Chief Human Capital Officer

Sonya Gaither, Director, Employee and Labor Relations Division

D'Andra Hankinson, Deputy Director, Employee and Labor Relations  
Division

FROM:

Sal Viola, President, Council 222 of HUD Locals

SUBJECT:

Grievance of the Parties: Sex Discrimination

In accordance with Article 51, Section 51.15 of the HUD-AFGE Collective Bargaining Agreement (CBA), I am filing this Grievance of the Parties (GOP) with you. This GOP concerns the Department of Housing and Urban Development's (the Agency's or HUD's) violation of contractual provisions and federal laws and regulations that require HUD to eliminate discrimination from its personnel practices, policies, and employment conditions. Please send all responses to Sal Viola ([salafge@outlook.com](mailto:salafge@outlook.com)) and Jerry Gross ([jerry.gross@hud.gov](mailto:jerry.gross@hud.gov)).

On or about April 26, 2022, Carlos Osegueda, the Acting Deputy Assistant Secretary for Operations of HUD's Office of Fair Housing and Equal Opportunity (FHCO), conducted team leader training for FHCO equal opportunity specialists. The case studies used in that training ridiculed and disparaged women. Relevant slides from the training are provided at Exhibit 1.

The only man in the case studies had normal new-employee issues: "he's struggling to learn basic investigative techniques." In contrast, the women in the examples displayed exaggerated, stereotyped characteristics associated with female professionals: one "refuses" to create an investigative plan, another, Anita Jones, is "desperate" for help. In the discussion questions related to the scenario, the trainee, in the role of Ms. Jones's subordinate, is asked, "What's your advice for Anita and where her time should be spent?" This exercise clearly makes the point that the female supervisor is incapable of functioning effectively without assistance.

## Grievance of the Parties: Sex Discrimination

In one scenario where the trainees are given a subordinate's perspective, the hypothetical supervisor Allison Payne inflicts pain by giving the subordinate a poor rating. The example insinuates that the female supervisor's reasoning ("you have too many aged cases") is flawed; instead, trainees are led to believe that she is incompetent and irrational ("You were promoted this FY to the EOS, GS-13, and have never received less than Outstanding").

The most egregious example, named Suzy Whiner, is "always complaining" and has a "negative attitude" that is "off-putting." The childish diminutive "Suzy" combined with the blatantly offensive surname offers an image of female employees as needy, unpleasant, and unprofessional in comparison with men. Discussion questions related to Suzy Whiner included, "Would you address Ms. Whiner's negative attitude? Assume that you agree that she has a negative attitude." The discussion questions did not allow for any participant to disagree with that assumption. FHEO's team leader training presented women as incompetent, excruciatingly difficult, and unpleasant professionals, which justifies men's superior status and demeans professional women.

Rachel A. Connor and Susan T. Fiske, both professors of psychology at Princeton University, explain that characterizing "women as whiny competitors who . . . 'exaggerate the problems they have at work'" is hostile sexism.<sup>1</sup> Hostile sexism "justifies men's authority and status in the workplace," Connor and Fiske note, by "casting women as complainers unable to succeed in men's work world without special help."<sup>2</sup> Connor and Fiske's study demonstrated how hostile sexism influences the ways that supervisors evaluate workers and set salaries and bonuses.<sup>3</sup>

Although the Union only became aware of the training on April 26, we have since learned that Mr. Osegueda has used these PowerPoint slides multiple times over several years when presenting this training. We also learned that several female bargaining unit employees have been denied the opportunity to participate in the training, which was conducted by FHEO's "Fair Housing Professional Development Institute" on an invitation-only basis. See Exhibit 2. The Union also learned from one employee that although participants complained about sex discrimination in the FHEO training to the non-supervisory facilitators, the complaints were not elevated due to a culture of fear and reprisal in FHEO. Another employee informed us that an early version of the scenarios used the names of actual FHEO female personnel. One employee believed that she may have been the character referred to as "Suzy Whiner" because she had disagreed with Mr. Osegueda.

We have heard from multiple employees that the demeaning portrayal of women was only one aspect of the hostile work environment that Mr. Osegueda fostered in FHEO. Multiple employees in FHEO Region IV have come forward to state that that Mr. Osegueda always conveyed a negative attitude toward employees who spoke up and raised questions, even retaliating against them for speaking up. An employee stated that Mr. Osegueda had retaliated against her on two occasions for speaking up and disagreeing with him about his programmatic decisions despite the fact that HQ supported her positions both times. Mr. Osegueda had his

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<sup>1</sup>Rachel A. Connor and Susan T. Fiske, "Not Minding the Gap: How Hostile Sexism Encourages Choice Explanations for the Gender Income Gap," *Psychology of Women Quarterly*, Vol. 43(1) (2019): 23. <https://journals.sagepub.com/doi/10.1177/0361684318815468>

<sup>2</sup> Connor and Fiske, "Not Minding the Gap," 23.

<sup>3</sup> Connor and Fiske, "Not Minding the Gap," 31.

## Grievance of the Parties: Sex Discrimination

subordinate managers issue disciplinary actions against her for insubordination shortly after each of those occasions. According to multiple employees, Mr. Osegueda has a pattern and practice of ordering first line supervisors to write up their direct reports for non-performance related matters in order to retaliate against anyone who disagreed with him. Because Mr. Osegueda was the higher-level manager, he had the role of reviewer of any appeal and has been able to plausibly hide his practice of retaliation against line staff and deny them due process. This violates, at a minimum, CBA Article 6, Section 6.01, which requires, “Employees shall be treated fairly and equitably in the administration of this Agreement and in policies and practices concerning conditions of employment.”

The targeted, deliberate message of the training examples such as Suzy Whiner and Allison Payne is that questioning any decisions by management is grounds for ridicule, hostility, and retaliation, and must not be tolerated. Employees report that this was Mr. Osegueda’s dominant means of leadership at Region IV for years: criticism, demotion, retaliation, and failure to promote of anyone who speaks up and speaks honestly in any manner to improve procedures to better serve the public. Unfortunately, Mr. Osegueda set the example that hostile work environments succeed, and this improper treatment of employees has continued despite numerous complaints and the departure of half of FHEO’s Region IV staff over the last year or two.

The Union is appalled that such blatantly hostile sexism exists at HUD, particularly in the context of training equal employment specialists. The senior manager’s presentation of scenarios that normalize hostile sexism improperly encourages subordinates to discriminate and to tolerate discrimination against women. Any manager who created instructional material that is so demeaning to women that it inherently creates a toxic work environment, or who allowed the use of those lessons, should not be in a position of authority in which they direct and evaluate subordinates. The sexism displayed in the guise of training was objectively severe and pervasive enough that it creates a work environment that a reasonable person would find hostile or abusive. Although the Union protested the use of these slides to HUD’s top leadership—the Secretary and Deputy Secretary, with copies to the Chief of Staff, General Counsel, and Chief Human Capital Officer—on May 5, 2022, the Union did not receive a reply from any of them. See Exhibits 3 and 4. As one employee wrote to us, “HQ has been missing in action.” We can only conclude from the silence that HUD is willing to tolerate such discrimination.

Pursuant to Article 51, Section 51.01(2) and (3), the Union may file a grievance concerning any matter relating to the employment of any employee and any claimed violation, misinterpretation or misapplication of any law, rule, or regulation affecting conditions of employment. The conduct of this training and the use of these training materials perpetuates sex discrimination at HUD and violates the CBA, including but not limited to Article 6, Section 6.01; Article 9, Sections 9.01 and 9.02(1); Article 29, Section 29.01; and Article 51, Section 51.03. It also violates 29 CFR Part 1614, including but not limited to 29 CFR § 1614.101; EEOC Management Directives 110 and 715; and Title VII of the Civil Rights Act of 1964.

In accordance with Article 51, Section 51.01(2) and (3) of the HUD-AFGE Agreement and the Federal Service Labor-Management Relations Statute at 5 U.S.C. § 7103(a)(9)(B) and (C), the Union reserves the right to grieve and raise any additional violation, misinterpretation, or misapplication of any provision of the HUD-AFGE Agreement, law, rule, or regulation at any

## Grievance of the Parties: Sex Discrimination

time during the grievance procedure and/or arbitration. There is no provision in Article 51 or Article 52 of the Agreement that prohibits changes to the violations of the collective bargaining agreement, law, rule, or regulation alleged for the subject matter being grieved.

### Meeting

The Union is not requesting a meeting pursuant to Article 51. Section 51.15(2) at this time.

### Remedies

The Union requests the following the following equitable relief remedies for HUD's violations of the CBA and federal laws and regulations:

1. A written apology from the Agency to all AFGE bargaining unit employees for the conduct of training that displayed sex discrimination and hostile sexism, and a promise that the Agency will not tolerate any form of sex discrimination in the future.
2. An offering of comparable team leader training without any sexist or otherwise discriminatory examples to all AFGE bargaining unit employees who wish to take the training, led by someone other than Carlos Osegueda.
3. An order that the Agency cease and desist from including discriminatory examples in any and all training provided by the Agency.
4. A finding that all bargaining unit employees who took the FHEO team leader training, or who worked under the manager(s) who created the training have suffered in a hostile work environment.
5. Imposition of appropriate discipline on any manager who violated federal regulations, laws, and the CBA and imposed a hostile work environment by creating and using the discriminatory instructional material.
6. Removal of all the involved manager(s) who violated federal regulations, laws, and the CBA and who imposed a hostile work environment by creating and using the discriminatory instructional material from supervising or delivering training to bargaining unit employees in the future.
7. Attorneys' fees related to the preparation and conduct of arbitration, if arbitration is necessary, as well as the full costs of arbitration, including but not limited to arbitrator's fees, reporting services, and the travel expenses and per diem of Union witnesses who travel to the arbitration site to testify.
8. Any other remedy, including monetary compensation to those affected by the hostile and illegal sex discrimination, available to the fullest extent of the law, rule, regulation, policy, past practice, the HUD-AFGE Agreement and arbitrator's award.

These remedies are reasonably and proportionally related to the HUD-AFGE Agreement and statutory violations cited above and do not excessively interfere with the management rights

## Grievance of the Parties: Sex Discrimination

provisions in 5 U.S.C. § 7106(a) in accordance with *U.S. Department of Justice Federal Bureau of Prisons and AFGE Local 817 Council of Prison Locals #33*, 70 FLRA 398 (2018) (*DOJ*). The remedies merely seek Management's compliance with the HUD-AFGE Agreement and statutory provisions cited above. Alternatively, should an arbitrator award the Union's remedies requested above and the Department files exception(s) with the Federal Labor Relations Authority (FLRA), the Union requests that the FLRA reconsider its existing case law precedent in *DOJ* and revert back to the abrogation test for arbitrators' authority to fashion remedies to enforce appropriate-arrangement provisions negotiated pursuant to 5 U.S.C. § 7106(b)(3) even if it affects management's rights at § 7106(a) [*Environmental Protection Agency and AFGE Council 238*, 65 FLRA 113 (2010)], and re-establish the broader discretion of arbitrators to fashion remedies even if it affects management's rights [*Federal Deposit Insurance Corporation and NTEU Chapter 273*, 65 FLRA 102 (2010)].

### Response

In accordance with Article 51, Section 51.15(3) of the CBA, your written response is required within thirty days of receipt of this grievance.

### Attachments

Exhibit 1. Excerpted slides from FHEO Team Leadership training materials.

Exhibit 2. FHEO Leadership Training Invitation (2021).

Exhibit 3. May 5, 2022, email to Secretary Marcia L. Fudge and Deputy Secretary Adrienne Todman, subject, "We Can Do Better—Eliminate Discrimination at HUD."

Exhibit 4. May 5, 2022, letter to Secretary Marcia L. Fudge and Deputy Secretary Adrienne Todman, re: We Can Do Better—Eliminate Discrimination at HUD.

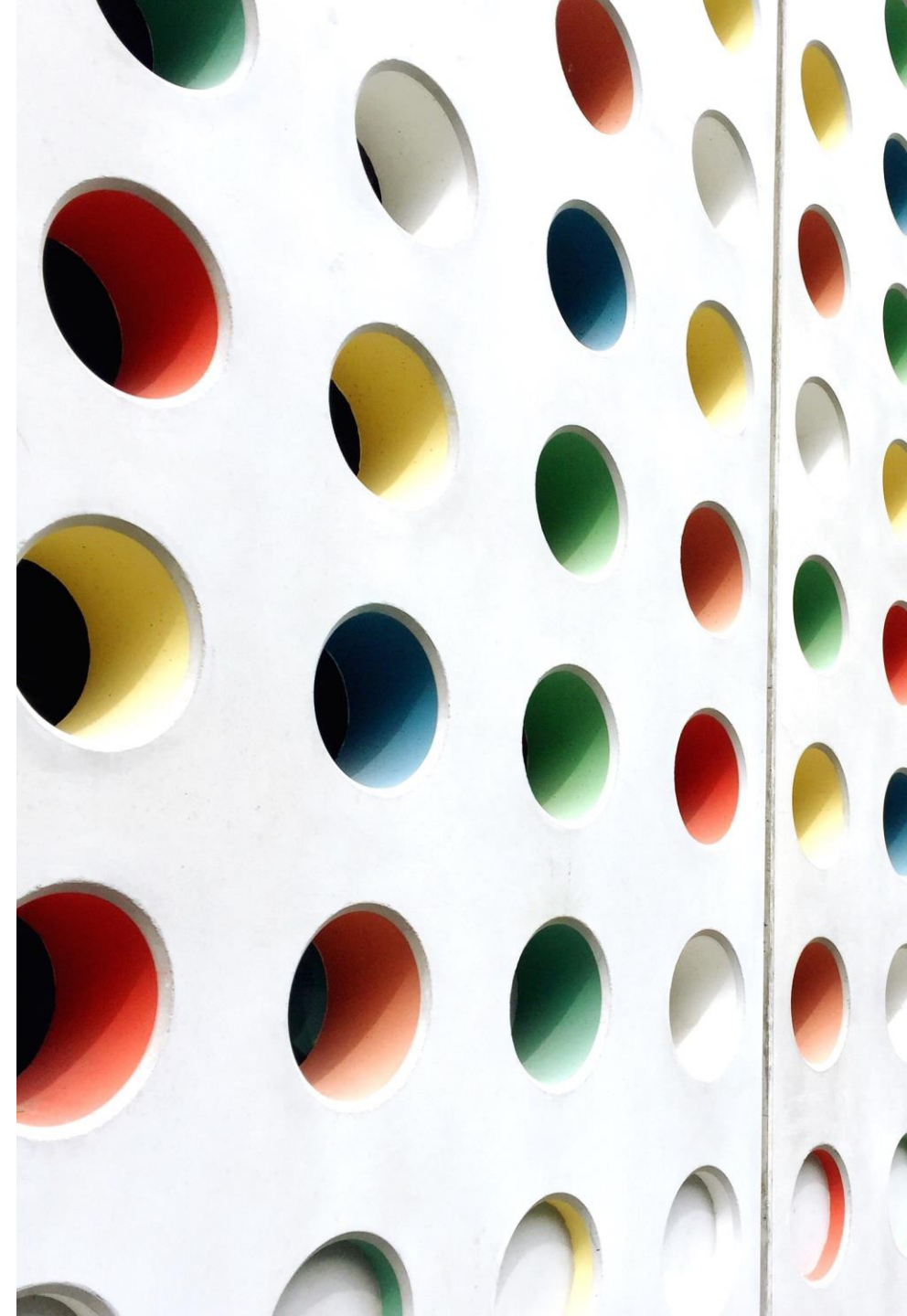
# Team Leadership

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CARLOS OSEGUEDA

ACTING DAS FOR OPERATIONS AND MANAGEMENT

FHEO



# Test Your Understanding #1

You are an EOS, GS-13, in a branch that has recently increased in size from five to seven. Your supervisor frequently bounces ideas off you because you are the senior EOS on the team. Your supervisor has asked for your input as to how to operationalize the team.

The original five are all journeyman level specialists that worked well together. You just added a recent MBA named Jason who is constantly making suggestions on how to fix the operation and is not buckling down to learn his job. In fact, he is diverting his focus because he doesn't understand the work and he's struggling to learn basic investigative techniques.

Shari is the other challenge for your supervisor. She just completed law school and is overworking her intake analysis by conducting a preliminary investigation at the intake stage. She also refuses to conduct an investigative plan and as a result is over-investigating her cases and falling behind on her work.

Your supervisor, Anita Jones, is a new supervisor and has come to you because she is desperate for you to help her with the challenges the new hires are bringing her. All she wants right now are intake conversions in 30 days and to decrease her aged case rate to 10%.

Develop your talking points and actions items for your meeting with Ms. Jones.

# Test Your Understanding #2

You are a high performing EOS GS-13 in a Programs and Compliance Branch. You have been operating as a leader in your branch for the past two years due to the surge in hiring. Specifically, you have been coaching new hires, providing formal training, and reviewing the new hires' work before it goes to the supervisor.

Your colleague, Suzy Whiner, EOS, GS-13, is in Enforcement, and her supervisor has asked her to perform similar duties and responsibilities as you given the two recently hired GS-09's in her branch. Ms. Whiner has approached you complaining that she does not think it is fair that she is assigned extra work, because she is the best producer on the team and the extra duties will slow her down. Ms. Whiner is always complaining about all the extra cases she has, but it is only a couple more cases more than her colleagues at lower grades.

You and Ms. Whiner came on at the same time and are both regarded as highly competent. Unfortunately, Ms. Whiner's negative attitude at times has been off-putting to some of the new employees.

Develop some talking points and advice in preparation for your conversation with your friend and colleague, Ms. Whiner.



# Test Your Understanding #3

Allison Payne is your supervisor. Ms. Payne has just rated you marginally successful on the timeliness of your investigations because you have too many aged cases. You are very upset because you were expecting an outstanding because you have been helping to train and coach new staff. You have also been assisting with quality control by reviewing cases from time to time for your supervisor and acting when your supervisor is out. You were promoted this FY to the EOS, GS-13, and have never received less than Outstanding.

Reflect on the scenario and outline your next steps moving forward.

Fair Housing Professional Development Institute: Lead Equal Opportunity Specialist

Thu 3/25/2021 1:45 PM



📎 1 attachments (3 MB)

FINAL Lead EOS Training March 2021 (Current as of 3.25).pptx;


Attached are the updated slides as of March 25.





Congratulations! You have been selected to attend Lead Equal Opportunity Specialist training. This training, hosted by the Fair Housing Professional Development Institute, is geared towards high-performing GS-13s who are interested in leadership positions. Course topics are outlined in the agenda.

**Location:** Microsoft Teams (click the "Join Microsoft Teams" link below)

**Logistics:**

1. Do not sign into VPN. You must be logged out of VPN to access the Teams meeting.
2. This training will be recorded. PDI will remind participants that the session will be recorded prior to the start of class.

**Course Materials and Resources:** Materials are located in  [Lead EOS Documents SharePoint](#). links are below.

-  [Lead EOS Agenda](#)
-    [Lead EOS Slides](#)

**Reasonable Accommodation:** Accessibility is very important to the PDI. Please email [lorece.c.beidel@hud.gov](mailto:lorece.c.beidel@hud.gov) if you require an accommodation to access the course or materials.

## We Can Do Better—Eliminate Discrimination at HUD

Gross, Jerry <jerry.gross@hud.gov>

Thu 5/5/2022 1:00 PM

To: Secretary.Fudge <Secretary.Fudge@hud.gov>;Office of the Deputy Secretary <officeofthedeputysecretary@hud.gov>

Cc: Chief of Staff <ChiefofStaff@hud.gov>;Smith, Damon Y <Damon.Smith@hud.gov>;Michalski, Lori A <Lori.A.Michalski@hud.gov>;Hankinson, D'andra A <Dandra.A.Hankinson@hud.gov>;salafge <salafge@outlook.com>

 2 attachments (3 MB)

We Can Do Better-FHEO ODEEO Discrimination.pdf; FINAL Team Lead EOS Training March 2021 (Current as of 3.25).pptx;

Dear Secretary Fudge and Deputy Secretary Todman:

The Department of Housing and Urban Development has, as part of its mission, the elimination of discrimination as it relates to housing and mortgage lending practices. Yet within HUD, discrimination abounds. Lacking all sense of irony, HUD's Office of Fair Housing and Equal Opportunity recently displayed hostile sexism toward women in the team leader training that a Deputy Assistant Secretary conducted for its equal opportunity specialists, presenting women as incompetent, excruciatingly difficult, and unpleasant professionals. The worst example, named Suzy Whiner, is "always complaining" and has a "negative attitude;" another woman is "desperate" for help; and Ms. "Payne" inflicts the torment associated with her surname by giving an allegedly undeserved low rating to the subordinate. These caricatures reinforce beliefs in women's incompetence in the workplace and negative perceptions of ambitious professional women. This overtly hostile sexism justifies men's superior status and demeans women.

AFGE Council 222 of HUD Locals calls upon you to implement wholesale changes in the management and administration of FHEO as the current leaders are clearly incapable of supporting their mission and upholding the Department's stated values. The Union also is concerned that not a single professional equal opportunity investigator complained about the presentation. If FHEO's equal opportunity specialists cannot recognize discrimination when confronted with it at HUD, we cannot rely on them to do their jobs effectively. This was a test, and FHEO managers and equal opportunity specialists failed.

Please see the attached letter, which provides more information and also identifies an example of subtle discrimination by ODEEO. I have also attached the training materials; please see slides 14, 23, and 30.

Sincerely,

Jerry Gross  
Midterm Bargaining Co-Chair  
AFGE Council 222



American Federation of Government Employees  
National Council of HUD Locals 222

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451 7th Street, SW, Suite 3142  
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May 5, 2022

Secretary Marcia L. Fudge  
Deputy Secretary Adrienne Todman  
U.S. Department of Housing and Urban Development  
451 7th Street, S.W.  
Washington, DC 20410

Re: We Can Do Better—Eliminate Discrimination at HUD

Dear Secretary Fudge and Deputy Secretary Todman:

AFGE Council 222 (the Union) is dismayed that the Department of Housing and Urban Development (HUD) has either failed to recognize discrimination or tolerates discriminatory behavior by the HUD leaders charged with preventing, investigating, and issuing findings related to discrimination. We call on you to take action to demonstrate that all HUD offices and personnel must unequivocally oppose all forms of discrimination, whenever and wherever they find it.

HUD has multiple offices whose mission is to eliminate discrimination. The Office of Fair Housing and Equal Opportunity (FHEO) works to eliminate housing and mortgage lending discrimination, while the Office of Departmental Equal Employment Opportunity (ODEEO) enforces federal laws relating to the elimination of all forms of discrimination in HUD's employment practices. Yet these two offices—without any recognition of the irony involved—are guilty of furthering discrimination among and by the HUD workforce. The Union calls upon you to implement wholesale changes in the management and administration of these offices as their current leaders are clearly incapable of supporting their missions and upholding the Department's stated values.

In April 2022, FHEO's Acting Deputy Assistant Secretary for Operations and Management, Carlos Osegueda, conducted team leader training for equal opportunity specialists (Attachment 1). Despite encouraging team leaders to be "fair-minded" and "respectful to others," the training material presented clear examples of hostile sexism by ridiculing and disparaging women. The only man in the case studies, Jason (no last name), has normal new-employee issues: "he's struggling to learn basic investigative techniques." In contrast, the women in the examples are all guilty of exaggerated stereotyped characteristics typically associated with female professionals: Shari (no last name) "refuses" to create an investigative plan. Anita Jones is "desperate" for help with the personnel challenges she faces. Suzy Whiner, the most egregious example, is "always complaining" and has a "negative attitude" that is "off-putting." The misery evoked by hypothetical supervisor Allison Payne's surname is unlikely a coincidence as she has "just rated

you marginally successful” even though you “have never received less than Outstanding,” insinuating that the female supervisor is incompetent and irrational.

Rachel A. Connor and Susan T. Fiske, both professors of psychology at Princeton University, report that hostile sexism characterizes “women as whiny competitors who . . . ‘exaggerate the problems they have at work.’” Portraying “women as complainers unable to succeed in men’s work world without special help,” hostile sexism “justifies men’s authority and status in the workplace,” leading to “negative evaluations of . . . ambitious professional women,” and reinforcing “beliefs in women’s incompetence in the workplace.” *Psychology of Women Quarterly*, Vol. 43(1) (2019), 22–36.

FHEO’s presentation of women as “refusing” to do their work and “desperate” for help are, as Connor and Fiske showed, sexist portrayals of women in the workplace. The use of the name “Payne” to create a negative image of a professional woman is another example of sexist stereotyping. The worst of the lot employs the childish diminutive “Suzy” and the degrading surname “Whiner.” FHEO used its leadership training to present women as incompetent, excruciatingly difficult, and unpleasant professionals. This overtly hostile sexism justifies men’s superior status and demeans professional women. It is appalling that FHEO perpetuates discriminatory sexism despite its mission to promote equal opportunity in housing.

Less flagrant yet also discriminatory is ODEEO’s exclusive recognition of Asian American and Pacific Islanders (AAPI) Heritage Month in May 2022. ODEEO announced the observance in its April 29 newsletter and the cover email, as well as in a May 3 message announcing the theme of this year’s AAPI Heritage Month and associated events. While appreciation of the contributions of Asian American and Pacific Islanders is to be lauded, ODEEO neglected to note that May is also Jewish American Heritage Month.

Proclaimed by President George W. Bush in 2006, Jewish American Heritage Month was most recently recognized by President Joseph R. Biden Jr.’s April 29, 2022, Proclamation, which noted that this month honors 23 Jewish refugees who sailed into the port of present-day New York City in 1654 and “who — shaped by their own encounters with prejudice, persecution, and the promise of a better tomorrow — have emboldened our Nation to stand up for justice, equality, and freedom.” Just as the Library of Congress has sponsored numerous virtual events in honor of AAPI Heritage Month, as noted by ODEEO, it has also sponsored virtual events and exhibits in honor of Jewish American Heritage Month.

ODEEO, by acknowledging and honoring the contributions of one group of Americans but not another, exhibits a subtle form of discrimination. It is disappointing that ODEEO, the office responsible—in their own words—“for ensuring that HUD fosters a workplace culture that respects differences [and] empowers the full and fair participation of all employees in all aspects of HUD work life [and for] leading the Department’s efforts to proactively prevent unlawful discrimination,” fails to recognize that it has discriminated against a group of people by treating them unfavorably because of their national origin or religion.

AFGE Council 222 strongly condemns FHEO’s hostile sexism and, although we appreciate and support ODEEO’s recognition of the contributions of our Asian American and Pacific Islander

May 5, 2022

Re: We Can Do Better—Eliminate Discrimination at HUD

colleagues, we are deeply disappointed that ODEEO does not equally honor all other heritage months.

The Union urges you to take the steps needed to ensure that HUD clearly and unequivocally opposes all forms of discrimination, within the Department as well as in connection with housing matters. The career managers who are sworn to uphold the anti-discrimination laws of this country have failed to do so, letting down the Department, its employees, and the public. In particular, managers who created instructional material that is so demeaning to women that it inherently creates a toxic work environment, or who allowed the use of those lessons, should not be in a position of authority in which they direct and evaluate subordinates. We are also troubled by the fact that not a single professional equal opportunity investigator complained about the presentation. If FHEO's equal opportunity specialists cannot recognize discrimination when confronted with it at HUD, we cannot rely on them to do their jobs effectively. This was a test, and FHEO managers and equal opportunity specialists failed.

Sincerely,



Jerry Gross  
Midterm Bargaining Co-Chair, AFGE Council 222

Attachment  
Team Lead EOS Training (PowerPoint)