



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

Office of the Chief Human Capital Officer

DATE: June 28, 2022

MEMORANDUM FOR: Jerry Gross
Steward
AFGE Local 476

FROM: LORI SEALY Digitally signed by LORI SEALY
Date: 2022.06.28 16:25:07 -0400
Lori Sealy, Director
Performance Management Division
Office of the Chief Human Capital Officer

SUBJECT: Decision on Unfair Labor Practice Grievance
(re: Performance Award Criteria & Request for Information)

This memorandum concerns the negotiated grievance received filed by the American Federation of Government Employees (AFGE) Local 476 on June 14, 2022. In the grievance, the Union expressed dissatisfaction with management's failure to pay a separated employee, [REDACTED], a performance award for work performed during the fiscal year (FY) 2021 and failure to respond to the Union's information request, submitted on May 18, 2022 and amended grievance filed on May 31, 2022.

The Union declined to meet with management to discuss informal resolution of the grievance. As such, I have reviewed the grievance and relevant documents provided to support the grievance and have decided on this grievance based on the information provided.

As stated in our prior grievance response, and in accordance with HUD Handbook 2195.1: Incentive Awards Policy and Procedures and 5 CFR 451: Awards, a former employee **may** receive a performance award; management is not required to pay separated employees performance awards. Agency policy and federal regulation grant management discretion on whether to pay performance awards to separating employees. Management has set forth that performance awards will only be paid to separated employees who have completed the full rating cycle (October 1 through September 30).

I have determined management has not committed any contractual or statutory violations. Therefore, I hereby deny this portion of your grievance and requested relief.

Regarding the Union's claim that management failed to properly respond to the Union's request for information, management intends to fully respond to the information request. Management understands the union's concern about being able to timely invoke arbitration, if

desired, and agree the timeline to file for arbitration shall begin on the first day after receipt of the information response.

Should you disagree with this decision, the Union may advance the grievance to the arbitration level, in accordance with the procedures outlined in Article 52 of the HUD/AFGE Agreement.