

Miranda, Ricardo

From: Miranda, Ricardo
Sent: Wednesday, September 8, 2021 2:56 PM
To: Hankinson, D'andra A
Cc: St. Hilaire, Nancy K; Perez, Michele P; salafge@outlook.com
Subject: RE: Union Notice - COVID Vaccine Attestation
Attachments: Safer Federal Workforce Task Force COVID-19 Workplace Safety - 7-29-21.pdf

Dee Dee:

The vaccination attestation and COVID-19 testing mandates were not expressly part of Biden's Executive Order 13991 concerning the requirement to wear face masks and social distance in Federal buildings/offices. They were issued subsequently as guidance from the COVID-19 Workplace Safety Task Force update to the model workplace safety principles dated July 29, 2021 (attached). Therefore, the vaccination attestation and COVID-testing mandates do not have the legal force and effect of a government-wide regulation.

We do not see what the imminent-danger emergency situation is to implement immediately prior to bargaining given that under Supplement 28 we are in maximum telework (5-days per week) status and employees are not required to work at the HUD offices. The scope of Supplement 28 expressly says: "When a return to workplace plan is developed notification will be issued to the Union as required per article 49. The parties agree that HUD shall not modify voluntary existing five-days per week maximum telework flexibilities and/or notify or require any HUD bargaining unit employee to return to HUD workspace without a subsequent Article 49 Notice to the Union under the HUD/AFGE Agreement with the exception of HUD mission-critical essential travel as referenced in term 19."

Why can't we bargain this now prior to implementation? It can be done by Microsoft teams. The Union can submit proposals expeditiously to commence bargaining as soon as possible.

The Union requests that the Agency cease and desist from implementing the vaccination attestation and COVID-19 testing prior to completion of bargaining in accordance with Supplement 28, Article 49, and Article 41, Section 41.04.C of the HUD-AFGE Agreement.

This is precisely what the Union means when we state that we do not see the difference between the Trump and Biden administrations as the Agency is continuing to do unilateral implementation of changes in conditions of employment prior to completing its bargaining obligations **prior to implementing the changes in conditions of employment**. That is expressly contrary to even the COVID-19 Workplace Safety Task Force update to the model workplace safety principles dated July 29, 2021, which states on the last page (p. 7):

Consistent with President Biden's policy to support collective bargaining, agencies are reminded to satisfy applicable collective bargaining obligations under 5 U.S.C. Chapter 71 when implementing workplace safety plans. Agencies are also strongly encouraged to communicate regularly with employee representatives on workplace safety matters.

The Union has been patiently waiting since May to negotiate updates to the changes in workplace safety protocols and office re-entry. Yet, no Article 49 notifications to bargain have been forthcoming. We cannot move beyond an adversarial labor-management relationship to one based on working collaboratively and cooperatively to jointly problem solve when the Agency continues to take unilateral actions to implement changes in conditions of employment prior to bargaining with the Union completely ignoring the Union as a negotiating partner.

Respectfully,
Ricardo Miranda
Chief Negotiator, COVID-19 Safety Plan and Office Re-Entry
AFGE Council 222
(787) 274-5883 (workstation)
(787) 274-5821 (Union office)

"It was the labor movement that helped secure so much of what we take for granted today. The 40-hour work week, the minimum wage, family leave, health insurance, Social Security, Medicare, retirement plans. The cornerstones of the middle-class security all bear the union label." –President Barack Obama

From: Hankinson, D'andra A <Dandra.A.Hankinson@hud.gov>
Sent: Wednesday, September 8, 2021 12:02 PM
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Subject: Union Notice - COVID Vaccine Attestation

Good Morning,

Please see attached Union notice regarding employee COVID vaccine attestation.

Thank you,

Dee Dee Hankinson
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