

RE: <External Message> Re: Dates to Begin Bargaining Implementation of EO 14043 and Related Updates to HUD's Safe Federal Workplace Plan

Hankinson, D'andra A <Dandra.A.Hankinson@hud.gov>

Fri 10/15/2021 8:08 PM

To: Sal Viola <salafge@outlook.com>; Gross, Jerry <jerry.gross@hud.gov>

Cc: Miranda, Ricardo <Ricardo.Miranda@hud.gov>; Shahriar, Sajid A <Sajid.A.Shahriar@hud.gov>

Hello,

Thank you for your communications below. Our Management negotiation team members are: Dee Dee Hankinson (Chief Negotiator)

	Michele Perez
(FPM)	
	Tiffany Cobb
(Admin)	
	Lisa Surplus
(Admin)	
	Courtney Minor
(OGC)	

A few of our team members were out today so I need to confirm their schedule availability to begin negotiations. I'll get back to you early next week on a date we can begin negotiations.

We can use the following call-in # for negotiations: 888-675-2535; access code #3314532.

Thanks and have a great weekend,

Dee Dee

From: Sal Viola <salafge@outlook.com>

Sent: Friday, October 15, 2021 2:14 PM

To: Gross, Jerry <jerry.gross@hud.gov>; Hankinson, D'andra A <Dandra.A.Hankinson@hud.gov>; Miranda, Ricardo <Ricardo.Miranda@hud.gov>; Shahriar, Sajid A <Sajid.A.Shahriar@hud.gov>

Subject: <External Message> Re: Dates to Begin Bargaining Implementation of EO 14043 and Related Updates to HUD's Safe Federal Workplace Plan

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Hi Dee Dee,

Given the urgency of this serious matter, as Council President, I'm authorizing the Union Bargaining Team to begin negotiations immediately. So now that you know that, when is Management coming to the table? We can be ready this Monday at 1:00 PM EST.

Please respond at your earliest availability.

Thanks.

Sal

Salvatore T. Viola,
President

American Federation of Government Employees
National Council of HUD Locals
salafge@outlook.com
(917)607-1474

From: Gross, Jerry <jerry.gross@hud.gov>
Sent: Friday, October 15, 2021 2:59 PM
To: Hankinson, D'andra A; Miranda, Ricardo
Cc: salafge@outlook.com; Shahriar, Sajid A
Subject: Re: Dates to Begin Bargaining Implementation of EO 14043 and Related Updates to HUD's Safe Federal Workplace Plan

Hi Dee Dee,

Thank you for contacting the Union about negotiations. As Ricardo stated on September 14 and September 20, and as you recognized in your email this afternoon, we have been ready to begin bargaining expeditiously. Since we submitted our original demand to bargain on September 14, we have been ready to come to the table on or even before September 24, in accordance with our collective bargaining agreement Article 49, Section 49.04(2), which requires negotiations to begin within ten days from the Union's submission of its bargaining proposals, unless changed by mutual consent. The Union has not consented to any extension. Thus, we remain available to bargain. **You may consider us ready to begin as early as the next business day, Monday, October 18.**

The Union objects to your characterization of "tight deadlines imposed on agencies to implement the Executive Order" requiring COVID-19 vaccinations. The Order was issued on September 9, implementing guidance followed only a week later, and the Union's subsequent proposals were delivered a mere four days after that, **leaving three full weeks before the first deadline for a first vaccine dose when we could have discussed the Union's proposals**, and likely finalized an agreement.

Because you wrote that management, like the Union, "want[s] to begin bargaining implementation of Executive Order 14043 and the related updates to HUD's Safe Federal Workplace Plan as expeditiously as possible," please provide details as early as possible on Monday, such as the names of your team members, a call-in phone number, and a start time .

We look forward to working with you to ensure the health and safety of HUD employees,
Jerry

From: Hankinson, D'andra A <Dandra.A.Hankinson@hud.gov>
Sent: Friday, October 15, 2021 1:36 PM
To: Miranda, Ricardo <Ricardo.Miranda@hud.gov>
Cc: salafge@outlook.com <salafge@outlook.com>; Shahriar, Sajid A <Sajid.A.Shahriar@hud.gov>; Gross, Jerry <jerry.gross@hud.gov>
Subject: Dates to Begin Bargaining Implementation of EO 14043 and Related Updates to HUD's Safe Federal Workplace Plan

Hello,

We want to thank you, again, for remaining able to bargain as expeditiously as possible.

While the guidance from OMB, OPM and the Safer Federal Workforce Task Force continues to evolve, we have received some of the guidance we needed to clarify their expectations for implementation of Executive Order 14043 (Requiring Coronavirus Disease 2019 Vaccination for Federal Employees). While we expect additional guidance providing even more clarity to be forthcoming, given the tight deadlines imposed on agencies to implement the Executive Order, we want to begin bargaining implementation of Executive Order 14043 and the related updates to HUD's Safe Federal Workplace Plan as expeditiously as possible. We will provide you with a copy of the updated Safe Federal Workplace Plan as soon as possible.

Please let me know when your team is available to commence bargaining, then I'll coordinate dates with the Management Team and we can finalize logistics for bargaining.

Thank you,
Dee Dee

From: Miranda, Ricardo <Ricardo.Miranda@hud.gov>
Sent: Monday, September 20, 2021 2:15 PM
To: Hankinson, D'andra A <Dandra.A.Hankinson@hud.gov>
Cc: Perez, Michele P <Michele.P.Perez@hud.gov>; salafge@outlook.com; Shahriar, Sajid A <Sajid.A.Shahriar@hud.gov>; Gross, Jerry <jerry.gross@hud.gov>
Subject: RE: AFGE Council 222's demand to bargain & preliminary bargaining proposals for Coronavirus vaccination mandate, attestation and testing requirements

Dee Dee:

AFGE Council 222 does not view post-implementation bargaining as working collaboratively with the Union. We view it as statutory and contractual violations of 5 U.S.C. § 7114, §7116(a)(1) and (5), Article 49, and Supplement 28 of the HUD-AFGE Agreement.

AFGE Council 222 submitted its demand to bargain and preliminary bargaining proposals on the COVID-19 vaccination mandate, attestation, and testing requirements on September 14, 2021 and is prepared to begin bargain expeditiously. Unless we bargain prior to implementation, HUD management is choosing continuation of the adversarial relationship with the Union established by the Trump Administration. Offering "pre-decisional involvement" post-implementation is illogical, counterintuitive and in bad faith.

There is no emergency situation such as an immediate threat to employee health or safety as we are still in five-days per week maximum telework status; thus, invoking Article 41, Section 41.04.C of the HUD-AFGE is not warranted. There is no practical reason why bargaining cannot occur first. The Union already submitted its bargaining proposals. Why is HUD management implementing first as occurred with the vaccination status attestation if you are admitting in your email below that the Agency doesn't even have all information, guidance, and procedures in place at this time?

To account for the guidance promulgated by the Safer Federal Workforce Task Force after President Biden's vaccination mandate Executive Order, enclosed please find the Union's updated and revised demand to bargain and preliminary bargaining proposals replacing AFGE

Council 222's September 14, 2021 proposals. AFGE Council 222 is available to begin bargaining expeditiously via Microsoft Teams as soon as management is ready prior to implementation.

Respectfully,
Ricardo Miranda
Chief Negotiator, COVID-19
AFGE Council 222 Chief
(787) 525-7149 (cell)

From: Hankinson, D'andra A <Dandra.A.Hankinson@hud.gov>
Sent: Monday, September 20, 2021 1:25 PM
To: Miranda, Ricardo <Ricardo.Miranda@hud.gov>
Cc: Perez, Michele P <Michele.P.Perez@hud.gov>; salafge@outlook.com; Shahriar, Sajid A <Sajid.A.Shahriar@hud.gov>; Gross, Jerry <jerry.gross@hud.gov>
Subject: FW: AFGE Council 222's demand to bargain & preliminary bargaining proposals for Coronavirus vaccination mandate, attestation and testing requirements

Hello Ricardo,

This is in response to AFGE's demand to bargain below. Thank you for remaining able to bargain as expeditiously as possible.

The workplace safety protocol mandates have significantly changed just in the last week and this is an everchanging landscape we are navigating. Currently, the Department is continuing to review evolving guidance and awaiting further guidance from OMB and the Safer Federal Workforce Task Force.

Section 2 of Executive Order 14043 of September 9, 2021 (Requiring Coronavirus Disease 2019 Vaccination for Federal Employees) requires that each agency implement a program to require COVID-19 vaccination for all of its Federal employees, with exceptions only as required by law. We are in the process of mobilizing Departmental resources and determining steps needed to implement that program, and want to make sure we are prepared before coming to the table. We want to engage in PDI with AFGE to get your in-put and feedback on the development of that program before coming to the table and request that you provide us with dates of your availability to meet for PDI discussions. Nonetheless, we will fulfill our required bargaining obligations.

We believe notifications to staff are important to ensure employees have the maximum amount of notice and the information regarding mandated workplace safety protocols, and we want to work with AFGE.

Thank you,
Dee Dee

From: Miranda, Ricardo <Ricardo.Miranda@hud.gov>
Sent: Tuesday, September 14, 2021 7:59 AM
To: Hankinson, D'andra A <Dandra.A.Hankinson@hud.gov>
Cc: Perez, Michele P <Michele.P.Perez@hud.gov>; salafge@outlook.com; Shahriar, Sajid A <Sajid.A.Shahriar@hud.gov>; Jerry Gross <hjgrosz@gmail.com>
Subject: AFGE Council 222's demand to bargain & preliminary bargaining proposals for Coronavirus vaccination mandate, attestation and testing requirements

Good morning Dee Dee:

Attached please find AFGE Council 222's demand to bargain and preliminary bargaining proposals for the Coronavirus vaccination mandate, attestation and testing requirements. The Union is prepared to bargain as expeditiously as possible.

Sincerely,
Ricardo Miranda
Chief Negotiator
AFGE Council 222
(787) 525-7149 (cell)

"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