

## **ARTICLE 6 EMPLOYEE RIGHTS/STANDARDS OF CONDUCT**

**Section 6.01 - General.** Employees have the right to pursue their private lives consistent with governmental Standards of Conduct and this Agreement without fear of reprisal. Employees shall be treated fairly and equitably in the administration of this Agreement and in policies and practices concerning conditions of employment.

**Section 6.02 - Right to Participate in the Labor Organization.**

Any employee of the Department shall have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and each employee shall be protected in the exercise of such right

**Section 6.03 - Complying with Orders.**

Employees recognize their responsibility to promptly comply with all orders and instructions from their supervisors. If an employee reasonably believes that an order or instruction patently violates any law, rule, or regulation, they have the right to state those beliefs to the supervisor. If the instruction remains unchanged, the employee has the right to state concisely their beliefs promptly and orally to the next higher level of Management available. If the order or instruction is confirmed by that higher level Management, or if the higher level of Management is not readily available, then the order or instruction shall be carried out promptly by the employee. Continued refusal to carry out an order or instruction may be cause for disciplinary action.

**Section 6.04 - Employee's Personnel Records.**

- (1) Management shall maintain and retain an employee's Official Personnel Folder (OPF) in accordance with law, rule, regulation, and this Agreement. The contents of an employee's OPF shall be made available for review without charge to leave or loss of pay, and copies thereof provided, upon the employee's request, to the employee or designated representative. Employees shall be advised annually of how to access their OPF.
- (2) An employee has the right, on duty time, to prepare, submit or request removal of information to ensure the accuracy of their OPF;
- (3) Personnel records kept by an employee's immediate supervisor shall be maintained in a secure, confidential file and shall be accessed only by officials with an administrative need to know its contents. They may not be used in disciplinary action unless they have been disclosed to the employee on a timely basis.

**Section 6.05 - Morale.** Recognizing that productivity is enhanced when employee morale is high, everyone working at HUD shall endeavor to treat one another with the utmost respect and dignity, notwithstanding the type of work or grade level held. This is the union's proposal, accepted by management.

**Section 6.06 - Voluntary Participation.** Management may provide the opportunity, but may not require employees to participate in recognized Savings Bonds programs, charitable campaigns for contributions, or other community activities not related to the employee's job.

**Section 6.07 -Right to Representation.** Employees have the right to be represented by the Union and meet with a Union representative during duty hours.

### **Section 6.08 -Right to Representation in Investigatory Interviews.**

1. Employees have the right to be represented by the Union at an examination of the employee conducted by a representative of Management in connection with an investigation ,if:
  - (a) The employee reasonably believes the investigation may result in disciplinary action against the employee and;
  - (b) The employee requests representation.

If, during a meeting between the employee and a Management representative, the employee reasonably believes the meeting may result in disciplinary action taken against the employee, the employee may request to be represented by the Union. If such a request is made, the Management representative shall suspend the meeting. The Management official shall reschedule the meeting as soon as a Union representative is available, to avoid impeding the investigation.

2. At any meeting described in this Section in which attendance, participation, or representation by an official of the Union takes place, that official shall continue on official time as provided for in this Agreement.
3. Nothing in this section shall countermand or supersede the rights of the Union under the Statute to be present at Formal Discussions.
4. The Department shall annually inform employees of their rights to Union Representation during an investigation.

### **Section 6.09 - Standards of Conduct.**

(1) **General.** Employees of the Executive Branch are subject to Government-wide ethics regulations pursuant to several statutory authorities. For guidance, employees should contact designated Agency ethics officials posted on the HUD website. To the extent that any provision of this Agreement conflicts with any provision of a Government-wide law, rule or regulation, including HUD's supplemental regulation, the law, rule or regulation shall prevail.

#### **(2) Political Activities.**

- (a) Consistent with the Hatch Act, the Hatch Reform Amendments, and Government-wide regulation, employees may engage in political activities.
- (b) Questions concerning interpretation or application of the Hatch Act or restricting political activities may, at the employee's option, be directed to the Office of Special Counsel, the HUD Associate General Counsel for Ethics and Personnel, or to any HUD Regional Counsel.

#### **(3) Outside Employment and Other Activities.**

(a) Outside employment and other activities are governed by, among other ethics authorities, 5 CFR 2635 - Subpart H and the HUD Supplemental Standards of Ethical Conduct at 5 CFR 7501. While not every outside activity requires a request for an ethics opinion, employees shall obtain prior written approval before engaging in outside employment and activities consistent with 5 CFR 7501.105. Responses to requests for

prior approval provided in a timely manner and will generally be approved unless inconsistent with the executive Branch Government-wide standards of conduct determine whether an employee is required to obtain prior approval, employee encouraged to consult with the Agency Ethics Official in the geographic or Headquarter prior to engaging in any compensated or uncompensated outside employment or activities.

(b) Management will provide ethics training and guidance to employees. Agency Ethics Officials will be available to employees for counseling and discussion of issues regarding outside employment and other activities covered by the standards of conduct.

(4) **General Conduct.** Employees shall be courteous and considerate when dealing with the public and shall provide timely, professional customer service. Personal attire and hygiene in the workplace shall be considerate of others both at the official duty station and when representing HUD during outside endeavors.

(5) **Information to the Union.** Upon request, the Union shall be provided with a relevant copy of any standards of conduct opinion or any waiver granted under the Government-wide standards of conduct. However, when required by law to protect personal privacy or confidentiality, names, personal identifiers or other confidential information shall be deleted by Management.

(6) **Employee Right to Privacy.**

(a) **Searches and Seizures.** Searches and seizures by the Government of the private property of its employees are subject to Constitutional constraints. Employees may store personal papers and effects in their offices, desks, and file cabinets, however HUD assumes no liability for their loss. Additionally:

1. A search or seizure of such items without a warrant may be justified if Management has reasonable grounds for suspecting that the search will produce evidence that the employee is guilty of work-related misconduct, or that the search is necessary for a non-investigative work-related purpose, such as insuring the internal security of the agency. Security concerns may necessitate searches of HUD space by any appropriate and legal method.
2. The provisions outlined above are intended to deal with matters such as, but not limited to, possession of illegal drugs, firearms, weapons, explosives or other material that presents a threat to the internal security of the agency. It should be understood that personal items and their contents owned by the employee such as; pocketbooks, briefcases, and personal technology, are not normally subject to search without probable cause to believe criminal activity is involved, but that failure to comply with a search prompted by security concerns may be grounds for disciplinary action or denial of access to HUD space.
3. No inappropriate information shall be stored, housed, transmitted, or viewed on a HUD owned computer. HUD owned computers are subject to search and/or seizure at any time by HUD management.
4. Employees should also be aware that Management may exercise its right to access work spaces to obtain work materials when the employee is not present or for other legitimate reasons.
5. Random spot checks of employees and their possessions' is permitted upon entrance to a HUD facility, subject to applicable law and government regulation.

6. Employees may be asked at any time by security to show HUD identification when identification is not clearly visible.
7. Management will maintain an employees' privacy according to applicable law.

(7) **Whistle Blowing.** Employees shall be protected against reprisal of any nature for the disclosure of information not prohibited by law, which the employee reasonably believes evidences a violation of law, rule, or regulation, or evidences fraud, gross waste or gross mismanagement, an abuse of authority, or a substantial or specific danger to public health or safety. Employees shall receive annual notification of the Whistle Blower Protection Enhancement Act.

(8) **Prohibited Personnel Practices.** Management agrees to place a copy of "prohibited personnel practices" as defined by 5 U.S.C. 2302 on the HUD webpage.

(9) **No Waiver of Rights.** Nothing in this section shall waive, limit or impair the statutory or legal rights of employees or their representatives.

(10) **No Fear Act.** Upon request, the Department will provide copies to the Union of reports sent to Congress regarding the No Fear Act.