



National Council of HUD Locals – Council 222

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES AFFILIATED WITH AFL-CIO

WASHINGTON, DC 20410-0050

<http://www.afgecouncil222.com>

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Save Your Career: Know Your Performance Appraisal Rights!

Dear bargaining-unit employees:

Recently, the Office of Community Planning and Development (CPD)'s General Deputy Assistant Secretary (GDAS) for Operations sent out a reminder to employees about the mid-year performance assessment process including employees submitting their self-assessment comments. Ricardo Miranda, AFGE Council 222 Chief Steward for Regions 2-4, who is also a Senior CPD Representative, tried to respond to the message to clarify that in accordance with Article 30, Section 30.07(4) of the 2015 HUD-AFGE collective bargaining agreement (CBA or Agreement), employees' self-assessment comments are voluntary; if employees choose not to submit self-assessment comments, it does not relieve the Rating Official (i.e., first-line supervisor) of the responsibility for preparing a fair and thorough performance assessment. The Rating Official should be aware of the accomplishments of the employee throughout the performance period.

However, CPD has blocked bargaining-unit employees and Union officials from being able to reply to its office-wide messages. It is an Unfair Labor Practice (i.e., a violation of Federal labor law) for agency management to interfere with the Union's ability to communicate with bargaining-unit employees on their rights in the HUD-AFGE Agreement. The Union is currently considering filing an Unfair Labor Practice against CPD management because this restrictive email policy is precluding and obfuscating employees from learning what their rights are in the performance appraisal process in accordance with Article 30 of the HUD-AFGE Agreement.

It is important for you to know what your performance appraisal rights are because the Union is seeing on a national basis HUD management continuing the former Trump Administration's agenda to expeditiously fire HUD employees through performance-based removals with minimal due process rights in an effort to de facto convert Federal employees to at-will job tenure. Performance-based removals have a lower evidentiary burden of proof for HUD management to fire long-term career civil servants. The former Trump Administration issued an Executive Order reducing the period for employees to demonstrate acceptable performance to 30 days before being fired. On January 22, 2021 soon after taking office, President Biden issued an Executive Order No. 14003 on Protecting the Federal Workforce (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/22/executive-order-protecting-the-federal-workforce/>) to revoke former President Trump's Executive Orders making it extremely easy to fire career civil servants. The Union is disappointed in the new Biden Administration political appointees at HUD that they are allowing HUD management, Human Resources (HR), and the Office of General Counsel (OGC) to continue performance-based removal actions against long-term, career civil-servant HUD employees initiated at the tail end of the Trump Administration despite President Biden's Executive Order No. 14003 directing agencies to suspend and revoke actions initiated under former President Trump's Executive Orders.

Therefore, in order to protect your career and block HUD management's efforts to continue firing long-term career civil servants with minimal due process rights, I am attaching two guides regarding your employee performance appraisal process rights in Article 30 of HUD-AFGE Agreement written by Council 222 Chief Steward Miranda a few years ago when he was President of former AFGE Local 2837 in the HUD San Juan Field Office. I urge to you to read Mr. Miranda's guides and the entire Article 30: Performance Appraisal and Article 13: Unacceptable Performance Actions of the HUD-AFGE Agreement to understand all of your rights. The HUD-AFGE Agreement is available online at: <http://www.afgecouncil222.com/afgecontract810a.pdf>. This can potentially save your HUD career so that you may retire in the future with satisfaction, dignity and full pension rights.

If you have any questions about what the terms in Articles 13 and 30 of the HUD-AFGE Agreement mean, please contact your [AFGE Local President or Stewards](#) in your respective HUD Office.

In solidarity,
Salvatore T. Viola, President
AFGE Council 222

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This e:alert is for HUD AFGE bargaining unit employees