



## National Council of HUD Locals – Council 222

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES AFFILIATED WITH AFL-CIO,  
WE ARE COMPRISED OF HUD LOCALS THROUGHOUT THE U.S.

<http://www.afgecouncil222.com>

August 15, 2022

### Update on status of remote work national grievance of the Parties

Dear AFGE bargaining unit employees:

I wanted to provide you an update on the status of the remote work national grievance of the parties filed by AFGE Council 222 (Union) on your behalf on June 8, 2022. See: <http://www.afgecouncil222.com/ngrievance.htm> under the heading, "Remote Work Grievance of the Parties."

As I previously informed you, on July 8, 2022, HUD management denied the Union's remote work national grievance of the parties refusing to admit that the Department violated your rights in National Supplement 33 to work remotely. See: <http://www.afgecouncil222.com/G/06.08.22remoteworkmresp.pdf>. Consequently, on July 27, 2022, AFGE Council 222 invoked arbitration as reported recently in the press in the Federal Times: <https://www.federaltimes.com/management/pay-benefits/2022/08/11/union-takes-department-of-housing-and-urban-development-to-arbitration-over-remote-work/>. An AFGE National attorney has now been assigned to AFGE Council 222's remote work national grievance of the parties to prove to an arbitrator that HUD violated employees' right to work remotely as negotiated in National Supplement 33. See: <http://www.afgecouncil222.com/G/06.08.22remoteworkex1.pdf>.

Arbitration is the equivalent of an administrative hearing with a neutral, third-party, independent arbitrator hired by HUD and the Union who is usually a self-employed attorney, former human resources representative, or former labor union official with experience in labor law. The administrative hearing functions as a trial in which the arbitrator's role is both as the judge and the jury to collect the evidence (documents and witness testimony) from the Union and Management for the arguments we made respectively in the June 8, 2022, grievance of the parties and HUD's July 8, 2022, grievance denial to settle the dispute. After the hearing, the arbitrator decides whether HUD Management in fact violated the HUD-AFGE collective bargaining agreement, law(s), rule(s) or regulation(s) as alleged and cited by the Union in the grievance of the parties based on her/his review of the evidence collected and arguments made by Management and the Union. If the arbitrator rules in AFGE Council 222's favor, then s/he has the authority to order remedies for any violation of HUD-AFGE collective bargaining agreement, law, rule or regulation, which can include that AFGE bargaining unit employees' remote work applications be approved. This process can take anywhere from six months to three years depending on the scheduling of the arbitration hearing, how long it takes the arbitrator to write her/his decision, and whether Management or the Union appeal the arbitrator's decision against one of the parties to the U.S. Federal Labor Relations Authority (FLRA).

The next step in the case is that the Union's attorney and Management's representative will meet soon to select the arbitrator who will hear and decide the case. Then, the arbitrator will be contacted and informed of her/his selection to schedule the arbitration hearing(s).

AFGE Council 222 will stand firm in zealously pursuing and protecting AFGE bargaining unit employees' right to work remotely. We will not let stand Management's bad faith renegeing on your right to work remotely as negotiated in National Supplement 33.

Unfortunately, arbitration is a long, time-consuming, and adversarial process. The Union will not be able to get you relief immediately to work remotely unless HUD Management agrees to settle the case in the present to allow AFGE bargaining unit employees to work remotely based on objective, equitable guidelines, and function-based criteria, that are not arbitrary and capricious nor based on management personal preference with respect to duties that are portable and can be performed fully remotely versus what can only be performed in HUD offices. The number of employees who are eligible to work remotely shall be increasing given that the U.S. Office of Management and Budget (OMB) in Memorandum M-19-21 is requiring all federal records to be collected, stored, and maintained electronically and transitioning away from paper records by December 31, 2022. See: <https://www.archives.gov/files/records-mgmt/policy/m-19-21-transition-to-federal-records.pdf>. So, the need to access paper-based records and docket files in HUD offices shall be a thing of the past real soon for AFGE bargaining unit employees including administrative staff.

I will continue to provide you with significant updates on the case.

In solidarity,  
Salvatore T. Viola  
AFGE Council 222 President

Check out our website: <http://afgecouncil222.com>

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