



## **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>

**October 27, 2022**

### **REMOTE WORK AS A REASONABLE ACCOMMODATION**

Dear Bargaining Unit Employees:

The Council of HUD Locals has received numerous complaints concerning the Reasonable Accommodation Branch's actions regarding employees' request for remote work as a Reasonable Accommodation. The Reasonable Accommodation Branch continues to turn the Reasonable Accommodation process into an abomination designed to frustrate employees. HUD's Reasonable Accommodation Branch has become nothing more than the extended arm of the anti-employee Employee Labor Relations Branch (ELR). Management in the Field and in Headquarters continue to go to the Reasonable Accommodation Branch and even run to the Office of General Counsel to help them prevent an employee from remote work as a reasonable accommodation, putting the employee through the pain of discrimination. This violates your right to privacy.

This Agency is bound to keep all information in support of a reasonable accommodation request, approval, or denial confidential. This means that all medical and other information the agency obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel files. It also means that any employee who obtains or receives such information is strictly bound by these confidentiality requirements. Managers and supervisors are responsible for the safe keeping and confidentiality of all information obtained during the processing of reasonable accommodation requests.

Yet the Office of General Counsel attorneys don't advise managers and supervisors that they play no role in the processing of Reasonable Accommodations requests.

In accordance with The Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008, HUD is obligated to allow employees with disabilities an equal opportunity to participate in the Flexiplace Program.

Since Council 222 negotiated the Implementation of HUD's Flexiplace Policy, it appears that Management, through the Reasonable Accommodation Branch, has doubled its efforts to marginalize the physical or mental limitations of qualified employees with disabilities. This will no longer be tolerated.

I assure you that you will not have to file an EEO complaint and wait an elongated amount of time to go through the EEOC process, while the Employee Labor Relations Division assists managers and supervisors to find ways to terminate your employment. We will go through the grievance process so that your discrimination case is dealt with faster.

Council 222 has formed a representational relationship with a law firm, one of the best in the country, to deal with Federal Employees' discrimination cases.

If the Reasonable Accommodation Branch's Reasonable Accommodation Specialists want to make up their own rules as they go through each accommodation request, then they will face a legal battle for each employee whose rights are violated. Their nonsense has gone on too long. We have Article 45 of the HUD/AFGE Collective Bargaining Agreement. These Reasonable Accommodation Specialists make it a point not to follow these contractual provisions.

Today, being one of the last days of National Disability Employment Awareness Month, every Reasonable Accommodation Specialist is put on legal notice to cease and desist their violations of disabled employees' reasonable accommodation processing rights and adhere to Article 45.

If you request Remote work as a reasonable accommodation, it is separate and apart from HUD's Flexiplace Policy. So, when a Reasonable Accommodation Specialist or manager says that a principal organization head has made a program area nationwide decision not to allow remote work, you as a disabled employee will not be affected by that decision. If remote work was banned tomorrow, your remote work as a reasonable accommodation is not subject to revocation or elimination.

If you have applied for Remote Work as a Reasonable Accommodation and are going through the aforementioned discriminatory practices, please notify your Local AFGE Representative immediately so that you receive the representation you need.

Sincerely,

Salvatore T. Viola  
President  
American Federation of Government Employees  
National Council of HUD Locals

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

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*This e:alert is for HUD AFGE bargaining unit employees*