

Petry, Patricia M

From: AFGE Council 222
Sent: Friday, December 15, 2023 1:32 PM
To: AFGE Council 222
Subject: Union Files Grievance in Response to HUD's Prohibition against M365 on Personally Owned Devices
Attachments: 23microsoft365home.pdf



National Council of HUD Locals – Council 222
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES AFFILIATED WITH AFL-CIO,
WE ARE COMPRISED OF HUD LOCALS THROUGH THE U.S.
<https://www.afgecouncil222.com>

December 15, 2023

**Union Files Grievance in Response to HUD's Prohibition
Against M365 on Personally Owned Devices**

Dear Bargaining Unit Employee,

You probably saw the December 1 message from HUD's Office of the Chief Information Officer regarding Multi-factor Authentication for Microsoft 365. The message included a statement warning employees that you won't be able to access Microsoft/Office 365 from your personal devices once MFA is implemented.

AFGE Council 222 filed an Unfair Labor Practice Grievance of the Parties against HUD for violating both our collective bargaining agreement and the Federal Labor-Management Relations Statute. Our CBA states, "there is nothing that precludes employees from using their own equipment" (Article 18, Section 18.12(4)). Additionally, modifications to the CBA may only be made by mutual agreement.

The Union understands HUD's concern for IT security and recognizes that the Agency was attempting to comply with OMB guidance on cyber security. HUD, however, committed an unfair labor practice when it took steps to implement policies that conflict with our CBA. The Federal Labor-Management Relations Statute prohibits agencies from implementing a rule or regulation (other than those concerning prohibited personnel practices) that conflicts with an applicable collective bargaining agreement that was in effect before the date the rule or regulation was prescribed (5 U.S.C. § 7116(a)(7)).

The Union seeks to halt HUD's implementation of the new policy because, in addition to violating bargaining unit employees' rights under our contract, the prohibition against using Microsoft 365 on personally owned devices will interfere with employees' ability to perform their duties. Employees frequently use personally owned devices due to the numerous problems associated with HUD-issued laptops. These problems include the laptops frequently not working, which can no longer be resolved by

having employees go into the office ever since HUD eliminated office-based desktop computers in favor of having employees transport their laptops back and forth from home.

While we appreciate the importance of strong cyber security practices, the Union firmly believes that it is not in the public interest to implement practices that interfere with employees' abilities to do their work in an effective and timely manner.

A copy of the grievance is attached.

Sincerely,

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

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