



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

Date Filed

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

U.S. Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410

b. Agency Representative (include name, title, address)

Towanda Brooks, Acting Chief Human Capital Officer
451 Seventh Street, Room 2254
Washington, DC 20410

tel. (202) 402-6955

fax

e-mail

Towanda.A.Brooks@hud.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Council 222 of HUD Locals
451 Seventh Street, SW, Room 3172
Washington, DC 20410

b. Charging Party Representative (include name, title, address)

Holly Salamido, President
Council 222 of HUD Locals
451 Seventh Street, SW, Room 3172
Washington, DC

tel. (202) 402-5243

fax

e-mail

holly.salamido@hud.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

On June 4, 2015, HUD's Deputy Secretary, Nani Coloretti, sent an email to all employees, notifying them that the Office of Personal Management (OPM) had experienced a "cybersecurity incident" believed to result in the disclosure of employees' personal information. Specifically Ms. Coloretti stated that she had been "informed by OPM that the U.S. Department of Housing and Urban Development employee data has potentially been compromised in this incident" (See Exhibit A).

On June 5, 2015, the Union filed a Demand to Bargain over the Agency's response to the cybersecurity breach and the release of Personally Identifiable Information (PII) (See Exhibit B). After additional information concerning the incident appeared in the newspapers and after consultation with its national AFGE office, the Union file additional proposals on July 16, 2015 (Exhibit C).

On or about July 8, 2015, the Acting Director of the agency's Office of Employee and Labor Relations (ELR), Michael Stein, informed the Union's Executive Vice-president, Sal Viola, that OPM had issued a directive to agencies that they not negotiate with AFGE regarding responses to the data breach, due to the lawsuit filed against OPM by the AFGE national organization. Mr. Viola asked Mr. Stein to confirm this position in writing (Exhibit D). Mr. Stein did not respond. On or about July 13, 2015, Union President Holly Salamido met with a "Senior Advisor" in the Agency's ELR, Tresa Rice and asked for confirmation of the instruction from OPM not to negotiate. Ms. Rice responded by email on July 17, 2015, stating that there was no instruction from OPM, and that she was unable

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) ☒ (2) ☐ (3) ☐ (4) ☐ (5) ☒ (6) ☐ (7) ☐ (8) ☐

c. Have you or anyone else raised this matter in any other procedure? No ☒ Yes ☐ If yes, where?

☐ Grievance Procedure ☐ Federal Mediation and Conciliation Service ☐ Federal Service Impasses Panel
☐ Equal Employment Opportunity Commission ☐ Merit Systems Protection Board ☐ Office of Special Counsel
☐ Other Administrative or Judicial Proceeding ☐ Negotiability Appeal to FLRA ☐ Other _____

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

☒ In Person ☐ 1st Class Mail ☐ Fax ☐ Commercial Delivery ☐ Certified Mail ☐ e-mail (see reverse)

HOLLY SALAMIDO

Type or Print Your Name

Holly Salamido

Your Signature

8/6/15

Date

Continuation Sheet – Charge Against the Agency

to provide the Agency's position on cybersecurity negotiations because "the Deputy Secretary has been out of the office this week" (Exhibit E). However, the Union received no response from the Agency when the Deputy Secretary returned.

On July 30, 2015, Union President Salamido sent an email to the Deputy Secretary and Acting Chief Human Capital Officer, requesting that negotiations on the cybersecurity incident be scheduled immediately (Exhibit F). The Deputy Secretary responded that a response on scheduling breach negotiations was "forthcoming" (Exhibit G). On August 4, 2015, in response to an inquiry as to who would be providing the response, Deputy Secretary Coloretti responded that Tresa Rice was in charge of providing a response (Exhibit H).

On August 5, 2015, Ms. Rice responded that it was "HUD's position that the Agency will not be bargaining over the OPM security breach because the change was not taken by HUD" (Exhibit I).

Relief Requested

1. That the Agency be required to comply with their bargaining obligation, and come to the bargaining table in response to the June 5, 2015 Demand to Bargain;
2. That the Agency be required to post an electronic notice of their violation of the Statute on the homepage of HUD's internal website "HUD at Work";
3. That the agency be ordered to cease and desist the planning and/or implementation of responses to the cybersecurity incident prior to the completion of bargaining; and
4. Any other relief deed appropriate to make the Union whole.

Point of Contact for this Action:

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