



American Federation of Government Employees National  
Council of HUD Locals 222

*Affiliated with AFL-CIO*

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**VIA ELECTRONIC MAIL**

October 13, 2025

TO: Andrew Hughes, Deputy Secretary, U.S. Department of Housing and Urban Development

FROM: Antonio Gaines, President, AFGE National Council of HUD Locals 222

SUBJECT: Demand to Cease and Desist Implementation of Proposed Reduction in Force (RIF) and Demand to Bargain Over Impact and Implementation Pursuant to Article 33 of the Collective Bargaining Agreement and Applicable Federal Law

Dear Deputy Secretary Hughes:

This letter serves as a formal demand from the American Federation of Government Employees (AFGE) National Council of HUD Locals 222 (the “Union” or “Council 222”) to the U.S. Department of Housing and Urban Development (“HUD” or “the Department”) to immediately cease and desist from any further actions to implement the proposed Reduction in Force (RIF) announced in the eight (8) memoranda dated October 10, 2025, affecting bargaining unit employees in the following program offices:

- Office of Public and Indian Housing (PIH), Real Estate Assessment Center (REAC) – 91 employees (all in Washington, DC).
- Office of Public and Indian Housing (PIH), Office of Operations – 12 employees.
- Office of Housing, Office of Housing Operations – 50 employees (primarily in Washington, DC).
- Office of Housing, Office of Housing Counseling – 36 employees (nationwide, appearing to abolish the entire program area);
- Office of Fair Housing and Equal Opportunity (FHEO), Office of Operations and Management – 16 employees (primarily in Washington, DC).

- Office of Fair Housing and Equal Opportunity (FHEO), Field Offices – 98 employees (all Equal Opportunity Specialists, GS-7 through GS-13, in Regions 1, 3, 4, 6, 7, 8, and 9);
- Office of Community Planning and Development (CPD), Deputy Assistant Secretary for Operations – 9 employees (all in Washington, DC); and
- Office of Community Planning and Development (CPD), Grants – 21 employees (primarily in Washington, DC).

The proposed effective date for these RIF actions is December 9, 2025. The Union demands that HUD cease and desist from issuing specific RIF notices to affected employees, abolishing positions, developing, or finishing retention registers, or taking any other preparatory or implementation steps until the parties have fulfilled their statutory and contractual bargaining obligations. Additionally, the Union hereby demands to bargain over the impact and implementation of these proposed RIF actions, including procedures and appropriate arrangements for adversely affected employees, pursuant to Article 33 of the Collective Bargaining Agreement (CBA) between HUD and AFGE Council 222 (effective [insert effective date of current CBA, e.g., as successor to the March 30, 1998 Agreement, with retained supplements]), Article 49 (Mid-Term Bargaining), and applicable federal law, including but not limited to 5 U.S.C. § 7106(b)(2)-(3), 5 U.S.C. § 7117, and 5 CFR Part 351.

#### Basis for Demand to Cease and Desist and Bargain

The Department's October 10, 2025, memoranda purport to provide notice under Article 33, Section 33.05 of the CBA, which requires HUD to notify the Union in writing at least sixty (60) days in advance of the effective date of a RIF. While the notices meet the minimum 60-day timeline (from October 10 to December 9, 2025), they are deficient and premature in several respects, triggering HUD's obligation to bargain before continuing. Specifically:

#### 1. Deficiencies in the Notices Under Article 33, Section 33.05(4):

The CBA requires that RIF notices include, inter alia:

- (a) The reasons for the RIF.
- (b) The number and work location of employees involved.
- (c) A reminder of the competitive areas and competitive levels approved by the Office of Personnel Management (OPM).
- (d) The criteria for developing the retention registers created for the RIF; and

- (e) The proposed effective date.

The notices vaguely state that “RIF determinations were made by identifying those programs not in alignment with the President’s Management Agenda or the Administration’s priorities.” This generic rationale fails to provide sufficient specificity to allow the Union to meaningfully assess or respond to the proposed actions, as required under the CBA and federal law (see, e.g., FLRA decisions emphasizing the need for adequate information for bargaining, such as *Nat’l Fed’n of Fed. Emps., Local 1148 v. Dep’t of Def.*, 30 FLRA 742 (1987)). Moreover, for several notices (e.g., PIH REAC, PIH Operations, Housing Operations, Housing Counseling, FHEO Operations, FHEO Field, CPD Operations, and CPD Grants), the notices state “N/A” for competitive levels and retention register criteria, claiming that “all of the listed positions are being abolished” and thus no registers were developed. This approach circumvents the CBA’s requirements and OPM regulations under 5 CFR § 351.402 (defining competitive areas) and 5 CFR § 351.501 (retention registers), which mandate clear delineation of competitive levels and registers even in cases of position abolishment to ensure fair retention rights, bump, and retreat opportunities. By failing to provide this information, HUD has not fully complied with Article 33, rendering the notices invalid and necessitating a cease and desist until bargaining rectifies these deficiencies.

## 2. Duty to Bargain Over Procedures and Appropriate Arrangements:

Under Article 33, Section 33.01, HUD must comply with “all applicable laws, rules, and regulations” in conducting a RIF, including the Federal Service Labor-Management Relations Statute (5 U.S.C. §§ 7101-7135). While RIF is a management right under 5 U.S.C. § 7106(a)(2)(A) (authority to lay off employees), HUD has a statutory duty to bargain over the procedures management will observe in exercising that right (5 U.S.C. § 7106(b)(2)) and appropriate arrangements for employees adversely affected (5 U.S.C. § 7106(b)(3)). This includes bargaining over selection criteria, retention registers, assignment rights, severance pay options, retraining, outplacement assistance, and mitigation of adverse impacts (see *Nat’l Ass’n of Gov’t Emps. v. FLRA*, 179 F.3d 946 (D.C. Cir. 1999); 5 CFR §§ 351.701-351.802).

Article 49 (Mid-Term Bargaining) reinforces this, requiring HUD to provide notice and an opportunity to bargain over changes in conditions of employment, including RIFs, at the Union’s request. The Union’s pre-decisional involvement rights under Article 3 (Labor Management Forum) and the Preamble (emphasizing pre-decisional involvement in workplace matters) further obligate HUD to engage in collaborative discussions before finalizing RIF plans. By announcing a firm effective date of December 9, 2025, without prior bargaining, HUD has violated these provisions and engaged in a unilateral change,

constituting an unfair labor practice under 5 U.S.C. § 7118 (see *Dep't of Energy v. FLRA*, 106 F.3d 1158 (4th Cir. 1997)).

3. Violation of Federal Regulations (5 CFR Part 351):

HUD's notices fail to adhere to OPM regulations governing RIF, including:

- 5 CFR § 351.801 (requiring at least 60 days' specific notice to employees, which cannot proceed without resolving bargaining obligations).
- 5 CFR § 351.402(b) (competitive areas must be defined solely by organizational and geographic boundaries, not by program alignment with executive agendas).
- 5 CFR § 351.501 (retention registers must be established based on tenure, veterans' preference, performance ratings, and service computation dates); and
- 5 CFR § 351.701 (assignment rights, including bump and retreat, must be offered before separation).

By claiming "N/A" for competitive levels and registers in cases of total abolition, HUD risks denying employees their statutory retention rights, such as offers to lower-graded positions or transfers. This violates the regulations and the CBA's incorporation of them (Article 33, Section 33.02). HUD must cease implementation until these are bargained and corrected.

### Demands and Next Steps

1. Cease and Desist: HUD must immediately halt all RIF-related actions, including issuing individual employee notices, abolishing positions, or separating employees, until bargaining is completed to impasse or agreement.
2. Demand to Bargain: The Union demands to commence bargaining over the impact and implementation of the proposed RIF within five (5) business days of this letter. Please contact [insert Union contact, e.g., Council President Name] at [email/phone] to schedule. Bargaining shall include, but not be limited to, procedures for the RIF, mitigation measures, retention criteria, and appropriate arrangements for affected employees.
3. Request for Information: Pursuant to 5 U.S.C. § 7114(b)(4) and Article 4, Section 4.08 of the CBA, the Union requests the following information within ten (10) days to prepare for bargaining. For each item, the particularized need is articulated to demonstrate why the information is necessary for the Union to fulfill its representational duties, including evaluating the Department's RIF rationale, developing bargaining proposals, and protecting the rights of affected bargaining unit employees:

- Detailed justifications for each program’s misalignment with the President’s Management Agenda, including supporting data and analyses; this information is needed to assess the substantive validity and necessity of the proposed RIF actions, identify potential alternatives to layoffs, and formulate informed bargaining proposals on mitigating adverse effects.
- Full retention registers, competitive levels, and service computation dates for all affected competitive areas; this information is required to verify compliance with OPM regulations (5 CFR §§ 351.501-351.504), evaluate employees’ retention rights (including bump and retreat options), and develop proposals to ensure fair application of tenure, veterans’ preference, and performance factors in the RIF process.
- Organizational charts pre- and post-RIF; these charts are essential to understand the structural changes resulting from the RIF, identify potential reassignment opportunities within the Department, and propose arrangements that minimize disruptions to bargaining unit employees’ working conditions and career progression.
- Any OPM approvals or communications regarding the RIF; this documentation is necessary to confirm that the RIF complies with federal regulations (e.g., 5 CFR Part 351), assess whether proper competitive areas and levels were established, and prepare bargaining demands to address any procedural deficiencies that could adversely affect employees.
- Lists of vacant positions for potential reassignment; this list is needed to explore and propose reassignment, transfer, or detail options as appropriate arrangements under 5 U.S.C. § 7106(b)(3) and 5 CFR § 351.701, thereby mitigating separations and preserving employment for affected bargaining unit members.
- Cost-benefit analyses of the RIF; this analysis is required to evaluate the economic rationale for the RIF, challenge any unsubstantiated claims of efficiency or cost savings, and develop counterproposals demonstrating less adverse alternatives that align with the Department’s mission while protecting employee interests.

Failure to comply may result in the Union filing unfair labor practice charges with the Federal Labor Relations Authority (FLRA) and seeking injunctive relief. We look forward to your prompt response.