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VIA ELECTRONIC MAIL

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MEMORANDUM FOR: Daniel Raymond, Branch Chief
Employee and Labor Relations

FROM: Ashaki Robinson, PhD /s/
Regional Vice President
AFGE Council of HUD Locals 222

SUBJECT: Council-Wide Information Request under 5 U.S.C. §
7114(b)(4) – RA/POH Review Process

BACKGROUND

On July 17, 2025, Olympia Dorsey, Special Assistant for Housing Operations, emailed a bargaining-unit employee and stated:

“The RAB audited remote accommodations and flagged your case because you did not have appropriate POH approval.”

This email (*Attachment A*) is a clear admission that HUD’s Reasonable Accommodation Branch (RAB) is auditing employee accommodations and flagging cases for alleged lack of POH approval.

AFGE Council 222 also has additional evidence from employees in multiple program areas that this is not isolated to Housing but is a systemic practice across HUD. Despite this, Council 222 has never been notified or offered bargaining, as required by Article 49 of the HUD–AFGE CBA.

PARTICULARIZED NEED

AFGE Council 222 requires this information to:

1. **Verify HUD’s compliance** with Article 45 (Reasonable Accommodation), Handbook 7855.1 (Chapters 4, 6, 7, 10, 12), and the Rehabilitation Act/ADA.
2. **Determine when and how this POH review procedure began in each Program Office**, since HUD management has admitted it is occurring.

3. **Identify systemic delays and discriminatory impacts** from re-reviewing longstanding RA approvals.
4. **Prepare grievances, ULP charges, or bargaining demands** to protect bargaining-unit employees from further harm.

Without this information, the Union cannot fulfill its statutory duty under **5 U.S.C. § 7114(a)(1)** to represent the interests of all bargaining-unit employees. HUD, in turn, has an obligation under **5 U.S.C. § 7114(b)(4)** to furnish information that is necessary for full and proper representation.

SCOPE OF REQUEST: 2022–PRESENT

The Union requests information covering **January 1, 2022 to present** because:

- The **first known flagged RA approvals date back to 2022**, as documented in employee correspondence.
- HUD’s “POH audit/review” practice appears to have originated sometime after 2022 without notice to the Union. Reviewing data from 2022 forward ensures the Union can identify the **start of the practice in each Program Office**.
- HUD Handbook 7855.1 requires RA decisions within **30 business days**. Retroactively reopening accommodations years later signals **systemic violations**, which can only be measured by examining approvals beginning in 2022.
- This timeframe is **narrowly tailored and directly tied to evidence**. It avoids unnecessary historical data while ensuring the Union captures the **relevant period of the practice’s implementation**.

This scope is therefore reasonable, limited, and justified under 71 FLRA No. 116 (HUD & AFGE Council 222, 2020), which upheld Council 222’s right to data where the Union demonstrated a clear, representational need.

CASE LAW SUPPORT

- **71 FLRA No. 116 (HUD & AFGE Council 222, 2020)**: HUD violated § 7116(a)(1), (5), and (8) by denying Council 222’s information request. The Authority confirmed Council 222 established **particularized need** by tying its request to representational duties. HUD’s defenses were rejected.
- **IRS, Kansas City, 50 FLRA 661 (1995)**: A union must articulate *what, why, and how*; agencies must provide data unless specific countervailing interests outweigh.
- **SSA, 60 FLRA 674 (2005)**: Information on decision-making processes is necessary to evaluate statutory and contractual compliance.

- **HUD, 58 FLRA 33 (2002):** HUD committed a ULP by refusing RA-related data necessary for representation.

INFORMATION REQUESTED

For **all HUD Program Offices** (PIH, CPD, Housing, PD&R, FHEO, OGC, FPM, CFO, OCHCO, OCIO, ODEEO, Administration, and all Regional/Field Offices), provide:

Excel Spreadsheet (Jan. 1, 2022 – Present)

| Program Office | Employee Name (or Unique ID if privacy requires) | Location (HQ/Field) | Date RA Submitted | RA Type (Telework, Equipment, Schedule, etc.) | Date Flagged for POH | Outcome (Approved/Denied/Pending) | Days from Request to Decision | Reason for POH Review (Audit, Supervisor Referral, Other) | Start Date of POH Review in Office |

Supporting Documents

1. **Selection Criteria** – All guidance, policies, or communications describing how RA cases were selected for POH review.
2. **Initiation Authority** – Officials who authorized the audits and the written instructions.
3. **Start Date by Office** – When POH review began in each Program Office.
4. **Policy Updates** – Any revisions to HUD Handbook 7855.1 or related RA instructions requiring POH approval.
5. **Union Notification** – Records of any notice or bargaining with Council 222 or its Locals.
6. **Impact Data** – Reports on delays, denials, or employee complaints related to POH reviews.
7. **Employee Notices** – Copies of template emails, letters, or scripts sent to employees flagged for review.

PRIVACY CONSIDERATIONS

AFGE Council 222 is not requesting medical documentation, diagnoses, or underlying health records. The Union seeks only process-level information (dates, RA type, outcomes, authority).

If HUD raises Privacy Act concerns, the Union will accept unique identifiers or anonymized data so long as program office, RA type, dates, and outcomes are disclosed.

The FLRA has consistently held that privacy concerns do not bar disclosure where the Union demonstrates particularized need (see 71 FLRA No. 116; IRS, Kansas City, 50 FLRA 661; SSA, 60 FLRA 674).

REQUESTED DEADLINE

Please provide the information in **Excel format** within **15 calendar days**. If HUD withholds any portion, identify the withheld documents, the basis for nondisclosure, and the authorizing official.

ATTACHMENT A

Email from Olympia Dorsey, Special Assistant – Housing Operations, to HUD Employee (July 17, 2025)