



American Federation of Government Employees
National Council of HUD Locals 222

Affiliated with AFL-CIO

451 7th Street, SW, Suite 3142
Washington, DC 20410

Salvatore T. Viola
President

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July 7, 2021

MEMORANDUM FOR: Sasha Samberg-Champion, Deputy General Counsel for Enforcement and Fair Housing, Office of General Counsel

Sonya Gaither, Director of Labor & Employee Relations Division,
Office of the Chief Human Capital Officer

FROM:

Salvatore T. Viola, President, AFGE National Council of HUD Locals
No. 222

SUBJECT:

Cease and Desist: Increased Requirements for Bar Dues
Reimbursement

AFGE Council 222 (the Union) demands the Department of Housing and Urban Development (HUD) cease and desist from imposing increased requirements related to the reimbursement of bar dues beyond what is stated in our collective bargaining agreement (CBA). CBA § 7.02 states:

Upon receipt of proof of payment and consistent with other legal and fiscal requirements, the Department agrees to partially reimburse Office of General Counsel and the Office of Chief Financial Officer attorneys for their mandatory state bar dues in one state. The Department agrees to a minimum of \$100 per attorney, on an annual basis, unless sequestration, a federally imposed hiring freeze, furloughs, or a reduction-in-force occurs.

In 2020 and previous fiscal years, HUD only required that attorneys submit a Standard Form (SF) 1034, Public Voucher for Purchases and Services Other than Personal, an itemized invoice and proof of payment. See attached memo, Reimbursement for Bar Dues Paid in FY 2020 (Attachment 1). On June 24, 2021, HUD imposed two additional requirements: a signature on the SF 1034 and supervisory approval of the form.

Supervisory approval of bar dues reimbursement is not required by the CBA; on the contrary, the Department's prior agreement via the CBA to reimburse all Office of General Counsel and Office of Chief Financial Officer attorneys for one state's mandatory bar dues *prohibits* adding a supervisory approval step; supervisors have no authority to deny an attorney's request for reimbursement. Please immediately cease imposing this requirement.

The requirement that attorneys sign the SF 1034 imposes an unnecessary burden. The SF 1034 has no signature block; there is no inherent requirement for a submitter to sign the form. The instructions for the form do not require a signature. 48 CFR Appendix A to Part 1232, Instructions for Completing the SF 1034. In fact, contrary to your sample SF 1034 (Attachment 2), your own instructions for the block labeled "Payee's name and address" state only that "this

should match your payroll information to ensure electronic payment” (Attachment 3). The submission of a valid invoice/proof of payment in the attorney’s name is sufficient to show that the SF 1034 is an honest and valid submission.

Finally, HUD has significantly reduced the period during which bar dues must be paid without explanation. In the past, you have required attorneys to pay dues between October 1 and September 15 of a fiscal year. Although that was not consistent with the CBA, which does not provide for any black-out periods, the brief exclusion of two weeks had a minimal effect on attorneys’ ability to obtain reimbursement. The FY 2021 requirement that dues must be paid by August 13 expands the black-out dates from two to seven weeks. There does not appear to be any provision for future reimbursement of bar dues paid from August 14 through September 30. The creation of such a lengthy black-out period for reimbursement of bar fees paid violates the CBA and presents a problem for attorneys who pay their dues in August and September. For example, Ohio and Texas require payment on or before September 1 and August 31 respectively; New York requires payment of the bar registration fee within 30 days of an attorney’s birthday. Please advise the Union immediately of how you intend to reimburse attorneys who pay their mandatory bar dues between August 13 and September 30, 2021.

Thank you for taking prompt action to correct these violations of our collective bargaining agreement. Please confirm that HUD has halted these practices and inform the Union of the steps you are taking to correct these issues.

Attachments:

1. June 12, 2020, Memo: Reimbursement for Bar Dues Paid in FY 2020
2. Sample SF 1034
3. June 24, 2021, Memo: Reimbursement for Bar Dues Paid in FY 2021




GENERAL COUNSEL

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-0500

June 12, 2020

MEMORANDUM FOR: All OGC Attorneys

FROM: J. Paul Compton, Jr., General Counsel, G 

SUBJECT: Reimbursement for Bar Dues Paid in FY 2020

Every attorney within the Office of General Counsel must maintain one active state bar membership and annually file an "Attorney Bar Affidavit" to certify the membership. I am pleased to announce that if certain conditions are met, OGC will be able to partially or fully reimburse you for the dues you have paid for one state bar membership. The actual amount of the reimbursement will be contingent upon the availability of funds.

If you would like to request reimbursement, you MUST follow these instructions:

1. You may select **only one** state bar for which to receive reimbursement for dues paid in FY 2020. This state must be listed on your annual "Attorney Bar Affidavit."
2. The bar dues must have been paid between **October 1, 2019-September 15, 2020**.
3. By COB **September 15, 2020**, scan and submit the following documentation to OGCBarDues@hud.gov:
 - a. An itemized invoice or receipt from the state bar association showing the itemized annual bar dues amount and other fees (Note: Other fees must be listed to be distinguished from the bar dues amount but are not eligible for reimbursement); and
 - b. Proof of payment (your request will not be processed without (1) **an itemized invoice** and (2) **proof of payment**); and
 - c. Standard Form (SF)-1034, Public Voucher for Purchases and Services Other Than Personal. A fillable SF-1034 is linked on OGC's internal office webpage, http://hudatwork.hud.gov/HUD/gc/doc/sf1034_Bar_Dues.

When preparing your voucher, fill out only the following relevant sections:

- **U.S. Department, Bureau, or Establishment and Location:** insert "U.S. HUD Office of General Counsel, 451 7th St., S.W., Room 10248, Washington, D.C. 20410."
- **Date Voucher Prepared:** This should be the date you are preparing the voucher.
- **Payee's name and address:** This must match your payroll information to ensure electronic payment.

- **Payee's Account Number:** This information can be obtained from your CONCUR profile. See the attached FAQ for instructions on how to locate this number. If you are not in CONCUR, contact Patrice Mitchell.
- **Date of delivery or service:** This date must match your proof of payment to the state bar and must be within the October 1, 2019 - September 15, 2020 timeframe.
- **Quantity:** "1."
- **Unit price:** This amount must match your proof of payment for your bar dues only. Do not include other fees.
- **Articles or services:** Insert the phrase: "mandatory state bar membership dues."
- **Amount:** This amount must match your proof of payment for the portion that represents your bar dues only.
- **Total: This amount MUST match your proof of payment for your bar dues only.**

Complete and timely requests for reimbursement will be reviewed and approved by OGC's Office of Operations, Budget and Contracts Division and submitted to the Bureau of Fiscal Services (BFS) for processing. Approved payments will be paid by electronic funds transfer. (If you are not currently in the Concur Travel System, your bar dues will be processed using a Supplier Entry Request Form and you should contact Patrice Mitchell for instructions.) Your strict adherence to the **September 15, 2020** deadline (no exceptions) is critical as it will allow both OGC to obligate available FY 2020 funds and BFS to disburse the funds.

Please note that BFS will retrieve a pro-rata share of the reimbursement amount from your salary deposit account if you leave Federal employment before the end of the bar dues cycle.

If you have any questions about the reimbursement of bar dues, contact Patrice Mitchell at 202-402-5618 or Darren Jenkins at 202-402-5453. If you have any questions about the attorney bar affidavit, contact Sinthea Kelly at 202-402-4425.

Attachment

Standard Form 1034 Revised October 1967 Department of the Treasury 1 TFM 4-2000 1034-121		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			VOUCHER NO.	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION			DATE VOUCHER PREPARED		SCHEDULE NO.	
			CONTRACT NUMBER AND DATE		PAID BY	
			REQUISITION NUMBER AND DATE			
PAYEE'S NAME AND ADDRESS					DATE INVOICE RECEIVED	
					DISCOUNT TERMS	
					PAYEE'S ACCOUNT NUMBER	
					GOVERNMENT B/L NUMBER	
SHIPPED FROM		TO		WEIGHT		
NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES <i>(Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)</i>	QUANTITY	UNIT PRICE		AMOUNT
				COST	PER	(1)
(Use continuation sheet(s) if necessary) (Payee must NOT use the space below)						
TOTAL						
PAYMENT: <input type="checkbox"/> PROVISIONAL <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE	APPROVED FOR =\$		EXCHANGE RATE =\$1.00		DIFFERENCES	
	BY ²					
	TITLE				Amount verified; correct for payment	
					(Signature or initials)	
Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.						
_____ (Date)		_____ (Authorized Certifying Officer)		_____ (Title)		
ACCOUNTING CLASSIFICATION						
P A I D B Y	CHECK NUMBER ON TREASURER OF THE UNITED STATES		CHECK NUMBER ON (Name of bank)			
	CASH DATE		PAYEE ³			
					FOR	
					TITLE	

Previous edition usable

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PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.



GENERAL COUNSEL

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-0500

June 24, 2021

MEMORANDUM FOR: All OGC Attorneys

FROM: Sasha Samberg-Champion, Deputy General Counsel for
Enforcement and Fair Housing *Sasha Samberg-Champion*

Subject: Reimbursement for Bar Dues Paid in FY 2021

Every attorney within the Office of General Counsel must maintain one active state bar membership and annually file an “Attorney Bar Affidavit” to certify the membership. I am pleased to announce that if certain conditions are met, OGC will be able to partially or fully reimburse you for the dues you have paid for one state bar membership. The actual amount of the reimbursement will be contingent upon the availability of funds.

If you would like to request reimbursement, you MUST follow these instructions:

1. You may select **only one** state bar for which to receive reimbursement for dues paid in FY 2021. This state must be listed on your annual “Attorney’s Bar Affidavit.”
2. The bar dues must have been paid between **October 1, 2020-August 13, 2021**.
3. By COB **August 13, 2021**, scan and submit the following documentation to OGCBardues@hud.gov:
 - a. An itemized invoice or receipt from the state bar association showing the itemized annual bar dues amount and other fees (Note: Other fees must be listed to be distinguished from the bar dues amount but are not eligible for reimbursement); and
 - b. Proof of payment (your request will not be processed without (1) **an itemized invoice** and (2) **proof of payment**); and
 - c. Standard Form (SF)-1034, Public Voucher for Purchases and Services Other Than Personal. A fillable SF-1034 is linked on OGC’s internal office webpage, <http://hudatwork.hud.gov/po/arc/forms/sf1034.pdf>. When preparing your voucher, fill out only the following relevant sections:
 - **U.S. Department, Bureau, or Establishment and Location:** insert “U.S. HUD Office of General Counsel, 451 7th St., S.W., Room 10248, Washington, D.C. 20410.”
 - **Date Voucher Prepared:** this should be the date you are preparing the voucher.
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 - **Payee’s Account Number:** this information can be obtained from your CONCUR profile. If you are not in CONCUR, contact Patrice Mitchell.

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- **Amount:** this should match your proof of payment for the portion that represents your bar dues.
- **Total: this MUST match your proof of payment for your bar dues.**

Complete and timely requests for reimbursement will be reviewed and approved by OGC’s Office of Operations, Budget and Contracts Division and submitted to the Bureau of Fiscal Services (BFS) for processing. Approved payments will be paid by electronic funds transfer. (If you are not currently in the Concur Travel System, your bar dues will be processed using a Supplier Entry Request Form and you should contact Patrice Mitchell for instructions.) Your strict adherence to the **August 13, 2021**, deadline is critical as it will allow both OGC to obligate available FY 2021 funds and BFS to disburse the funds.

If any of the following information is incorrect or missing, your request will be returned to you for correction which may delay processing:

- SF-1034 is not filled out and signed,
- Incomplete documentation,
- Missing payee account information, and
- No supervisory approval.

Please note that BFS will retrieve a pro-rata share of the reimbursement amount from your salary deposit account if you leave Federal employment before the end of the bar dues cycle.

If you have any questions about the reimbursement of bar dues, contact Patrice Mitchell at 202-402-5618. If you have any questions about the attorney bar affidavit, contact Sinthea Kelly at 202-402-4425.