

May 22, 2000

MEMORANDUM FOR: Norman Mesewicz, Deputy Director, Labor and Employee Relations Division, AMHL

FROM: Edward Eitches, President, AFGE Local 476  
Bruce Clark, Steward, AFGE Local 476

SUBJECT: Demand to Bargain - Proposed Moves within Office of the Assistant Secretary for Community Planning and Development

Recently AFGE Local 476 (hereinafter referred to as the "local") has received notices of proposed moves for six organizations within Office of the Assistant Secretary for Community Planning and Development (CPD): Office of Policy; Office of Field Management; Office of Technical Assistance and Management (OTAM) -Technical Assistance Division (TAD); Office of Technical Assistance and Management (OTAM) -Systems Development and Evaluation Division; Section 108 Program; and Economic Development Programs - Youthbuild/EDI/BEDI/UDAG, Special Programs and Technical Assistance, Rural Housing and Special Purpose Grants .

During the meetings in recent weeks between management and employees from the areas that would be affected by the proposed moves, a number of significant issues were raised, without being resolved. The purposes of this memorandum are to preserve the local's right to bargain, to invoke formal bargaining for these proposed moves, and to offer the following preliminary proposal. We propose that management and the local promptly commence discussions to resolve all remaining serious issues regarding the proposed moves, which include, but are not limited to, the following.

1. Management and the local will determine whether the proposed move plan would violate the Union Agreement: "Section 45.03 - Office Space (6) Existing Walls". That section states that full consideration will be given to costs of renovations and the adverse impacts on working conditions, in determining the prospective benefits of eliminating or moving existing floor to ceiling partitions.

Here are some possible adverse impacts.

- The nature of the work in CPD offices requires considerable concentration and quiet, which removal of the walls would impede. The work also requires sufficient space for storage of reference documents and case histories. Even though there may be a similar amount of square footage available with or without floor to ceiling walls, the configuration with removable walls would not accommodate this storage as would a configuration with floor to ceiling walls left in place. Thirdly, the work requires confidentiality, which would be impaired by removal of the floor to ceiling walls.
- CPD's work also requires frequent use of conference telephone calls. Arrangements for these calls often must be done rapidly, and the call may have to take place at the staff

person's desk. Such calls, in an office without interior floor to ceiling walls, would be disruptive to the work of others.

- CPD's work often requires meetings. Sometimes conference space can not be reserved in advance, since much of the work requires rapid consultation and conferences. Without floor to ceiling walls, the discussion at such meetings could disturb the concentration of multiple co-workers, unlike a conventional office.
- It is important to note that, in the meeting of employees from all areas of CPD with the local on 5/11/2000, the employees voted overwhelmingly to oppose the move, as planned. However, this group of employees indicated they would concur with the same move, with only one change: retention of office walls.
- We acknowledge having received, in Linda Grant's 5/16/2000 email to me, management's initial response. It states that "management has given full consideration to the costs of renovations and any adverse impact on working conditions that may be caused by CPD's planned space move. The cost of the proposed renovations are minimal, and the usual considerations concerning working conditions during renovation, i.e., construction performed at night and/or on weekends, temporary provision of alternate work stations, etc. will be observed. In addition, CPD believes that the proposed plan to remove existing floor-to-ceiling partitions and create new work stations enclosed with standing partitions will provide a more cohesive and homogeneous working environment for the majority of all CPD employees. The resulting desired effect is to promote increased productivity and effectiveness that will benefit both CPD and the Department in the pursuit of assigned objectives."

Obviously, a serious difference of opinion remains between management, on one hand, and the employees and local, on the other.

2. Management and the local will determine whether the proposed work space plan which, in all areas except one, involves an open work space arrangement, will enable CPD to keep files and workspaces adequately secure so as to satisfy applicable requirements. Employees in various CPD areas must satisfy security requirements. Under the proposed plan, space in some CPD areas would be shared with contractors.

For example, TAD bargaining unit employees are responsible for managing CPD contracts. They are responsible for handling proprietary information concerning the contractors. Under the proposed plan, contractor staff who could be competing for future contracts would share open space with the TAD bargaining unit employees. Thus, the contractors could gain access to files on employees' desks or computers and could observe and overhear what they do.

Unlike some other CPD employees, TAD bargaining unit employees have a significant personal liability, under the HUD Reform Act, the Federal Acquisition Regulations (FAR), and the various contracting laws, if they do not keep secure all files and workspaces to safeguard the competitive process. An open work space may compromise the ability of TAD bargaining unit employees to comply with these laws.

3. Management and the local will assess the adequacy of conference space that will be available to conduct meetings. A shortage of meeting space would have the potential to compromise the security of sensitive information, in addition to the problems mentioned under #1 above.

4. The space plan diagrams provided by management contain names, but there is no indication of the space layout for equipment, files, contractor equipment and files. Management and the local must verify that employees will be provided with all the file cabinets, bookcases, computers, and other equipment they need. It will also be necessary to ensure that the space will adequately accommodate both this and the contractors' equipment. Thirdly, we must make sure the move does not result in unhealthy working conditions for any employees (e.g., placement in an area with inadequate air circulation or heating and/or cooling).

5. Management and the local will assess the adequacy of the proposed plan for accommodating the needs of handicapped employees, and will ensure that the arrangement eventually adopted achieves this objective. The needs of one particular person merit special mention: Peter W. Pantazes. It is our understanding that Mr. Pantazes has provided management with letters from his physicians, stating specific details concerning his needs, and that management has stated its intent to accommodate Mr. Pantazes's needs.

6. Management and the local will determine whether the proposed move plan would accomplish, in effect, a reorganization of CPD's Office of Community Viability and other units into an Office of Policy. The local has not received any notification of an official reorganization, or a proposal for such a reorganization. Despite management's representations that no reorganization is planned or underway, a number of employees have expressed the perception that some recent actions indicate a reorganization.

Thank you for your consideration of the local's proposal. The local's team will include Eddie Eitches, Larry Reyes, Peter Pantazes, Karen Daly or Maxine Wallace, and Bruce Clark. The local's telephone number is (202) 708-3077.