



# American Federation of Government Employees

## Local 476

*Affiliated with AFL-CIO*

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MEMORANDUM FOR: Joseph Sullivan, Director, Employee and Labor Relations Division

FROM: Jerry Gross, Steward, AFGE Local 476

SUBJECT: Demand to Bargain and Request for Information – Impact of WMATA SafeTrack Plan on HUD Employees

The Washington Metropolitan Area Transit Authority (WMATA) has announced it will implement an accelerated track work plan called SafeTrack to address safety recommendations and rehabilitate the Metrorail system. The SafeTrack Plan includes continuous single tracking on certain segments of the rail system as well as shutting down segments entirely from June 4, 2016 through March 19, 2017. Given the scope, duration, and nature of the disruptions, the impact to employees who work in HUD's Headquarters and Washington Field Office may be significant. AFGE Local 476 encourages HUD to use this opportunity to lead the federal government in maximizing workplace flexibilities in order to ensure minimal impact on employee productivity and the Department's services.

OPM has stated:

Instead of imposing a single approach for the entire Federal Government, the U.S. Office of Personnel Management (OPM) will provide guidance to agencies on how to utilize various workplace flexibilities. Ultimately, individual agencies are best positioned to determine the impact that the SafeTrack project will have on their workforce and therefore agencies should make decisions regarding how to adjust...Agencies should review their policies and procedures on the use of workplace flexibilities during the SafeTrack project to help mitigate commuting disruptions.<sup>1</sup>

To date, HUD has not provided any proposed guidance to the Union or to the Department's employees, other than to forward the SafeTrack Plan to employees participating in the Transit Subsidy Program. That message made it clear that employees who depend on Metrorail service to commute to work will have difficulty getting to work:

Due to reduced capacity and expected longer travel times, Metrorail riders are encouraged to consider using alternate travel options while safety surge work is scheduled on their line. Trains and platforms are expected to be extremely crowded

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<sup>1</sup> <https://www.chcoc.gov/content/impact-metro-safetrack-project-washington-dc-area-federal-employees>

during peak periods and customers may experience extended delays. During line segment shutdowns, limited shuttle bus service will replace trains between the shutdown zones.<sup>2</sup>

Due to limited parking in and around HUD's Headquarters building, and few public transit alternatives available to Metrorail riders, it is expected that the SafeTrack Plan will have a severe impact on employees' ability to commute to HUD. Therefore, AFGE Local 476 demands to bargain over the impact and implementation of HUD's policies and procedures on the use of workplace flexibilities during the SafeTrack project and over guidance that will be issued to employees. Below are our preliminary proposals:

1. **Written Responses:** Due to the imminent implementation of the SafeTrack Plan, the Department shall provide written responses regarding Union proposals within three days of receipt of this memo.
2. **Pre-Decisional Involvement:** Management will engage the Union in pre-decisional involvement by providing all preliminary plans, descriptions, and other information related to the impact of WMATA's SafeTrack Plan, and by allowing the Union time to respond with comments and to provide input to the development of HUD's guidance.
3. **Affected Employees:** The Department and the Union recognize that the SafeTrack project will affect not only employees who regularly ride the specified MetroRail lines during the scheduled repairs, single-tracking, and closures, but also those who use other means of transportation, including commuter rail, buses, ridesharing (including slug lines), bicycles, and individual cars, due to spillover effects of MetroRail commuters shifting to other forms of transportation.
4. **Telework:**
  - a. In order to minimize the likely impact that SafeTrack will have on productivity due to its effect on commuting times throughout the Washington, DC, region, and to reduce the effect on DC area traffic, HUD will permit all affected employees to telework five days per week while their commuting routes are affected by SafeTrack, regardless of whether their work schedules are Standard Fixed, Flexitime, or Maxiflex.
  - b. HUD will waive the requirement for alternative worksites to be within the "normal commuting area" due to the difficulty of commuting to HUD during this period.
  - c. HUD shall encourage managers to use technology and to structure assignments to ensure that employees' duties during the relevant time period are conducive to telework.

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<sup>2</sup> Sherron, Sharon G., Administrative Services Division, OCHCO. "Metro SafeTrack Planning" email to TRANSIT-SUBSIDY-L@hudlist.hud.gov, May 24, 2016.

- d. The Department, jointly with the Union, shall provide guidance to employees and supervisors on modifying existing telework agreements or establishing new ones for the duration of the SafeTrack project.
5. Core Hours: HUD shall waive the requirement that affected employees must be present in HUD offices during the core hours of 9:30 a.m. through 2:30 p.m. when they are not teleworking for the duration of the SafeTrack project.
6. Arrival Window: All affected employees, including those with Standard Fixed or Maxiflex schedules, shall be granted an expanded arrival window of flexibility, allowing them to have up to two hours of flexibility before or after their scheduled arrival time for the duration of the SafeTrack project. Managers shall be encouraged to excuse employees for up to an additional 59 minutes when their commutes are severely affected by SafeTrack.
7. Transit Benefits: Employees may require changes to the amount of allowable transit benefits based on alternate use of mass transit commuting options.
  - a. The Department, jointly with the Union, shall provide guidance regarding the impact that SafeTrack may have on employees' transit benefits allowances and on how to apply for various applicable benefits.
  - b. HUD shall expedite all requests to adjust their transit benefits amount when commuting methods and/or work schedules change.
  - c. HUD shall provide vanpool transit benefits for employees when two or more employees share car services such as Uber during the SafeTrack project.
  - d. HUD shall provide bicycle transit benefits for employees who choose to bicycle to work when their regular commutes are affected, provided that the employees meet the criteria established by IRS regulations.
  - e. HUD shall provide parking benefits at the maximum level permitted by law for all eligible employees affected by SafeTrack.
8. Capital Bikeshare: HUD shall expand the Capital Bikeshare to allow enrollment to all interested Headquarters and DC Field Office employees for the duration of the SafeTrack project without imposing a deadline for enrollment.
9. Showers: All employees shall be permitted to use the showers in the HUD Fitness Center without requiring Fitness Center membership, for the duration of the SafeTrack project.
10. Unscheduled Leave: Recognizing that employees may encounter unforeseen disruptions in their ability to commute to work, HUD shall direct supervisors to grant employees unscheduled leave when they are unable to commute to the office and are not participating in telework.

11. Adverse Action: No adverse action shall be taken against employees whose ability to get to work in a timely manner or at all, or who needs to use more leave than usual, or who is affected by the stress and anxiety caused by the disruption to their normal commute due to WMATA's SafeTrack project. Management will use all means available to help employees find creative ways to remain productive during this time.

These are preliminary proposals only, and the Union reserves the right to bargain or amend or add proposals, in accordance with Article 49 of our collective bargaining agreement. Ashaki Robinson Johns, President, AFGE Local 476, will serve as the contact and chief negotiator for this matter.