



American Federation of Government Employees
National Council of HUD Locals 222

Affiliated with AFL-CIO

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MEMORANDUM FOR: Karen Newton Cole, Acting Chief Human Capital Officer, A
FROM: Eddie Eitches, President, AFGE Council 222 *Eddie Eitches*
SUBJECT: Information Request Filed Under 5 U.S.C. §7114 (b) (4)

Pursuant to 5 U.S.C. § 7114 (b)(4) and Section 5.04 of our collective bargaining agreement, AFGE Council 222 of HUD Locals (the Union) requests that the Department of Housing and Urban Development (HUD or the Department) provide information to the Union concerning the Department's plans for complying with the Budget Control Act of 2011. The information requested below is needed in order to determine the impact of the Department's planned implementation of sequester policies on the workforce; and to assist the Union in formulating collective bargaining proposals and negotiating with the Department.

The Union requests the following information:

1. The total dollar amount by which the Department must cut expenditures in order to comply with the Budget Control Act of 2011 (BCA);
2. The total dollar amount by which those parts of the Department that include our exclusive bargaining unit must cut expenditures;
3. The total dollar amount the Department had intended to spend on employee training in FY 2013, and the amount cut in response to the BCA;
4. The total dollar amount the Department had intended to spend on travel in FY 2013, and the amount cut in response to the BCA;
5. The amount the Department expects to "save" for each day of a furlough;
6. Any other cost saving steps the agency has taken to comply with the BCA and the amount "saved" through each measure;
7. The number of furlough days the Department proposes to require for a bargaining unit employee;
8. The number of furlough days the Department proposes to require for managers, supervisors and other Department employees outside the AFGE Council 222 bargaining unit; and
9. Whether any bargaining unit employees are exempted from the furlough, and why.

In addition to the information requested above, the Union requests the following additional information in accordance with 5 U.S.C. § 7114(b)(4), the HUD-AFGE Collective Bargaining Agreement, and the provisions of Executive Order 13522 Section 3(a)(ii). The Union requests the following information concerning functions currently or last performed, in whole or in part, by federal employees at HUD offices. This information is immediately available to the Department in annual agency manpower documents, annual service contract inventories, and from information required to be kept in agency contracting files. The information requested below is needed in order to determine the composition of the workforce (federal employees and contractors) by function; to determine the impact of management's planned implementation of sequester policies on both segments of the workforce; to engage in meaningful discussions with the Department; and to inform bargaining unit employees of potential changes to the bargaining unit, subject to confidentiality concerns.

Using this information, the Union will compare the impact of sequester and/or other downsizing actions on bargaining unit employees, including vis-à-vis contractors, to formulate the Union's position in negotiations with the Department over adverse actions and discharges; and to understand the Department's compliance with numerous laws and policies, including acquisition rules and merit system principles, governing the composition of the workforce.

Information Requested:

1. Contractors. For each contract performed in whole or in part at or on behalf of HUD, please provide the following:
 - A. Name of contractor.
 - B. Place of performance of the contract.
 - C. Functions performed by each contractor.
 - D. Organizational component that contracted for the functions.
 - E. Organizational component administering the contract.
 - F. Organizational component whose requirements are being met through the contract.
 - G. Organizational component funding the contract.
 - H. Appropriations account funding the contract.
 - I. Fiscal year a contractor first started to perform these functions.
 - J. Number of contractor full-time equivalent employees (FTEs) performing each function.
 - K. Work location of contractor employees, and the number of FTEs at each work location.
 - L. Total dollar amount obligated for services under the contract.

- M. Type of contract (firm-fixed fee, cost-reimbursement, incentive, indefinite-delivery-indefinite quantity, time and materials, labor hour, etc.)
 - N. Length of contract, including award date, start date, number of option years, and total length if all option years are exercised.
 - O. End date of the current option year of the contract.
 - P. Total amount invoiced under the contract to date.
 - Q. Any determination by a contracting officer that a contract has been poorly performed because of excessive costs or inferior quality.
2. Federal Employees
- A. List of all federal employees in the bargaining unit (by title, series, grade, organizational unit, and work location).
 - B. Functions performed by each federal employee.
 - C. List of all federal employees outside the bargaining unit by title, series, grade, organizational unit and work location.
3. Workload Changes
- A. Comparison of the number of federal employees and contractor FTEs performing each function at the most recent time for which such information is available.
 - B. List of functions that are being considered (or are scheduled) to be downsized or divested due to sequester and/or other downsizing actions.
 - C. List of functions performed in whole or in part by federal employees that are being considered (or are scheduled) to be transferred, in whole or in part, to contractor or military performance due to sequester and/or other downsizing actions. This includes an increase in the percentage of a function performed by contractors or military personnel.
 - D. List of functions performed in whole or in part by contractors or military personnel that are being considered (or are scheduled) to be transferred to federal employees due to sequester and/or other downsizing actions.
 - E. Number of federal employee positions that are being considered (or are scheduled) to be eliminated (by title, series, grade, organizational unit, and work location) due to sequester and/or other downsizing actions.
 - F. Number of contractor FTEs that are being considered (or are scheduled) to be eliminated (by contract, function, and work location) due to sequester and/or other downsizing actions.

The information requested above is necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining. The Union has a legal

responsibility to represent all bargaining unit employees fairly. That responsibility includes negotiating over procedures to be observed by the Department in exercising its reserved rights, and appropriate arrangements for those employees who are adversely affected by such exercise. The Union intends to use this information to formulate bargaining proposals and evaluate management proposals.

The Union does not believe that release of this information poses any Privacy Act concerns and is willing to discuss sanitization of certain records if the Department believes it is necessary.

Due to the urgent nature of sequester and/or other downsizing plans, the Union requests that this data be furnished to me no later than five days after receipt of this letter.

If this request is denied, in whole or in part, please inform me in writing within the same time period, including the identity of the official making the decision for each item denied and the specific statutory, regulatory, contractual or judicial/administration determination citation(s) on which each denial is based.

If you have any questions or concerns about this request, please contact me directly.