



**UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY**

FOR FLRA USE ONLY

Case No.

Date Filed

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, DC 20410

b. Agency Representative (include name, title, address)

Towanda Brooks
Chief Human Capital Officer
Room 2254
Department of Housing and Urban Development
451 Seventh Street, S.W., Washington, DC 20410

tel. 202-708-0940

fax 202-401-4433

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Towanda.A.Brooks@hud.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

AFGE Council 222 of HUD Locals
451 Seventh Street, S.W.
Washington, DC 20410

b. Charging Party Representative (include name, title, address)

Jerry Gross
Steward, AFGE Local 476 & AFGE Council 222
451 Seventh Street, S.W., Room 3142
Washington, DC 20410

tel. [REDACTED]

e-mail [REDACTED]

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

Please see attached.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) (2) (3) (4) (5) (6) (7) (8)

c. Have you or anyone else raised this matter in any other procedure? No Yes If yes, where?

- | | | |
|--|---|---|
| <input type="checkbox"/> Grievance Procedure | <input type="checkbox"/> Federal Mediation and Conciliation Service | <input type="checkbox"/> Federal Service Impasses Panel |
| <input type="checkbox"/> Equal Employment Opportunity Commission | <input type="checkbox"/> Merit Systems Protection Board | <input type="checkbox"/> Office of Special Counsel |
| <input type="checkbox"/> Other Administrative or Judicial Proceeding | <input type="checkbox"/> Negotiability Appeal to FLRA | <input type="checkbox"/> Other _____ |

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

- In Person 1st Class Mail Fax Commercial Delivery Certified Mail e-mail (see reverse)

Jerry Gross

[REDACTED SIGNATURE]

7/19/2016

Type or Print Your Name

Your Signature

Date

3. Basis of the Charge

The Department of Housing and Urban Development (the Agency) bypassed AFGE Council 222 (the Union) by establishing the Public and Indian Housing (PIH) Employee Engagement Team (PEET). The PEET is a nationwide team that consists of three groups: appreciation, communications, and empowerment. The PEET includes both bargaining unit and management personnel from HUD field offices and headquarters who negotiate and implement changes in bargaining unit employee working conditions without providing notice to or negotiating with the Union.

The Agency did not notify the Union of the establishment of the PEET. The Union learned of the PEET's existence when "pihEmployeeEngagementTeam" sent an email to all PIH employees on July 14, 2016. As described in the PEET project manager's duties, the PEET will "contribute to large scale organizational change management initiatives."

Management's direct engagement with bargaining unit employees on working conditions is a bypass of the Union's rights as the sole representative of the bargaining unit:

- HUD violated Subsection 2 by discouraging membership in the Union in connection with conditions of employment by engaging directly with employees to establish changes to working conditions for one part of HUD. This prevents the Union from ensuring that all HUD bargaining unit employees are treated fairly and equitably.
- HUD has sponsored and assisted a new labor organization by creating PEET, in violation of Subsection 3.
- HUD has refused to consult or negotiate in good faith with the Union over changes to the employees' working conditions as required by this chapter in violation of Subsection 5.

By establishing PEET, The Agency makes a mockery of the settlement agreement and Notice that the Authority (Denver Regional Office) ordered the Agency to post in Case WA-CA-15-0263. Ms. Brooks signed the agreement and Notice on January 21, 2016, and the Agency distributed the Notice to bargaining unit employees in March of this year. In that case, the Agency had bypassed the Union in violation of the Federal Service Labor-Management Relations Statute by dealing directly with bargaining unit employees on its Switchboard website.

The Agency had previously signed two local supplements with AFGE Local 476 in partial settlement of Case WA-CA-12-0430. In that case, Ginnie Mae, a branch of the Agency, had established an "Employee Advisory Board" that functioned similarly to PEET. In 2014, the Agency agreed to dissolve the Employee Advisory Board.

The Agency's repeated bypassing of the Union suggests a disregard for the Statute and the Union's rights.

The Union requests the following relief:

1. That the Agency be ordered to recognize the Union as the sole and exclusive representative of the bargaining unit, and to disband all other representational groups in all divisions and organizations within HUD and its subordinate agencies and organizations.

Unfair Labor Practice: PEET

2. That the Agency be ordered to post notices for 12 months in conspicuous places in all buildings occupied by HUD employees stating that the Agency recognizes that American Federation of Government Employees Council 222 is the sole and exclusive representative of the bargaining unit, that the Agency will not fail or refuse to negotiate with or its affiliated Locals, and will negotiate in good faith with the Union over all matters concerning conditions of employment for bargaining unit employees.
3. That the Agency be ordered to distribute such notices to all AFGE bargaining unit employees via email, because the primary form of communication with employees is via email and information regarding the PEET was disseminated via email and other electronic means.
4. That the Agency be required to provide any further relief that the Authority may deem appropriate, especially in light of the Agency's repeated bypass actions.