



**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)
U.S. Department of Housing and Urban Development
451 7th Street, SW
Washington, DC 20410

b. Agency Representative (include name, title, address)
Towanda Brooks
Chief Human Capital Officer
U.S. Department of Housing and Urban Development
451 7th Street, Room 2254
Washington, DC 20410

tel. 202-402-6955 fax 202-401-4433
e-mail towanda.a.brooks@hud.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)
AFGE Local 476
Room 3142
451 7th Street, SW
Washington, DC 20410

b. Charging Party Representative (include name, title, address)
Jerry Gross
Steward, AFGE Local 476
8930 Colesbury Place
Fairfax, VA 22031

tel. 703-280-9063 fax
e-mail jgross3@cox.net

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.

The Department of Housing and Urban Development (Agency) has violated the Statute by (1) refusing to negotiate in good faith with AFGE Local 476 (the Union) regarding the relocation of bargaining unit employees to different offices and workspace, (2) by failing to notify the Union of formal discussions with employees in a timely manner, thereby denying the Union the opportunity to attend and participate in those formal discussions, and (3) by refusing to recognize the Union as the exclusive representative of the bargaining unit employees in the Agency headquarters.

Please see attached for the facts.

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?
 Grievance Procedure Federal Mediation and Conciliation Service Federal Service Impasses Panel
 Equal Employment Opportunity Commission Merit Systems Protection Board Office of Special Counsel
 Other Administrative or Judicial Proceeding Negotiability Appeal to FLRA 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

10/5/2015

Type or Print Your Name

Your Signature

Date

The Department of Housing and Urban Development (Agency) has violated the Statute by (1) refusing to negotiate in good faith with AFGE Local 476 (the Union) regarding the relocation of bargaining unit employees to different offices and workspace, (2) by failing to notify the Union of formal discussions with employees in a timely manner, thereby denying the Union the opportunity to attend and participate in those formal discussions, and (3) by refusing to recognize the Union as the exclusive representative of the bargaining unit employees in the Agency headquarters.

1) Failure to negotiate the Office of the Chief Information Officer (OCIO) move in good faith

On August 28, 2015, * the Agency notified the Union that the Agency intended to relocate bargaining unit employees in the Office of the Chief Information Officer (OCIO) Desktop and Headquarters Service Delivery Division to new offices on September 8.

On September 3, 2015, the Union delivered a demand to bargain and the Union's preliminary proposals, which were presented in the form of a local supplement to the national collective bargaining unit.

On or about September 8, 2015, before bargaining was completed, the Agency moved the Desktop and Headquarters Service Delivery Division employees to new office space.

On September 25, the Agency confirmed that the bargaining unit employees had been moved, and tendered a management counterproposal that eliminated many key provisions because implementing the move had rendered them useless after the fact.

This is a violation of 5 U.S.C. § 7116(a)(5) because the Agency refused to consult or negotiate in good faith with the Union as required by the Statute before implementing the change in bargaining unit employees' working conditions.

This is also a violation of 5 U.S.C. § 7116(a)(8): "to otherwise fail or refuse to comply with any provision of this chapter." The Agency failed or refused to comply with 5 U.S.C. § 7114(b)(1) by failing to approach the negotiations with a sincere resolve to reach a collective bargaining agreement.

2) Failure to allow the Union to attend and participate in formal discussions

On or about September 3, 2015, the Agency held a formal meeting with the OCIO bargaining unit employees regarding the change in working conditions (the planned move on September 8) without allowing an opportunity for the Union to attend and participate in the formal meeting.

This is a violation of 5 U.S.C. § 7116(a)(8): "to otherwise fail or refuse to comply with any provision of this chapter." The Agency failed or refused to comply with 5 U.S.C. §

*Under the HUD-AFGE Collective Bargaining Agreement (2015), any notice received after 4:00pm is considered to be received the next business day. Dates for communications received after 4:00pm have therefore been rounded to the next business day.

7114(a)(2)(A) by denying the Union the right to be represented in a formal discussion concerning a condition of employment.

3) Refusal to recognize the Union as the exclusive representative of the bargaining unit employees of the Agency's headquarters.

On September 25, 2015, the Agency informed the Union that the affected employees consented to the move. Recognition of the Desktop and Headquarters Service Delivery Division employees as an organization that is entitled to act for, represent the interests of, and/or negotiate agreements on behalf of the employees violates the Union's rights as the exclusive representative of the bargaining unit.

This is a violation of 5 U.S.C. § 7116(a)(1) because the Agency interfered with the rights of the bargaining unit employees and the Union by denying the employees the opportunity to protections that had been afforded other bargaining unit employees in previous moves negotiated by the Union and the Agency.

This is also a violation of 5 U.S.C. § 7116(a)(2) because that Agency discouraged membership in the Union by virtue of treating the employees as an independent labor organization, denigrating the Union's value in the eyes of the employees.

This is also a violation of 5 U.S.C. § 7116(a)(8): "to otherwise fail or refuse to comply with any provision of this chapter." The Agency failed or refused to comply with 5 U.S.C. § 7114(a)(1) by denying the Union the right to be recognized as the exclusive representative.