

**NATIONAL SUPPLEMENT 141**

**between**

**U.S. Department of Housing and Urban Development**

**and**

**American Federation of Government Employees Council 222 of HUD Locals**

**SUBJECT:** The establishment of a national Pathways Program for the Department of Housing and Urban Development.

**SCOPE:** The Pathways Program incorporates an Internship Program, a Recent Graduates Program, and the Presidential Management Fellows (PMF) Program, in accordance with Executive Order 13562, signed by President Obama on December 27, 2010. The Pathways Program requirements are found in Part 362 of Title 5, Code of Federal Regulations. The Pathways Programs are intended to provide clear paths to Federal internships and potential careers in Government for students and recent graduates.

**ADMINISTRATION:** The Pathways Program will be designed and implemented by the Department in cooperation with the Union. Guidance, policies, and implementation procedures will be provided in advance to the Union and are subject to bargaining in accordance with Article 5, Mid-Term Bargaining, of the HUD AFGE Agreement.

**IMPLEMENTATION:**

1. Policy Guidance: The Department shall provide the Union with a copy of Handbook 725.1, the guidance for implementing the Pathways Program, which has been finalized in accordance with this Supplement before it becomes effective. The guidance shall be consistent with the ideas expressed in this Supplement and shall not add restrictions or burdens on employees beyond what is required by law, statute, or external regulation.
  - a. Changes to the HUD Pathways Program policy are subject to collective bargaining between the Department and the Union in accordance with Article 5, Mid-Term Bargaining, of the HUD AFGE Agreement.
2. Adverse Impact: The implementation of the Pathways Program shall not adversely impact bargaining unit employees. No bargaining unit employee shall be involuntarily relocated, downgraded, or separated, nor shall career ladder positions be adversely affected as a result of the Pathways Program implementation.
  - a. Management shall identify to the Union all existing programs, related Supplements or other HUD/AFGE agreements, and policy handbooks that may be incorporated into the Pathways Program or otherwise affected by it. The impact of the Pathways Program on existing programs shall be subject to negotiation.

- b. All other related and relevant programs governed by Supplements or other HUD/AFGE agreements shall remain in force until Management properly notifies the Union of any change in status in accordance with Section 5.04 (1), Change in a policy or past practice, of the HUD/AFGE Agreement.
3. Details and Temporary Promotions: No provision related to implementation of the Pathways Program shall supersede the HUD/AFGE Agreement pertaining to Details and Temporary Promotions.
  4. Student Loan Repayment Program: No provision related to implementation of the Pathways Program shall supersede the Student Loan Repayment Program.
  5. Local Bargaining: In accordance with Article 5, Mid-Term Bargaining, of the HUD/AFGE Agreement, upon the Union's request, Management agrees to engage in local bargaining regarding any impact not negotiated at the National level.
  6. Bargaining Unit: Participants whose positions are already in the bargaining unit will not be removed from the bargaining unit as a result of this program. Positions that are excluded from the bargaining unit are identified in Section 1.03, Position Exclusions, of the HUD/AFGE Agreement.
  7. Workforce Planning: The Department shall ensure that an adequate number of permanent positions will be available to convert Pathways participants who successfully complete their programs before filling any positions under the Pathways Program in accordance with 5 C.F.R. § 362.105(a).
    - a. The Department shall not announce any Pathways positions for which there are no permanent positions available for conversion. The Department shall not hire any personnel from outside the Department on either a temporary or permanent basis, through Pathways or any other program, at the same time that any current bargaining unit employees are affected by cost-saving measures including, but not limited to, furloughs, freezes on promotions, and reductions in training or travel funds that could affect either performance appraisals or promotion eligibility.
    - b. The Department shall include in any position announcement the conversion potential for the announced position; i.e., to a term or permanent appointment upon successful completion of the program, if applicable.
  8. Annual Report: Management will provide the Union with copies of the annual OPM Report that identifies the number of converted Pathway participants.
  9. Employee Participation: Current bargaining unit employees who meet the qualifications of the Pathways Program as described in 5 C.F.R. § 362 shall be permitted to apply in the program. The employees shall be afforded the same opportunities as applicants from outside the department.
    - a. Application to participate, or declaration of an intention to apply to participate, in any aspect of the Pathways Program shall have no adverse impact on current bargaining

employees, regardless of the application status, acceptance, or rejection. This includes applicants' eligibility for other training opportunities, performance ratings, and types of assignments.

- b. The Department may place in a permanent competitive service position any Recent Graduate who held a career-conditional or career appointment in HUD immediately before entering the Program, and who fails to complete the Program for reasons that are not related to misconduct, poor performance, or suitability, as permitted under 5 C.F.R. § 362.306(b)(2).

10. Withdrawal of Application: No bargaining unit employee shall be pressured to withdraw an application to the Pathways Program for any reason. An employee who voluntarily withdraws an application shall be permitted to do so at any time. Such withdrawal shall not have any adverse impact on the employee. Future applications by the employee to participate in the Pathways program shall not be adversely affected, limited, or precluded by the withdrawal of a previous application unless otherwise controlled by statute.

11. Mentors: Management shall recommend a selection of potential mentors for each Recent Graduate and Presidential Management Fellow. Management shall ensure that recommended mentors have agreed to participate and have their supervisors' approval. Management shall not obligate bargaining unit employees to serve as mentors. PMF and Recent Graduates may also choose their mentor independently or seek guidance/assistance from the supervisor of record.

- a. Mentors shall not be required to adjust their work schedules or change their telework agreements due to their involvement in the program. Employees who decline management's offer to mentor shall not be inversely impacted.

- b. Management shall adjust the mentor's regular workload to accommodate the additional obligations, if necessary.

- c. If an employee from an office other than the participant's assigned office is invited to serve as a mentor, Management shall be responsible for providing information about the time commitment to the potential mentor and supervisor, and for obtaining approval from the mentor's supervisor.

12. Fair and Equitable Treatment: All employees shall be treated fairly and equitably in the administration of the Pathways Program. No person shall be selected for a Pathways position based upon a prohibited personnel practice. The hiring, promotion, and general employment of a current employee's relative through the Pathways Program shall be governed by 5 C.F.R. § 362.105(2)(f).

13. Work Schedules: Full-time employees who participate in the Pathways Program, whether prior HUD employees or not, shall be permitted to participate in alternative work schedules to the same extent granted to other members of the hiring office. Employees who serve as mentors shall not be required to adjust their work schedules due to their involvement with the program. Part-time Pathways participants shall be permitted to establish schedules that begin at 6:00 a.m. or later, and that end at 7:30 p.m. or earlier. Part-time Pathways participants,


such as Interns, shall be permitted to work schedules that do not include the Department's core hours.

14. Training: Management shall be responsible for providing appropriate training to program participants.
  - a. Bargaining unit employees may be required to provide on-the-job training to participants. Such employee will receive upfront workload adjustments and their elements and standards will be adjusted accordingly.
  - b. Management shall recommend to participants appropriate training programs, including formal training and on-the-job training, and shall provide all necessary support, including time for training and identifying recommended and relevant courses.
  - c. Participants shall not be adversely affected if they are unable to obtain appropriate training due to lack of necessary funding.
  - d. Participants shall not be required to pay for any training from personal funds.
15. Telework: Pathway Participants shall be permitted to telework to the same extent granted to other members of the hiring office, in similar positions. Pathway Participants may be required to temporarily change or suspend the telework agreement. Nevertheless, participants whose existing telework agreement has been changed or suspended for the duration of a developmental assignment shall be permitted to return to their prior telework arrangement immediately without adverse impact upon return to their permanent assignment.
  - a. Pathway Participants are defined as PMFs, Recent Graduates, and Interns.
  - b. Mentors and employees asked to provide on-the-job training are not considered Pathways Participants.
16. Reasonable Accommodations: There shall be no adverse impact to any reasonable accommodation of any affected employee who participates in the program, who works in an organization hosting a rotational assignment employee, or who serves as a mentor to a participant. Management shall not discriminate against any employee with a reasonable accommodation who applies to participate or who participates in this program. Management shall not deny reasonable accommodations to employees based on their participation in this program.
17. Annual Leave: Any annual leave previously approved shall not be rescinded as a result of implementation of this program. All efforts will be made to accommodate future annual leave requests of non-participating employees.
18. Performance Appraisals: Any employee participating in the Pathways Program shall receive a copy of a written performance plan for the assigned position and shall receive separate ratings for each developmental assignment that has a different performance plan. Participants' performance standards shall be comparable to those of other employees at the

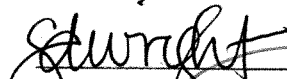
same grade level doing similar work. All performance appraisals shall be in accordance with Article 37 of the HUD/AFGE Agreement.

19. Conversion: Request to managers to confirm their intent to convert or not convert is sent to the Program Offices 90 days prior to the employee completing the education requirement. Management is responsible for informing Pathway Participants of the intent to convert or not convert verbally and in writing within the 90-day time frame.

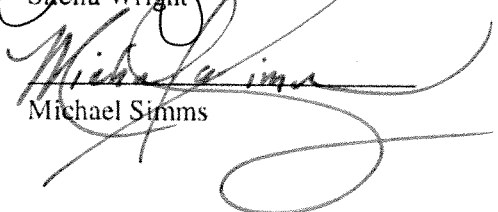
**For Management:**

  
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Yvette White, Chief Negotiator

Date: 1/22/2015

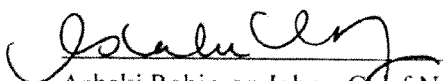
  
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Sheila Wright

Date: 1/22/2015

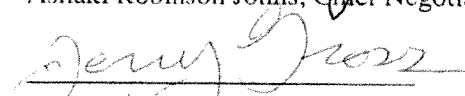
  
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Michael Simms

Date: 1/22/2015

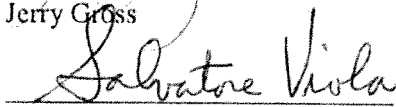
**For the Union:**

  
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Ashaki Robinson Johns, Chief Negotiator

Date: 1/13/15

  
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Jerry Gross

Date: 1/13/15

  
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Salvatore Viola

Date: 1/21/15