

UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY	FOR FLRA USE ONLY Date Filed: 9/11/2017 Case Number:
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Charged Activity or Agency

Name: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, San Francisco Regional Office, Region 9

Address: San Francisco, CA

Phone No.: (415) 489-6707 **Fax No.:** (415) 489-6710

Charged Activity or Agency Contact Information

Email: Ginger.S.Richardson@hud.gov

Name: Ms. Ginger S Richardson

Title: HUD

Address: One Sansome Street, Suite 1200, San Francisco, CA 94104

Phone No.: (415) 489-6707 **Fax No.:** (415) 489-6707

Charging Party (Labor Organization or Individual)

Name: NATIONAL FEDERATION OF FEDERAL EMPLOYEES, Local 1450

Address: 2201 N. Lakewood Blvd #D1866, Long Beach, CA 90815

Phone No.: (213) 534-2705 **Fax No.:** (815) 717-9701

Charging Party Contact Information

Email: elizabeth.mcdargh@hud.gov

Name: Ms. Elizabeth McDargh

Title: President

Address: 2201 N. Lakewood Blvd., #D1866, Long Beach, CA 90815

Phone No.: (213) 534-2705 **Fax No.:** (815) 717-9701

5. Which subsection(s) of 5.U.S.C. 7116(a) do you believe have been violated?

(a)(1), (a)(5)

6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles:

On August 30, 2017, NFFE 1450 submitted a formal data request via email. The email had a subject line of "5 U.S.C. § 7114(b)(4) Data Request: Workforce Actions documents". The Data request stated the following:

DATA REQUEST

5 U.S.C. § 7114(b)(4) Data Request: Workforce Actions supporting documentation

Data Requested:

1. Please provide a copy of the 7-step plan that OCHCO has developed to assist program offices with reorganizations as described in the June 30th, 2017, submission to OMB (attached).
2. Please provide a copy of the OCHCO Strategic Workforce Plan (referenced in the attached).
3. Please provide a copy of the PIH Workforce Analysis (referenced in the attached).

Particularized Need:

Under Section 7114(b)(4) an Agency must provide information to a Union, upon request and to the extent not prohibited by law, if that information is:

Normally maintained by the agency in the regular course of business;

Reasonably available;

Necessary for full and proper discussion, understanding and negotiation of subjects within the scope of collective bargaining; and,

Does not constitute guidance, advice, counsel or training provided for management officials or supervisors relating to collective bargaining.

The union needs the information requested to review the documents referenced as the basis for upcoming workforce actions which were laid out in the document titled HUD Near-Term Workforce Actions submitted to OMB on June 30th, 2017. These actions will affect staff in the Los Angeles Field Office which the undersigned represents. Please note that in the attached document it specifically states that All HUD employees will be affected components. Please also note that the attached document specifically states later phases may incorporate larger reorganizations .

The information requested will allow NFFE 1450 Los Angeles representatives to review the supporting documentation referenced to get a better idea of what reshaping the workforce means, in the context of OCHCO s 7-step plan and the Workforce Plan, and how it will impact Los Angeles bargaining unit

employees.

The requested information is necessary for full and proper discussion, understanding and negotiation of subjects within the scope of collective bargaining, which we have been advised that an official notice to HUD unions may be coming by mid September 2017. Further, this documentation is needed asap as the attached document specifically states a time horizon to start of FY2017, meaning that it may begin within the next 30 days.

If the Agency is unclear about the Union s stated reason for needing the requested information, the Agency should ask the undersigned to clarify the request.

Please provide the response to this data request not later than September 8, 2017.

As of September 11, 2017, HUD has not provided the requested information and that is why this ULP charge is filed. The data is important to NFFE 1450 because HUD has scheduled an all-employee meeting for September 12, 2017, where HUD has stated it is going to provide more information to bargaining unit employees.

7. Have you or anyone else raised this matter in any other procedure?

No

If yes, where?

8. 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 ALL PERSONS IDENTIFIED IN BOX #3 BY:

Email

Fax

First Class Mail

In Person

Comm.Delivery

Certified Mail

Ms. Elizabeth McDargh

Signed: Ms. Elizabeth McDargh

9/11/2017

Type or Print your name

Your Signature

Date

McDargh, Elizabeth

From: McDargh, Elizabeth
Sent: Wednesday, August 30, 2017 10:55 AM
To: Smith, Lana L; Richardson, Ginger S
Cc: McDargh, Elizabeth; Williams, Annette; Insua, Marcell; Diaz, Cristan A
Subject: 5 U.S.C. § 7114(b)(4) Data Request: "Workforce Actions" documents
Attachments: HUD Reform Plan - June 30 Submission FINAL.pdf

Tracking:	Recipient	Read
	Smith, Lana L	
	Richardson, Ginger S	
	McDargh, Elizabeth	
	Williams, Annette	Read: 8/30/2017 11:12 AM
	Insua, Marcell	
	Diaz, Cristan A	

DATA REQUEST

5 U.S.C. § 7114(b)(4) Data Request: "Workforce Actions" supporting documentation

Data Requested:

1. Please provide a copy of the 7-step plan that OCHCO has developed to assist program offices with reorganizations as described in the June 30th, 2017, submission to OMB (attached).
2. Please provide a copy of the OCHCO Strategic Workforce Plan (referenced in the attached).
3. Please provide a copy of the PIH Workforce Analysis (referenced in the attached).

Particularized Need:

Under Section 7114(b)(4) an Agency must provide information to a Union, upon request and "to the extent not prohibited by law," if that information is:

- Normally maintained by the agency in the regular course of business;
- Reasonably available;
- Necessary for full and proper discussion, understanding and negotiation of subjects within the scope of collective bargaining; and,
- Does not constitute guidance, advice, counsel or training provided for management officials or supervisors relating to collective bargaining.

The union needs the information requested to review the documents referenced as the basis for upcoming "workforce actions" which were laid out in the document titled "HUD Near-Term Workforce Actions" submitted to OMB on June 30th, 2017. These actions will affect staff in the Los Angeles Field Office which the undersigned represents. Please note that in the attached document it specifically states that "All HUD

employees” will be affected components. Please also note that the attached document specifically states “later phases may incorporate larger reorganizations”.

The information requested will allow NFFE 1450 Los Angeles representatives to review the supporting documentation referenced to get a better idea of what “reshaping the workforce” means, in the context of OCHCO’s 7-step plan and the Workforce Plan, and how it will impact Los Angeles bargaining unit employees.

The requested information is necessary for full and proper discussion, understanding and negotiation of subjects within the scope of collective bargaining, which we have been advised that an official notice to HUD unions may be coming by mid September 2017. Further, this documentation is needed asap as the attached document specifically states a “time horizon to start” of FY2017, meaning that it may begin within the next 30 days.

If the Agency is unclear about the Union’s stated reason for needing the requested information, the Agency should ask the undersigned to clarify the request.

Please provide the response to this data request not later than **September 8, 2017**.

Liz McDargh, Chief Steward
Los Angeles Field Office
NFFE 1450

HUD Near-Term Workforce Actions - June 30 Submission					
Action	Description (The “What”)	Estimated FTE Changes	Estimated Cost Impact	Time Horizon to Start	Affected Components
Increase Managerial Flexibility – Reshaping the Workforce	<p>HUD plans to strengthen managerial skills and resources to address critical skill gaps and is crafting a plan for reshaping the workforce. HUD will identify duplicative operational positions, clarify managerial responsibilities and span of control, utilize place-based strategies, and conduct buyouts. Later phases may incorporate larger reorganizations. OCHCO has developed a 7-step plan to assist program offices with reorganizations. Evidence includes:</p> <ul style="list-style-type: none"> • EVS Scores • PIH Workforce Analysis • OCHCO Strategic Workforce Plan 	N/A	N/A	FY 2017	All HUD employees
Maximize the use of High Performing Employees through Rotations, Key Project Assignments, and Reassignments	<p>HUD can reward high-performing employees with assignments that further contribute to the agency’s ability to carry out its mission. HUD’s plan to maximize employee performance will require the consideration of an employee’s performance before any reassignment.</p>	N/A	N/A	FY 2017	All HUD employees