



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

FOR FLRA USE ONLY

Case No.

Date Filed

Complete instructions are on the back of this form.

<p>1. Charged Activity or Agency Name: Secretary Alphonso Jackson Address: US Dept. of Housing and Urban Development 451 7th Street SW Tel.#: (202)708-0123 Ext. <input type="checkbox"/> Fax#: ()</p>	<p>2. Charging Party (Labor Organization or Individual) Name: American Federation of Government Emplg Address: PO Box 967 Talbott, TN 37877 Tel.#: 865-545-4400 Ext. 114 Fax#: 865-545-4000</p>
<p>3. Charged Activity or Agency Contact Information Name: Barbara Edwards Title: Deputy Assistant Secretary for Hu Address: US Dept. of Housing and Urban Development Tel.#: (202)708-3946 Ext. <input type="checkbox"/> Fax#: (202)708-3030</p>	<p>4. Charging Party Contact Information Name: Lisa A. Lowery Title: Acting Council President, Council Treasg Address: US Dept. of Housing and Urban Development 710 17th Street SW Tel.#: ((865) 545-4400 Ext. 172 Fax#: (865) 545-4000</p>

5. Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? [See reverse] (1) and 5, 7, and 8

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

7. Have you or anyone else raised this matter in any other procedure? No Yes If yes, where? [see reverse]

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 THE PERSON IDENTIFIED IN BOX #3 BY [check "x" box] Fax 1st Class Mail In Person
 Commercial Delivery Certified Mail

Lisa A. Lowery
 Type or Print Your Name

Lisa A. Lowery
 Your Signature

08/09/2006
 Date

We are requesting that the General Counsel consider requesting Authority permission to seek appropriate temporary relief under 5 U.S.C.7123(d). The facts are set forth below, followed by a brief explanation of how the FLRA criteria for temporary relief are met.

FACTS:

On January 28, 2005, Priscilla A. Lewis, Chief, Labor Relations Branch, for the Department of Housing and Urban Development (HUD) issued an Article 5, Mid-Term Bargaining, notice to the bargaining team of the American of Federation of Government Employees Council of HUD Locals 222 (AFGE 222) regarding the Implementation of the HUD Integrated Human Resources Tracking System. Employee participation in the system was voluntary (HIHRTS).

During the National Labor Management Relations meeting in Washington DC the week of May 15, 2006, Deputy Secretary Roy A. Bernardi was requesting AFGE 222 encourage members to enter information into HIHRTS. Lisa A. Lowery, AFGE 222 Treasurer, stated that AFGE 222 could not encourage employee participation in this system due to Management retaining the right to discipline employees that accidentally input incorrect data. In fact, AFGE 222 had prepared bargaining notes that discouraged employee participation in the system and had distributed the notes HUD wide. Deputy Secretary Bernardi stated this should be a simple matter and will be taken care of immediately.

On May 26, 2006, Priscilla Lewis sent an e-mail message to Carolyn Federoff stating: "Management is contemplating requiring employees to provide emergency contact information. If the decision is made to move forward on this, can you give me some idea of what the Union's concerns would be?" Any Article 5 notifications must be sent the AFGE 222 bargaining team in writing with a copy sent overnight to Lisa A. Lowery. This has never been done. Ms. Federoff forwarded Ms. Lewis' message to Ms. Lowery on May 31, 2006. Ms. Lowery responded, "It is in HIHRTS. We must have that assurance of no disciplinary action for accidentally mistakes in the system. Bernardi stated this should be done." Ms. Lowery forwarded this response to both Ms. Federoff and Ms. Lewis. Ms. Lewis sent an e-mail message to Ms. Federoff and Ms. Lowery stating: "Want to make sure we're all on the same page. If emergency contact information is made mandatory for all employees, you would agree as long as we assure (in writing) no disciplinary action for accidental mistakes in the system." Ms. Lowery was not the Chief Negotiator for the HIHRTS negotiations. Mr. Glenn Brown was negotiator. Mr. Brown was on vacation.

Ms. Lewis' initial message indicated action **contemplated** by Management. Ms. Lowery restated the matter brought before Deputy Secretary Bernardi about the necessity for protection for those employees' accidentally inputting incorrect information or the system generating incorrect information. No Article 5 was ever issued, no notification was ever sent to the Union Mid-Term Bargaining team and Ms. Lowery has never received a copy of any signed document from Headquarters. Ms.

Lowery's belief was that the amendment was in response to Deputy Secretary Bernardi's statement. If the Union is not provided what, how, etc, and never receives notice that Management is requesting mandatory information in HIHRTS, the Union cannot bargain.

Employees in several program offices of HUD have received notification of mandatory entry into the Emergency Contact Information in HIHRTS. This must be certified no later than August 18, 2006.

Upon learning of this requirement, Ms. Lowery issued a cease and desist on August 7, 2006. Ms. Lewis referenced the e-mail messages in May of 2006. On August 2, 2006, Ms. Lewis sent an e-mail message to Ms. Lowery in which she states "email is not official correspondence." Just one week later, she wants to produce an e-mail that Management is considering to be notice to the Union and it just stated Management was contemplating a change.

Ms. Lowery tried to telephone Ms. Lewis numerous times before the cease and desist memorandum was issued. President Federoff and Executive Vice President Casper are both out of the office at the AFGE National Convention. The Line of Succession places the responsibility of Acting President to Ms. Lowery. Ms. Lewis did not return any telephone calls until the memorandum was issued.

In an effort to work with Management, Ms. Lowery offered to have negotiations the next day as the original HIHRTS team of Mr. Glenn Brown, Chief Negotiator, Fareed Abdullah and Ms. Lowery as team members to DC the next day, August 9, 2006, for negotiations. All team members were available with the exception of one and the remaining are available for immediate travel. Ms. Lewis telephoned Ms. Lowery after 4 p.m. on August 8, 2006, stating Management was taking the position negotiations had taken place and bargaining would not occur on this subject. In addition, President Federoff would be returning to the office on Monday, August 14, 2006, and the matter could be referred to her.

Management is refusing to bargain on a subject it has acknowledged is negotiable. Enclosed are copies of the email messages including the message from Ms. Lewis stating e-mail is not official correspondence?

REQUEST FOR INJUNCTIVE RELIEF

We believe the actions of the Agency meet the criteria for temporary relief. Granting such relief is "just and proper" and the evidence clearly establishes that an unfair labor practice is being committed. Further, such relief would not interfere with the ability of HUD to carry out its essential functions.

1. The matter is serious. This policy requires all employees to provide emergency information. Management has not submitted any information on when, how, etc. this information would be used. These are subjects mandatory for bargaining.

2. The law is clear regarding Management's duty to bargain. In fact, the Department has acknowledged the need for bargaining by issuing notice and negotiating the implementation of HIHRTS.
3. The granting of temporary relief would not interfere with the ability of the Agency to fulfill any essential function, nor interfere with the Agency's mission in any way.
4. The Council has pursued quick remedies to this situation. Management has refused any remedy proposed by the Union.
5. Failure to maintain the status quo will frustrate HUD employees already sensitive to the loss of personal data. The Department has acknowledged the loss of the personal data of over 700 hundred employees within the HUD Building located in Washington, DC. Management has not addressed employee concerns regarding this matter. This matter increases the employee frustration.
6. Management's refusal to bargain undermines the fundamental right to engage in collective bargaining.

Witnesses in this matter are:

Lisa A. Lowery, Acting President Council 222
865-545-4400, ext. 172 or 865-405-9184

Glenn Brown, Chief Negotiator for HIHRTS
804-771-2100, ext. 3760