

**MEMORANDUM OF AGREEMENT**

**BETWEEN**

**U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**AND**

**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES NATIONAL  
COUNCIL OF HUD LOCALS 222**

**SUBJECT:** Bank of Official Time Interim Agreement to Augment Official Time Provisions of the 1998 HUD and AFGE Master Agreement at Article 7 of the current negotiated agreement.

**SCOPE:** This Agreement between HUD and AFGE National Council of HUD Locals 222 is an agreement between the parties to establish a bank of Official Time available to AFGE Locals, which shall be used for representational and statutory functions. This agreement does not replace the negotiated agreement between HUD and AFGE National Council of HUD Locals 222, Article 7, or any other article, Agreement, or appendix of the master agreement.

**AGREEMENT:** The Union and management agree that management will establish a bank of discretionary official time of up to 600 hours per quarter, to be administered by Council 222, available as follows: Up to 500 hours for the Local and 100 hours for the Council.

This Agreement shall be subject to all provisions of 5 USC Chapter 71 and to all provisions of the current HUD/AFGE Agreement. This Agreement shall not be construed as part of the current Main Contract negotiations precedent setting and will not be used in negotiations, impasse or negotiability proceedings.

Recently, Housing and Urban Development (HUD), Employee and Labor Relations (ELR) Division issued a memorandum dated September 30, 2011 to HQ and the Field Offices managers that the use of official time by American Federation of Government Employee (AFGE) representatives must be calculated and recorded in compliance with Article 7 of the current negotiated Agreement.

The memorandum states that determining the amount of Official Time to be allocated per quarter as per the Agreement, official time for purposes of allocation must be based on the number of Full-Time (FT) bargaining unit employees. The practice by AFGE has been to count non-bargaining unit employees, management, and Inspector General Employees in determining quarterly Official Time allocations. Counting bargaining unit employee's only obviously reduces the amount of time the Union will be able to allocate per quarter. The Union feels this reduction will likely create challenges in various offices in the form of union under-representation in matters where it is needed.

While the union, based on long standing practices disagrees with management's interpretation of how official time is calculated, but recognizes in the spirit of cooperation, it is important to avoid legal actions that could have a negative effect on current contract negotiations. In recognition of this problem the union and management have agreed to create a bank of discretionary official time up to 600 hours per quarter that will be administered by Council 222. This will be additional time allotted to AFGE Locals.

Council 222 will develop procedure for administering the discretionary bank and report the time changes to management on a quarterly basis consistent with current department procedures. In addition, all use of official time will be reported to management in a written monthly report on form HUD-25006-A. Reporting in WebTA will not be an appropriate substitute for this requirement.

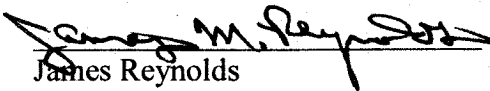
Each local will be granted an aggregate of official time that will include: 1) mandatory official time as prescribed by 5 USC 71 on an "as needed basis"; 2) the current HUD/AFGE Agreement; and 3) official time granted from Council 222's discretionary bank. The Department will allocate this discretionary bank of Official time to the Council.

The parties agree to the following procedures:

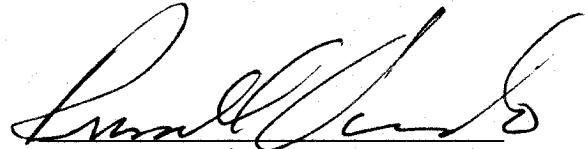
- 1) In advance of the each quarter the Department shall establish and provide the Council an accurate list of BUE as of 10/1/11.
- 2) The Council will establish internal procedures for each each local to request and receive official time from the discretionary bank, distribute official time from the discretionary bank, and resolve internal matters associated with all such allocations and distributions;
- 3) The Council will notify the Department prior (10 days) to the beginning of any quarter reallocation of official time by local that is consistent with current procedures in accordance with Article 7 of the Agreement.
- 4) If the BUE listing is not made available in a timely fashion, the official time allocation from the previous quarter shall remain in effect for each local.
- 5) AFGE may use the full bank of official time each quarter, and the bank of official time will zero out each quarter, even if all 600 hours has not been allocated or utilized.
- 6) Each local will be responsible for reporting the use of official time to Management in a written monthly report on form HUD 25006-A. Reporting in WebTA will not be an appropriate substitute for this requirement. It is understood by the Parties that the HUD 25006 is not intended to be a permission slip for using official rather a reporting of the official time use by Union Representatives.

This agreement is an interim agreement that is intended to be effective immediately upon signing by both parties and will remain in effect until a new Official Time Provision, currently Article 7 of the existing master agreement, is ratified through the current HUD and Council 222 master agreement negotiation process. This agreement provides additional official time in accordance with the Statute.

This agreement only impacts the method of how official time will be allotted beyond what is allowed under Article 7 of the current negotiated Agreement and the statute.

 12/15/11

James Reynolds  
Deputy Director  
Employee and Labor Relations Division



Russell Varnado  
President, AFGE Council of Locals 222



Ruth R. Cook  
Acting Director  
Employee and Labor Relations Division

Date: 12/15/2011

Date: 12/15/2011