



National Council of HUD Locals

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFFILIATED WITH AFL-CIO

Council 222

September 14, 2011

Memorandum For: James Reynolds, Deputy Director, Labor and Employee Relations


From: Carolyn Federoff, Executive Vice President, AFGE Council 222

Subject: Amendment of Grievance of the Parties – Fair and Equitable II
Renewal of Request for Information
Notice of Submission for Arbitration

By memorandum dated July 28, 2011, we filed a Confirmation of Grievance of the Parties in the subject matter. Please accept this Amendment, and Notice of Submission for Arbitration. Further, we are renewing our Request for Information.

We are aware that the agency has begun to offer positions under the offending Vacancy Announcements to Bargaining Unit Employees. As evidenced by the attached electronic mail exchange in one such example, employees are being required to take downgrades if they accept the position. This amounts to a “constructive demotion” in violation of the HUD/AFGE Agreement, as interpreted in a national level arbitration. *HUD and AFGE Council 222, FMCS No: 03-07743, Arbitration Decision at page 14.*

In order to avoid a procedural argument that the Grievance is untimely (as employees had not yet been harmed at the time of filing) we are specifically amending the Grievance to reflect that employees are being harmed by Management’s offer of positions requiring a “constructive demotion.” Further, we are amending our request for relief to include the demand that the Agency cease and desist from the practice of “constructive demotion.”

A response to our initial filing of a Grievance of the Parties was due on or about August 28. We have not received a response to the Grievance, nor a response to our inquiries about whether Management intends to respond. Therefore, we believe we have no choice but to submit this matter for arbitration.

I will be in Headquarters on September 22, 2011. I am requesting that we meet on that day to select an arbitrator from our National HUD-AFGE Arbitration Panel, in accordance with the HUD/AFGE Agreement at Section 23.15.

Finally, we have yet to receive a response to the Request for Information that accompanied our July 28, 2011, Grievance of the Parties. Please accept this as a renewal of our request. If you need additional information in order to meet our request, please contact me at your earliest convenience. We reserve the right to amend the Grievance of the Parties based upon our investigation.

Attachment

cc: Russell Varnado, President
AFGE Council 222

Federoff, Carolyn

From: Hannigan, Carolyn
Sent: Monday, September 12, 2011 5:49 PM
To: Jones, Felicia B; Bryan, Ronald L
Subject: FW: Vacancy Announcement #489406 - Management Analyst

Importance: High

I'm sorry, Felicia, but if management cannot stand behind its verbalizations in writing, then there is no need for me to commit in writing to a position that is beneath my current level of pay.

Thanks but no thanks!

Carolyn Hannigan

Management Analyst
HUD National Servicing Center (NSC)
Operations - Reporting and Analytics Branch
Office of Single Family Asset Management (SFAM)
email box - sfdatarequests@hud.gov OR Carolyn.Hannigan@hud.gov
Direct: 405-609-8537 Fax: 405-609-8421

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From: Jones, Felicia B
Sent: Monday, September 12, 2011 4:42 PM
To: Hannigan, Carolyn
Cc: Lundstrom, Sharon A; Bryan, Ronald L
Subject: RE: Vacancy Announcement #489406 - Management Analyst
Importance: High

Carolyn,

As per the information available. If accept the position as a GS 11/10 it cannot based being re-promoted. This appears to be an acceptance with a contingency. Which is not allowed. Please re-phrase your acceptance.

Ron,

I hope I'm not out line.

Felicia B. Jones
Deputy Director
National Servicing Center
405-609-8444 - phone
405-609-8405 - fax

Please make note of new email address:

felicia.b.jones@hud.gov

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From: Hannigan, Carolyn
Sent: Monday, September 12, 2011 4:37 PM
To: Bryan, Ronald L
Cc: Hannigan, Carolyn; Lundstrom, Sharon A; Jones, Felicia B
Subject: FW: Vacancy Announcement #489406 - Management Analyst
Importance: High

HR has informed me that re-promotion to GS 12/7 is at Housing management's discretion and there are no time constraints to be enforced.

Both you and Sharon have stated that it was/is not your desire/preference/intent that I should have to take a \$7942 cut in pay in order to get a promotion to GS-13.

Based on these facts, I accept the GS 11/10 if the below options are honored, i.e., I am re-promoted to GS 12/7.

Thank you all for your input in helping me to arrive at this determination.

Carolyn Hannigan

Management Analyst
HUD National Servicing Center (NSC)
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From: Hannigan, Carolyn
Sent: Monday, September 12, 2011 4:10 PM
To: Hughes, Demetrea A
Cc: Hannigan, Carolyn
Subject: RE: Vacancy Announcement #489406 - Management Analyst

You had responded earlier as did someone from Ms. Brundidge's office.

" Through competitive procedures in which you applied under, management could only make a selection for the grade level offered in the posting.

Your acceptance of the position offered would mean that you voluntarily understand that this would be a change to lower grade and that a re-promotion decision by our office cannot be guaranteed. Please note, that our office cannot give assurance that Housing management would be inclined to re-promote you at any given time into the position. It would be at Housing's management sole discretion that a decision could be made for you to be re-promoted at any given time to your current step and grade into the position. You would have to personally address that with the supervisor of record or another Housing management chain of command on your concerns around that.

For your own personal awareness, there is no time restrictions of you staying at a GS-11 level since you previously completed the 1 year of specialized experience requirement."

Thank you, all for sharing your expertise on this subject.

Carolyn Hannigan
Management Analyst
HUD National Servicing Center (NSC)
Operations - Reporting and Analytics Branch
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-----Original Message-----

From: Hughes, Demetrea A
Sent: Monday, September 12, 2011 3:38 PM
To: Hannigan, Carolyn
Subject: RE: Vacancy Announcement #489406 - Management Analyst

Carolyn, Mr. Bryan can only offer you the position at the GS-11/10. The position was only advertised at the GS-11. I can not guarantee that management will promote you the next pay period. That is up to management

From: Hannigan, Carolyn
Sent: Friday, September 09, 2011 6:37 PM
To: Hughes, Demetrea A
Cc: Hannigan, Carolyn
Subject: FW: Vacancy Announcement #489406 - Management Analyst

Demetrea, I am hoping that you can provide the information requested below so I can make an informed decision on the subject job offer.

Thank you in advance for your anticipated assistance.

Carolyn Hannigan
Management Analyst
HUD National Servicing Center (NSC)
Operations - Reporting and Analytics Branch
Office of Single Family Asset Management (SFAM)
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From: Hannigan, Carolyn
Sent: Friday, September 09, 2011 5:34 PM
To: Bryan, Ronald L
Cc: Hannigan, Carolyn
Subject: RE: Vacancy Announcement #489406 - Management Analyst
Importance: High

Thank you for your quick response. Before I accept this position, I reiterate my request that you please provide the guidance or regulation that requires this position to be offered at GS-11/10 versus my current grade and pay as the position's promotion potential is a GS-13, which exceeds my current grade (12/7).

Also, so I make an informed decision by c.o.b. Monday, can you verify that expedited promotion is available under this position (i.e., apprise the promotion potential and time intervals for the next grade/promotion advancement).

It appears that if the pay cut is accepted in order to move to the grade 13, I will have to move from an 11/10 to a 12/5, but the time period is the unknown. If this scenario is accurate, I need to know how long I must remain at these incremental steps before I return to the salary I am currently foregoing.

This information is pertinent to my determining if acceptance of this offer is advantageous or not.

Thanking you in advance for providing these facts as soon as possible.

Have a great weekend.

Carolyn Hannigan
Management Analyst
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From: Bryan, Ronald L
Sent: Friday, September 09, 2011 4:31 PM
To: Hannigan, Carolyn
Subject: RE: Vacancy Announcement #489406 - Management Analyst

Hello Ms. Hannigan,

The offer is for Management Analyst GS-0343-11 step 10 (\$74,628.00) with non-competitive promotional potential to the GS-0343-13 grade level. Ron

Ronald Bryan
Human Resources Specialist
OCHCO, Recruitment & Staffing Division, Branch 2
U.S. Dept of Housing and Urban Development
600 Harrison Street, 3rd floor
San Francisco, CA 94107
415-489-6708 Fax: 415/489-6710

From: Hannigan, Carolyn
Sent: Friday, September 09, 2011 2:14 PM
To: Bryan, Ronald L
Cc: 'channiok@cox.net'; Hannigan, Carolyn
Subject: FW: Vacancy Announcement #489406 - Management Analyst
Importance: High

Thank you for contacting me on September 7, 2011 to offer the subject position to me.

As Human Resources is aware, I have been at the GS 12 level since 2000 and am now a step 7.

Please confirm in writing the Pay Grade and salary compensation that accommodates this job offer.

Thank you,

Carolyn Hannigan
Management Analyst
HUD National Servicing Center (NSC)
Operations - Reporting and Analytics Branch
Office of Single Family Asset Management (SFAM)
email box - Carolyn.Hannigan@hud.govmailto:Carolyn.Hannigan@hud.gov
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