



## National Council of HUD Locals - Council 222

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES AFFILIATED WITH AFL-CIO  
WE ARE COMPRISED OF HUD LOCALS THROUGHOUT THE U.S.

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**January 28, 2025**

### **Cease and Desist Telework Policies and RA HUD-1000 Form Requests**

Dear Bargaining Unit Employees,

The Cease and Desist sent to management about the Telework Policies and RA HUD-1000 Form Requests:

**From:** Antonio <[Antonio.Gaines@hud.gov](mailto:Antonio.Gaines@hud.gov)>

**Sent:** Tuesday, January 28, 2025 10:26 AM

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**Subject:** Cease and Desist Demand Regarding Implementation of Telework Policies and HUD-1000 Form Requests

**To:**

Lori Michalski  
Chief Human Capital Officer  
Department of Housing and Urban Development  
451 7th Street S.W.  
Washington, DC 20410

**Subject:** Cease and Desist Demand Regarding Implementation of Telework Policies and HUD-1000 Form Requests

**Dear Ms. Michalski,**

I write to demand the immediate cessation of two distinct and unlawful actions by the Department of Housing and Urban Development (HUD): (1) the implementation of new telework policies that violate existing agreements and federal law, and (2) the blanket request for resubmission of HUD-1000 forms. These actions expressly contravene legal precedents, statutory obligations, and collective bargaining agreements, as detailed below.

#### **I. Implementation of Telework Policies**

The recent telework policy changes, as outlined in the phased return-to-office memorandum, violate both the collective bargaining agreement (CBA) and federal law.

#### **Violation of the Collective Bargaining Agreement**

The CBA explicitly governs telework arrangements and prohibits unilateral changes to telework policies without fulfilling bargaining obligations. Article 18 of the CBA states that telework agreements in place at the time of implementation of new policies will remain in effect unless the employee is no longer eligible for telework. HUD's unilateral imposition of in-office work requirements violates this provision.

### **Violation of Federal Law**

The Telework Enhancement Act of 2010 mandates that telework policies be implemented to the maximum extent possible, consistent with agency mission requirements. HUD's abrupt imposition of in-office work requirements contradicts this mandate and fails to consider the operational benefits of telework, as recognized in the CBA and federal law.

### **Relevant Case Law**

- **National Treasury Employees Union v. Federal Labor Relations Authority, 793 F.2d 371 (D.C. Cir. 1986):** The court emphasized that federal agencies are bound by the terms of their negotiated agreements and cannot unilaterally impose additional requirements on employees.

## **II. Blanket Request for HUD-1000 Form Resubmissions**

The blanket request for employees to resubmit HUD-1000 forms constitutes an improper review of previously approved reasonable accommodations and violates multiple legal and contractual obligations.

### **Improper Review of Approved Accommodations**

The legal definition of "review" in the context of disability accommodations has been interpreted by courts to mean a re-examination or reconsideration of a previously made determination. HUD's blanket request for resubmission of HUD-1000 forms clearly constitutes such a review, as it necessitates a re-evaluation of previously approved accommodations.

### **Relevant Case Law**

- **Ward v. Massachusetts Health Research Institute, Inc., 209 F.3d 29 (1st Cir. 2000):** The court held that an employer's request for updated documentation of an employee's disability constituted an improper review of a previously granted accommodation.
- **Ricks v. Xerox Corp., 877 F. Supp. 1468 (D. Kan. 1995):** The court held that an employer's unilateral revocation of a previously granted accommodation violated the ADA.

### **Violation of the Collective Bargaining Agreement**

Section 45.05 of the CBA explicitly states:

*"Once a permanent disability has been established it will not be subject to further medical documentation or revocation."*

HUD's blanket request for HUD-1000 forms directly contravenes this provision.

### **Violation of Federal Records Act (FRA)**

HUD's request for documents HUD is legally required to maintain violates the Federal Records Act of 1950. Under 44 U.S.C. § 3101, federal agencies are required to maintain adequate and proper documentation of their essential transactions. By requesting employees to resubmit forms that HUD is legally obligated to retain, the agency is effectively admitting to a failure in its records management obligations.

### Relevant Case Law

- **Armstrong v. Executive Office of the President, 1 F.3d 1274 (D.C. Cir. 1993):** The court held that federal agencies have an affirmative duty to preserve and manage records in accordance with FRA guidelines.

### III. Demand for Immediate Action

In light of the above, I demand that HUD immediately:

4. Cease and desist from implementing the telework policies in a manner that violates the CBA and federal law.
5. Retract the blanket request for resubmission of HUD-1000 forms.
6. Provide documentation of corrective actions within **5 days**.

Failure to comply with this demand will result in the pursuit of all available legal remedies, including filing grievances, unfair labor practice charges, and seeking injunctive relief in federal courts.

### VII. Conclusion

HUD's actions not only contravene established legal and contractual obligations but also undermine the trust and morale of its workforce. Reconsider your position and take immediate corrective action to ensure compliance with the law and respect for employees' rights.

**Sincerely,**

Antonio F. Gaines  
President  
AFGE National Council 222

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