



National Council of HUD Locals

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFFILIATED WITH AFL-CIO

Council 222 P.O. BOX 9762 ALEXANDRIA, VA 22304

Cease and Desist Letter

February 23, 2025

To:

Charles Ezell, Acting Director
U.S. Office of Personnel Management (OPM)
1900 E Street, NW
Washington, DC 20415

Scott Turner, Secretary
Department of Housing and Urban Development
451 7th Street SW
Washington, D.C. 20410

Subject: Immediate Cease and Desist Order – Unlawful and Unilateral Directive Requiring Weekly Task Reporting

Dear Acting Director Ezell and Secretary Turner,

On behalf of the American Federation of Government Employees (AFGE) National Council of HUD Locals 222, representing over 5,300 federal employees at the Department of Housing and Urban Development (HUD), this letter serves as a formal demand for the immediate cessation of the directive issued Saturday February 22nd 2025, from hr@opm.gov requiring all federal employees to submit a weekly report of five completed tasks within an eight-hour timeframe, copying their supervisors.

This directive is unlawful, violates federal labor laws, breaches the collective bargaining agreement (CBA) between HUD and AFGE National Council 222, and infringes upon employee privacy protections. We demand its immediate revocation for the following reasons:



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1. Violation of the HUD Collective Bargaining Agreement (CBA)

The HUD CBA, ratified on December 18, 2024, establishes that any changes to employee workload documentation or reporting requirements must be negotiated with the union prior to implementation.

Specifically, **Article 49, Section 49.01** states:

“The Department shall provide the Union with notice and an opportunity to bargain over changes in conditions of employment, including workload documentation and reporting requirements, prior to implementation.”

The unilateral imposition of a mandatory weekly reporting directive without prior consultation constitutes a clear violation of this agreement and is an Unfair Labor Practice (ULP) under **5 U.S.C. § 7116(a)**.

Additionally, the eight-hour compliance deadline places undue pressure on employees, interfering with their ability to perform core duties effectively. This directive is unenforceable under the ratified CBA and must be immediately withdrawn.

2. Violation of Federal Labor Laws

The Federal Service Labor-Management Relations Statute (5 U.S.C. Chapter 71) mandates that federal agencies negotiate changes to working conditions with union representatives before implementation.

- **5 U.S.C. § 7116(a)(1) and (5)** prohibit agencies from bypassing the union and unilaterally implementing changes to conditions of employment.

This directive introduces new performance-tracking requirements that were never subject to collective bargaining, violating the union’s statutory right to negotiate on behalf of employees.

3. Privacy Violations and Unauthorized Surveillance

The directive raises significant privacy concerns under the **Privacy Act of 1974 (5 U.S.C. § 552a)**:



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- Employees were not informed about who is collecting, storing, or analyzing their data.
- There is no transparency regarding how the data will be used or whether it will be shared with external parties.

If OPM or HUD has engaged in unauthorized data collection, we will demand an Inspector General investigation.

4. Congressional Authority Over Federal Employment

Under the U.S. Constitution, Congress retains exclusive authority to regulate federal employment and related spending by administrative agencies. Neither OPM nor the President has the unilateral authority to impose new reporting mandates that alter the terms and conditions of federal employment without Congressional approval.

This directive represents an overreach of executive authority and undermines the legislative framework governing federal employment.

5. Immediate Harm to Public Services

This directive diverts employee time and resources away from critical HUD-specific public services, including:

1. **Delays in Processing Housing Assistance Applications**
 - Slower processing of applications for Section 8 Housing Choice Vouchers and other rental assistance programs, leaving vulnerable families without timely support.
2. **Disruptions in Public Housing Operations**
 - Reduced capacity to address maintenance and operational issues in public housing, directly impacting the living conditions of low-income residents.
3. **Delays in Fair Housing Investigations**
 - Slower responses to complaints of housing discrimination, undermining HUD's mission to ensure equal access to housing opportunities.
4. **Backlogs in Community Development Block Grant (CDBG) Programs**
 - Delays in approving and disbursing CDBG funds, which are critical for local governments to address housing, infrastructure, and economic development needs.



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5. **Reduced Oversight of Federal Housing Administration (FHA) Programs**
 - Limited capacity to monitor and manage FHA-insured loans, increasing risks to the housing market and taxpayers.
6. **Delays in Disaster Recovery Assistance**
 - Slower deployment of HUD's disaster recovery programs, such as the Community Development Block Grant Disaster Recovery (CDBG-DR), delaying aid to communities affected by natural disasters.
7. **Hindrance to Homelessness Assistance Programs**
 - Reduced support for Continuum of Care (CoC) programs and Emergency Solutions Grants (ESG), which are vital for addressing homelessness.
8. **Delays in Environmental Reviews**
 - Slower completion of environmental reviews required for housing and community development projects, stalling critical initiatives.
9. **Disruptions in HUD's Affordable Housing Initiatives**
 - Reduced capacity to support affordable housing development and preservation, exacerbating the housing affordability crisis.
10. **Increased Backlogs in HUD's Office of Inspector General (OIG) Investigations**
 - Delays in addressing fraud, waste, and abuse in HUD programs, undermining accountability and efficiency.

These consequences directly hinder HUD's ability to fulfill its mission of creating strong, sustainable, inclusive communities and quality affordable homes for all. The directive's excessive reporting requirements divert critical resources from these essential functions, jeopardizing the well-being of millions of Americans who rely on HUD's services.

6. Demands and Legal Consequences for Non-Compliance

In light of these violations, we demand the following actions within **48 hours** of receipt of this letter:

1. Immediate withdrawal of the directive requiring weekly task reporting.
2. Formal written confirmation from OPM stating that compliance with this directive is not mandatory and that no disciplinary actions will result from non-participation.
3. A meeting with union leadership to discuss the legal and operational ramifications of this policy before any further modifications to employee reporting requirements.

Failure to comply with these demands will result in the following actions:



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- Filing a formal ULP complaint with the Federal Labor Relations Authority (FLRA).
- Pursuing legal action for violations of the Privacy Act.
- Requesting an Inspector General investigation into potential misuse of federal HR policies.
- Mobilizing a nationwide union-led response, including mass grievances, work-to-rule actions, and other lawful means of resistance.

This letter serves as your official notice of non-compliance. Any continued enforcement of this directive after receipt of this cease-and-desist order will be considered a willful violation of the existing and approved CBA, federal labor laws and employee protections, exposing responsible parties to potential legal liability.

We expect a written response within **48 hours** confirming that this directive has been fully rescinded and that no employee will face retaliation for non-compliance. Please direct all correspondence to **Dr. Erik Jetmir at Erik.Jetmir@hud.gov**.

Sincerely,



Antonio F. Gaines
AFGE National Council 222
President

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CC:

Members of Congress on Oversight Committees

Office of the Inspector General

Federal Labor Relations Authority (FLRA)

Media Outlets & Federal Employee Advocacy Groups