

## AFGE Council 222

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**From:** AFGE Council 222 <AFGECouncil222@hud.gov>  
**Sent:** Thursday, February 27, 2025 6:13 AM  
**Subject:** AFGE National Council 222 Files OSC Complaints to Protect Bargaining Unit Employees From HUD's Systemic Violations



### 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.

<https://afgecouncil222.com>

**February 27, 2025**

### **AFGE National Council 222 Files OSC Complaints To Protect Bargaining Unit Employees From HUD's Systemic Violations**

Dear Bargaining Unit Employees,

This is a critical update regarding Council 222's ongoing fight to protect your rights and livelihoods. HUD's actions have left us no choice but to escalate our efforts by filing formal complaints with the U.S. Office of Special Counsel (OSC). These complaints address systemic violations of federal law, policy, and our Collective Bargaining Agreement (CBA). We request that the OSC immediately file a petition with the Board pursuant to 5 C.F.R. § 1201.134 to stay the terminations and HUD wide RIF's.

As detailed in the attached complaint and Form 11, these mass terminations / RIFS, which were indisputably conducted with no regard for the performance or conduct of individual probationary employees, are plainly unlawful, violate foundational merit system principles, and constitute multiple prohibited personnel practices (PPPs) under 5 U.S.C. § 2302.

#### **HUD's Systemic Violations**

HUD has engaged in prohibited personnel practices that undermine the rights of federal employees, including:

- 1. Improper Terminations of Temporary Employees:** HUD has terminated temporary employees without valid justification, violating federal law and Article 8 of our CBA, which guarantees that temporary employees are entitled to notice and protections unless specifically excluded by law.
  - **CBA Section 8.03:** "Whenever possible, a temporary employee shall be given two (2) weeks' notice of the termination of his/her appointment." HUD has failed to meet this standard.
  - **Probationary Employees:** They should be rated individually based on performance and conduct.
- 2. Planned Reduction in Force (RIF) of 4,000 Employees:** HUD's planned RIF disregards the rights of veterans, employees with disabilities, and other protected groups, violating federal statutes and Article 33 of our CBA, which mandates adherence to retention registers, notice requirements, and placement efforts.

- **CBA Section 33.06:** "An individual employee who is adversely affected by a RIF shall, as a minimum, be given specific notice not less than sixty (60) days in advance of the effective date." HUD has failed to provide this notice.
  - **CBA Section 33.10:** "Management will make every effort to use vacancies to satisfy an employee's assignment right." HUD has ignored this obligation.
3. **Failure to Bargain in Good Faith:** HUD has ignored its obligations under 5 U.S.C. Section 7116, which requires the agency to notify the Union of RIFs in advance and provide opportunities for bargaining over the impact and implementation of such actions.
- **“it is considered an unfair labor practice for an agency to refuse to consult or negotiate in good faith with a labor organization as required by this chapter”**

### **Council 222’s Good Faith Efforts**

Council 222 has made every effort to resolve these issues collaboratively, including:

- **Information Requests:** We have submitted numerous requests for transparency regarding the RIF process, as required under 5 U.S.C. § 7114(b)(4) – Duty to Provide Information.
- **Cease and Desist Orders:** Multiple orders have been issued to halt HUD’s unlawful actions.
- **Demand to Bargain:** We are invoking our rights under Article 49 of the CBA to negotiate the impact and implementation of the RIF.

Despite these efforts, HUD has refused to comply with its legal and contractual obligations, leaving us no choice but to seek intervention from the OSC. The Office of Special Counsel is uniquely and statutorily situated to defend executive branch employees from these illegal actions by Agency heads.

### **Filing OSC Complaints**

Council 222 has filed complaints with the OSC to address these systemic violations and protect the rights of all affected employees. The complaints demand:

1. **Immediate Relief:** A stay of the planned RIF and reinstatement of improperly terminated employees.
2. **Systemic Investigation:** A thorough investigation into HUD’s practices to ensure compliance with federal law and the CBA.
3. **Compliance with CBA:** In accordance with the provisions of the CBA, schedule negotiations with the union.
4. **Broader Protections:** Relief for all 4,000 employees at risk of being affected by the RIF, not just those already terminated.

### **What This Means for You**

HUD’s actions threaten the livelihoods of thousands of employees, but Council 222 is fighting back. Federal regulations, OPM guidelines and our CBA require the agency to address the following:

#### **Employees are retained or released based on:**

1. Tenure (permanent vs. temporary appointment)
2. Veterans’ preference
3. Length of service
4. Performance ratings

**A RIF also includes furloughs of more than 30 calendar days or 22 non-consecutive workdays.**

## ***How RIFs Are Organized***

- Competitive Area: Defines the geographical and organizational limits where employees compete for retention.
- Competitive Level: Groups of employees with similar job grades, series, and qualifications.
- Retention Register: Ranks employees based on tenure, veterans' preference, service length, and performance ratings. Employees are released in the inverse order of their retention standing.

## ***Rights to Other Positions (Bumping & Retreating)***

- Bumping: A released employee may take the position of another with a lower tenure group.
- Retreating: A released employee may reclaim a position they previously held.
- Employees with "Minimally Successful" or lower ratings may not have placement rights.

HUD has failed to meet these obligations, and others, and we are holding them accountable.

## **Call to Action**

We need your support to strengthen our case. If you have been affected by these actions or have information that could support our complaints, please contact your local AFGE representative immediately. Together, we can ensure that HUD is held accountable for its violations and that your rights are protected.

## **Conclusion**

The Council will not stand by while HUD disregards the law, our CBA, and the rights of our members. We are committed to fighting for justice and ensuring that every employee is treated fairly, and with dignity and respect. Stay tuned for updates as we continue this critical battle. Reach out to your local union representatives with any questions or comments.

In solidarity,

**Antonio F. Gaines**

President

AFGE National Council #222

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This e:alert is for HUD AFGE bargaining unit employees