



National Council of HUD Locals

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFFILIATED WITH AFL-CIO

Council 222

April 1, 2011

MEMORANDUM FOR: Norman Mesewicz, Acting Deputy Director

Labor and Employee Relations Division, ARHL

FROM: Russell Varnado, President

Council 222

SUBJECT: Request for Information

It has come to the attention of the Council that budget shortfalls have the potential of resulting in the necessity of furloughs for employees. The Council as exclusive representatives' right extends not only to information necessary to process a pending grievance, but to information necessary to formulate a position or to determine whether to file an action before a third party to protect and enforce the right of its membership. See *VA and AFGE Local 3314*, 28 FLRA 260, 265 (1987); *Dept. of Navy, Portsmouth Naval Shipyard and Portsmouth FEMTC*, 4 FLRA 619, 624 (1980).

To enable the Council seeks the information necessary for a full and proper analysis, position formulation, discussion, understanding and negotiation of this matter. Pursuant to Title 5 U.S.C. § 7114(b)(4)(A) and (B); and Articles 3, 4, 17, 18, 22 and 23 of the HUD/AFGE Agreement, we seek the following information:

The terms "documentation" and "communication" shall be interpreted to the broadest extent possible and shall include, but not be limited to, documents in paper, electronic and other form.

- 1) List each Program area that is expected to be affected by Budget shortfalls that potentially require a furlough.
- 2) For each Program area that is projected to have a shortfall and that may potentially require a furlough, provide a copy of its budget (as set forth on the Operating Plan provided to Congress).
- 3) For each Program area that is projected to have a shortfall and that may potentially require a furlough, provide a copy of its expenditures to date in a form that corresponds to its budget (as set forth on the Operating Plan provided to Congress).
- 4) For each Program area that is projected to have a shortfall and that may potentially require a furlough, provide a copy of its anticipated expenditures as of March 31, 2011, in a form that corresponds to its budget (as set forth on the Operating Plan provided to Congress).

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- 5) Provide all analyses, documentation and research that were used to determine the projected budget shortfall in Program areas that may potentially, require a furlough, including who in HUD projected this shortfall, why, and the date the projection was made.
- 6) Provide all budget analyses, documentation and projections for Program areas that may have a budget surplus during the same period of time as other Program areas are projected to have budget shortfalls.
- 7) Provide the analysis, documentation and conclusions/determinations on budget surpluses on all line items within each Program area that may be required to have a furlough due to a budget shortfall.
- 8) Provide any analyses, documentation and conclusions/determinations on budget surpluses on any line item in Program areas that are not projected to require a furlough due to budget shortfalls.
- 9) Provide a copy of all communications within the Department that discusses all means to resolve any budget shortfall issues within Program Areas projected to have budget shortfalls that may need to have furloughs.
- 10) Provide all statutes, regulations and policy requirements that are being used to determine possible solutions for Program areas with projected budget shortfalls.
- 11) Provide all communications between Program areas, the Chief Financial Officer's (CFO) office and HUD Management indicating when HUD first became aware of the possibility of a budget shortfall in any Program area that could potentially result in furloughs.
- 12) List the number of employees in each Program area that may be affected by budget shortfalls where HUD may potentially consider a furlough.
- 13) Provide all analyses, documentation, conclusions /determinations on the number of hours, days or time that may be necessary for a potential furlough in order to cover a budget shortfall in any Program area being considered for a furlough.
- 14) Provide all analyses, documentation and conclusions/determinations on the average hourly pay of employees in any Program area that is considered to have a budget shortfall where a furlough is being considered.
- 15) Provide any and all documents that present or consider any alternative method of meeting projected budget shortfalls in any Program area that is being considered for furloughs.

This information is or should be normally maintained by HUD in its regular course of business. The information should be reasonably available and accessible and is necessary for a full and proper discussion, understanding and negotiation concerning appropriate arrangements

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for employees adversely affected by projected budget shortfalls. There is no inconsistency with the provisions of the Privacy Act, 5 U.S.C. 552a related to the information being requested. AFGE Council 222 has established the right to such information to fulfill its representational duties towards the bargaining unit employees.

The Union requests that the above specified information be furnished within a reasonable time not to exceed fifteen (15) calendar days. If this request is denied, in whole or in part, please state in writing the name, position title, and grade of the official making the decision, and the statutory, regulatory, or contractual citation it is based upon.

If the Agency is unable to fulfill any request in full, please fulfill it in non-objectionable part, and articulate any denial in detail and/or the Agency's interest in non-disclosure at the time that it denies the request for information. See *U.S. Department of Justice, Immigration and Naturalization Service, Northern Region, Twin Cities, Minnesota*, 51 FLRA 1467, 1473 (1996), *reconsideration denied*, 52 FLRA 1323 (1997), *aff'd*, 144 F.3d 90 (1998); *IRS-Kansas City*, 50 FLRA at 670.

If you have any further questions regarding this memo, please contact me at 202.402.8033.