



American Federation of Government Employees National  
Council of HUD Locals 222

*Affiliated with AFL-CIO*

451 7th Street, SW, Suite 3240  
Washington, DC 20410

Antonio Gaines  
President

Phone: 678-732-2376  
E-mail: Antonio.F.Gaines@hud.gov

**VIA ELECTRONIC MAIL**

To: Lori Michalski, Chief Human Capital Officer, OCHCO  
From: Antonio Gaines, President, HUD Council 222 /s/  
Re: Grievance of the Parties - Systemic Violations of Reasonable Accommodation Rights  
Date: September 3, 2025

Pursuant to Article 51, Section 51.15 of the HUD-AFGE Collective Bargaining Agreement (Master Agreement), the American Federation of Government Employees (AFGE) National Council of HUD Locals 222 (the Union) files this Grievance of the Parties (GOP) to address systemic violations of employees' rights under the Master Agreement, the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and related federal regulations.

**BACKGROUND**

Since on or about January 20, 2025, the Department of Housing and Urban Development (HUD) has repeatedly failed to provide timely responses for reasonable accommodation (RA) requests submitted by bargaining unit employees (BUEs). In numerous instances, employees have faced undue delays—sometimes stretching months—without interim or final resolution, leaving them without the workplace modifications necessary to perform their official duties.

These systemic failures have been documented across multiple program areas and regional offices, demonstrating that the violations are not isolated events but rather reflect ongoing deficiencies in HUD's compliance with its legal and contractual obligations. These management-imposed obstacles have not only placed unnecessary burdens on BUEs but have also undermined the agency's ability to achieve its mission and program objectives.

**CONTRACT VIOLATIONS**

HUD's actions and inaction constitute violations of the following:

Master Agreement

Article 45 – Reasonable Accommodation

Section 45.03:

- Failure to engage in the last resort (reassignment) process.

Section 45.04(1):

- Untimely processing of RA requests, beyond thirty business days, from the date of the written request of the RA.

Section 45.04(2):

- Supervisor failure to properly engage in interactive process.

Section 45.04(4)(5):

- Failure to provide a detailed reason for denial of accommodation.
- Failure to provide the HUD11600 “Denial of Reasonable Accommodation Request” within 5 days of denial to the HQ RAB.

Section 45.05

- Revoking RA request approved prior to January 2025.

Article 49 – Mid-Term Bargaining

Section 49.02 - Failure to engage, notify or negotiate with the Union regarding policy changes that affect working conditions (i.e., centralized RA decisions by POHs/designees).

Procedures For Providing Reasonable Accommodation (HUD Handbook 7855.1)

Chapter 6 – The Decision-Making Process

- 6-1. Arbitrary changes to the *Decision Maker*, disallowing fair, prompt, and efficient accommodation approvals;
- 6-2. Internal deviation and engagement restrictions to the decision-making process, prolonging temporary and permanent approvals.

Chapter 7 – Delays in Providing Accommodation

- 7-1. Application of interim actions are inconsistent with policy intent;
- 7-2. Refusal to provide provisional accommodation measures that do not interfere with essential functions nor operations of the agency (undue hardship).

Federal Law

Rehabilitation Act of 1973 – § Section 501

- Prohibits federal employment discrimination and disparate treatment based on disability;
- Requires agencies to provide reasonable accommodation for the known physical or mental limitations of a qualified individual with a disability.

Americans with Disabilities Act (42 U.S.C. § 12112)

- Bars specific prohibited practices such as restricting employees using policies or criteria that have a discriminatory effect;
- Mandates employers to engage in interactive dialogue and reasonable modification of policies unless it causes undue hardship.

Unfair Labor Practices (5 U.S.C. Chapter 71)

§ 7116(a)(5): Failure to negotiate in good faith with the Union regarding material changes.

§ 7116(a)(8): Failure to comply with a provision of the CBA.

**MEETING**

The Union is not requesting a meeting for informal resolution pursuant to Article 51.15(2) of the Master Agreement.

**REMEDY**

1. Immediate rescission of the Agency's practice of escalating reasonable accommodation requests to Program Office Head (POH) or equivalent. Reinstating authority of first-line supervisors to make initial RA determinations.
2. Expulsion from official records of any disciplinary action taken against any BUE affected by the Agency's failure to properly process reasonable accommodation requests.
3. Restoration of Leave & Back Pay for any BUE affected by the Agency's failure to process reasonable accommodations according to applicable law and agency policy. Pecuniary damages, including compensation for lost wages and related out-of-pocket expenses.
6. Impacted BUEs shall be restored to their original position and compensated for any adverse effects resulting from the identified violations.
4. Attorneys' fees associated with the processing and prosecution of this grievance and any resulting arbitration; and
5. All other remedies available under the law based on the merits of this case.