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Memorandum For: Dan Raymond, Deputy Director
Employee & Labor Relations

From: Ashaki Robinson, PhD
AFGE National Council 222, RVP /s/

Subject: Request for Information – Revision and Implementation of Handbook
755.1, *Personnel Security and Suitability Policy*

Pursuant to 5 U.S.C. § 7114(b)(4) and the Federal Service Labor-Management Relations Statute (hereafter “the Statute”), American Federation of Government Employees National Council of HUD Locals No. 222 (hereinafter “AFGE Council 222” or “the Union”) formally requests the following information from the U.S. Department of Housing and Urban Development (hereinafter “HUD” or “the Department”). This request is made to fulfill the Union’s representational responsibilities under the Statute and the Collective Bargaining Agreement (“CBA”), including but not limited to National Supplement 20, and the impacts of directives incorporated in Handbook 755.1 on Bargaining Unit Employees (BUE’s).

Background

On May 13, 2025, the Office of the Chief Human Capital Officer (OCHCO) issued an all-staff email titled *Strengthening Workforce Security – What You Need to Know*, announcing the implementation of **Trusted Workforce 2.0** and the **Record of Arrest and Prosecution Back (Rap Back)** program. The Department described these changes as measures to enhance security and streamline background investigations.

These updates directly implicate **Handbook 755.1, Personnel Security and Suitability (May 2019)**—a document whose implementation followed negotiation between HUD and Council 222 and resulted in **National Supplement 20**. Significant changes to investigation frequency, processes, and workforce monitoring appear imminent and may substantially impact working conditions.

Handbook 755.1 incorporated the Department’s policy and procedures on personnel security and suitability, including the investigation and adjudication of factors that posed a risk to employee suitability. The implementation of the suitability policy and procedures was the subject of bargaining between the Department and Council 222 AFGE. Council 222 filed an unfair labor practice charge against the Department with the Federal Labor Relations Authority (FLRA). On

June 5, 2017, the Department and Council 222 entered into a settlement agreement to resolve the charge.

The Union must evaluate these changes and ensure employee rights are preserved. Accordingly, we request the following information:

Information Requested

1. **Operational Changes** Please provide a description of how Trusted Workforce 2.0/Rap Back will change the Department's handling of employee security and suitability matters.

PARTICULARIZED NEED: The Union has a particularized need for this information in order to determine the likely impact of Trusted Workforce 2.0/Rap Back on bargaining unit employees. This information is needed in order to appreciate changes in employee security and suitability policy and procedures that affect bargaining unit employees and to determine appropriate responses to Trusted Workforce 2.0/Rap Back and any related directives, guidance, training needs, and information demands.

2. **Mandating Authorities:** Please provide a copy of any and all materials, documents, directions, and/or Executive Orders from OMB, OPM, the White House, or any other agency mandating, directing, or supporting Trusted Workforce 2.0/Rap Back and mandating, directing, or supporting revisions to Handbook 755.1 and other directives or guidance on employee security and suitability.

PARTICULARIZED NEED: The Union has a particularized need for this information in order to determine the likely impact of Trusted Workforce 2.0/Rap Back on bargaining unit employees. This information is needed in order to develop bargaining proposals, determine appropriate responses to the Department's reply to the proposals presented above, evaluate Departmental positions on Union proposals, and effectively represent the bargaining unit.

3. **Sensitivity and Security Classifications:** For each office and geographic location:
 - a. Number of BUEs
 - b. Position description numbers
 - c. Names of incumbent by sensitivity level/security clearance.

PARTICULARIZED NEED: The Union has a particularized need for this information in order to determine the likely impact of Trusted Workforce 2.0/Rap Back on bargaining unit employees. This information is needed in order to develop bargaining proposals, determine appropriate responses to the Department's reply to the proposals presented above, evaluate Departmental positions on Union proposals, and effectively represent the bargaining unit.

4. **Investigations since MAY 2019:**
For each bargaining unit employee who has been investigated for security and/or suitability concerns since May 2019, please provide:

- a. The geographic location and office of the employee.
- b. The position title, position description number, and grade of the employee.
- c. The race, sex, national origin, disability status, veterans status, age, and hiring date of the employee investigated.
- d. The beginning and ending dates of each investigation, or, if the investigation is still open, information to that effect.
- e. The agency conducting the investigation; e.g., HUD, HUD OIG, OPM, contractor (by name).
- f. The reason for the investigation – e.g., tax liens, false statements on hiring documents, arrests, and whether the investigation was conducted under Trusted Workforce 2.0/Rap Back or policies, procedures, and methods that predate Trusted Workforce 2.0/Rap Back.
- g. The results of the investigation including identification of suitability factors that were not met and notification to the employee, the Union, and the Department’s Employee-Labor Relations (ELR) Office that suitability factors were not met.
- h. Action taken during the course of the investigation, if any – e.g., termination, reassignment, administrative leave, garnishment – including start and end or effective dates of such action.
- i. The final determination of suitability and any action taken by the Department.

5- 15. Additional Requested Data (May 2019 – Present)

5. Notices and any attachments to the Union and BUEs concerning Trusted Workforce 2.0/Rap Back and any changes in Handbook 755.1 and other policies, directives, or guidance concerning employee security suitability
6. Changes to Handbook 755.1 and other policies, directives, or guidance concerning suitability
7. Contracts to develop and/or implement changes in Handbook 755.1 and other policies, directives, or guidance concerning suitability
8. Point of contact and contact information concerning personnel security and suitability.
9. Position descriptions revised to reflect position risk and/or sensitivity level and guidance on how to revise position descriptions to reflect position risk and/or sensitivity level
10. Notices and any attachments to members of the bargaining unit to reflect changes in position descriptions (See item (9) above)
11. Summary statistics on suitability reviews present – including security and risk level of review, length of time it took to conduct and complete the review, whether the determination was that the employee was suitable or not, proposed adverse action, whether the determination and/or action was appealed, and final determination and action.
12. Legal opinions and administrative approvals relied upon for HUD’s establishment and implementation of Trusted Workforce 2.0/Rap Back.

13. Posts concerning employee security and suitability on hudatwork.gov, hud.gov, or other HUD websites.
14. Annual reports on the volume and impact of suitability reviews – as well as disciplinary/adverse actions taken against bargaining unit employees as a result of unfavorable security and suitability determinations.
15. Annual report as required by Article 35 of National Supplement 20, Implementation of Personnel Security and Suitability Handbook 755.1.

PARTICULARIZED NEED: The Union has a particularized need for this information (items (4) through (15)) in order to determine the likely impact of Trusted Workforce 2.0/Rap Back on bargaining unit employees. This information is needed in order to develop bargaining proposals, determine appropriate responses to the Department's reply to the proposals presented above, evaluate Departmental positions on Union proposals, and effectively represent the bargaining unit. The Union also requires the information to understand how investigations and suitability determinations currently affect bargaining unit personnel, in order to both formulate proposals and responses and also to determine if employees are treated fairly and equitable. The Union also requires the information to address any gaps in notification and reporting to the Union under Handbook 755.1 and Supplement 20 from May 2019 to the present. The Union requests information for the period following the May 2019 publication of Handbook 755.1 to provide a comprehensive picture of how employee security and suitability matters have been handled by the Agency.

PUBLIC INTEREST: Disclosure of the requested information would provide both employees and the public with a better understanding of how the Department handles employee security and suitability matters. In addition to using the information in the context of this negotiation, the Union is considering preparing a report for the bargaining unit and other interested parties.

Legal Basis for the Request

The legal basis for the Union's request is grounded in statute and regulations, as well as the Collective Bargaining Agreement (CBA) and recent administrative and judicial decisions. The following authorities establish the legal foundation:

1. 5 U.S.C. § 7114(b)(4): This statute requires agencies to furnish data that is normally maintained in the regular course of business, reasonably available, and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining.
2. 5 CFR § 293.311: This regulation clarifies that certain employee information, such as names, titles, grades, and duty stations, is publicly available and not subject to Privacy Act restrictions, supporting the Union's right to access this data.

3. Privacy Act Exception: The Privacy Act permits disclosure of certain employee information when it is necessary for the Union to fulfill its representational responsibilities, as outlined in 5 CFR § 293.311 and supported by FLRA decisions.
4. Federal Labor Relations Authority (FLRA) Precedent: The FLRA has consistently held that unions are entitled to information necessary for representational duties, including investigating and processing grievances. The following cases illustrate this principle:

U.S. Department of Justice, Federal Bureau of Prisons, Allenwood Federal Prison Camp, Montgomery, PA, 40 FLRA 449 (1991): The FLRA ruled that unions are entitled to information necessary to evaluate and process grievances.

Internal Revenue Service, Washington, D.C., 50 FLRA 661 (1995): The FLRA emphasized that an agency must provide information that is reasonably available and necessary for collective bargaining purposes.

U.S. Department of the Air Force, Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio, 51 FLRA 1532 (1996): The FLRA held that unions are entitled to information that is necessary to determine whether an agency has complied with applicable laws, regulations, and agreements.

U.S. Department of Veterans Affairs, Veterans Affairs Medical Center, Jackson, Mississippi, 60 FLRA 8 (2004): The FLRA found that unions are entitled to information necessary to assess whether an agency's actions are consistent with its obligations under the collective bargaining agreement.

U.S. Department of the Navy, Naval Aviation Depot, Cherry Point, North Carolina, 42 FLRA 795 (1991): The FLRA ruled that unions are entitled to information that assists in determining whether to file a grievance and in preparing for arbitration.

Response Timeline

The Union requests this data be furnished no later than 14 calendar days after the receipt of this request electronic format. If HUD cannot provide any of the information requested within seven (7) calendar days from receipt of this letter, please contact the Union immediately to discuss feasible alternatives.

If this request is denied, in whole or in part, please provide the specific reason(s) for the denial, countervailing interests, and authority relied upon. If you have any questions or concerns about this request, please contact me directly.