

IN THE MATTER OF ARBITRATION BETWEEN

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AFGE, AFL-CIO, NATIONAL )  
COUNCIL OF HUD LOCALS 222, )  
 )  
Union, ) FLSA Overtime and Damages  
 )  
and )  
 )  
U.S. DEPARTMENT OF HOUSING )  
AND URBAN DEVELOPMENT, )  
 )  
Agency. )  
 )

**Agency's Response to  
Union's Request for Information Pursuant to 5 USC 7114(b)**

The Department of Housing and Urban Development ("HUD" or the "Agency"), through counsel, hereby responds to the Request for Information ("RFI") submitted September 7, 2006.

**General Objection**

HUD objects to this Request for Information to the extent that the requested information is not necessary for discussion, understanding, and negotiation of subjects within the scope of collective bargaining. HUD further objects to this Request for Information to the extent that the requested information is not reasonably available taking into consideration the efforts required to make the documents available, including costs and displacement of the agency's workforce.

**Specific Responses**

1. Report titled "The State of Fair Housing: FY 2005 Annual Report on Fair Housing," and for FY 2000 through FY 2004. (See attached sample cover.)

**Response:** This information will be provided.

2. Regional Directors Monthly Performance Reports for May 2000, 2001, 2002, 2003, 2004, 2005, and 2006. (We understand this is a monthly report. If May is not available, please substitute another month within the fiscal year.) (See attached sample cover.)

**Response:** This information will be provided.

3. If Request No. 1 is not provided, please provide a Full Time Employee (FTE) list for each year since 2000 through present for FHEO on or about January 1<sup>st</sup> of each year.

**Response:** n/a.

4. List of the number of FTEs for each cylinder since 2000 until current, on or about January 1 of each year.

**Response:** This information is maintained on a fiscal year basis only and will be provided to the extent reasonably available.

5. All travel data requested in connection with the Travel Grievance filed in June 2000 that is not specifically covered elsewhere in this RFI.

**Response:** This information was provided previously to the extent it is reasonably available.

6. Daily vehicle utilization reports for each car used by any GS-360 grades 11-15, since June 18, 2000 (see attached Form HUD 21016).

**Response:** HUD is researching whether this information is reasonably available and will provide an updated response if and when one is available.

7. All Daily Vehicle utilization reports for each car used by any GS-10 and below, since June 18, 2000 (see attached Form HUD 21016).

**Response:** HUD is researching whether this information is reasonably available and will provide an updated response if and when one is available.

8. All Daily Vehicle utilization reports for each car used by all other bargaining unit employees, since June 18, 2000 (see attached Form HUD 21016).

**Response:** HUD is researching whether this information is reasonably available and will provide an updated response if and when one is available.

9. All documents indicating travel on Saturday or Sunday by GS-360 grades 11-15 during hours corresponding to their normal tour of duty, since June 18, 2000.

**Response:** HUD objects to this request to the extent it relates to non-bargaining unit members as such information is not necessary for discussion, understanding, and negotiation of subjects within the scope of collective bargaining. HUD further objects that this information is not reasonably available due to the efforts required to make the documents available, including costs and displacement of the agency's workforce. In addition, this information is believed to be in the possession of individual bargaining unit members and thus already available to the Union. Subject to and without waiving those objections, the Agency states that it has, at great cost and expense, assembled certain

time and attendance records which contain some of the requested information and which will be provided to the Union.

10. All documents indicating travel on Sunday by GS 10 and below during hours corresponding to their normal tour of duty, since June 18, 2000.

**Response:** HUD objects to this because this information is not reasonably available due to the efforts required to make the documents available, including costs and displacement of the agency's workforce. In addition, this information is believed to be in the possession of individual bargaining unit members and thus already available to the Union.

11. All documents indicating travel on Sunday by all other bargaining unit employees during hours corresponding to their normal tour of duty, since June 18, 2000.

**Response:** HUD objects to this because this information is not reasonably available due to the efforts required to make the documents available, including costs and displacement of the agency's workforce. In addition, this information is believed to be in the possession of individual bargaining unit members and thus already available to the Union.

12. All documents indicating travel by any GS-360 grades 11-15 on a weekday, prior to the beginning of their normal tour of duty, since June 18, 2000.

**Response:** HUD objects to this request to the extent it relates to non-bargaining unit members as such information is not necessary for discussion, understanding, and negotiation of subjects within the scope of collective bargaining. HUD further objects that this information is not reasonably available due to the efforts required to make the documents available, including costs and displacement of the agency's workforce. In addition, this information is believed to be in the possession of individual bargaining unit members and thus already available to the Union. Subject to and without waiving those objections, the Agency states that it has, at great cost and expense, assembled certain time and attendance records which contain some of the requested information and which will be provided to the Union.

13. All documents indicating travel by any GS-10 and below on a weekday, prior to the beginning of their normal tour of duty, since June 18, 2000.

**Response:** HUD objects to this because this information is not reasonably available due to the efforts required to make the documents available, including costs and displacement of the agency's workforce. In addition, this information is believed to be in the possession of individual bargaining unit members and thus already available to the Union.

14. All documents indicating travel by all other bargaining unit employees on a weekday, prior to the beginning of their normal tour of duty, since June 18, 2000.

**Response:** HUD objects to this because this information is not reasonably available due to the efforts required to make the documents available, including costs and displacement of the agency's workforce. In addition, this information is believed to be in the possession of individual bargaining unit members and thus already available to the Union.

15. HTMS records indicating time of Departure and time of arrival for GS-360 employees on travel since June 18, 2000.

**Response:** This information is not reasonably available due to the efforts required to make the documents available, including costs and displacement of the agency's workforce.

16. HTMS records indicating time of Departure and time of arrival for GS-10 and below employees on travel since June 18, 2000.

**Response:** This information is not reasonably available due to the efforts required to make the documents available, including costs and displacement of the agency's workforce.

17. HTMS records indicating time of Departure and time of arrival for all other bargaining unit employees on travel since June 18, 2000.

**Response:** This information is not reasonably available due to the efforts required to make the documents available, including costs and displacement of the agency's workforce.

18. All HUD forms 25017 for each bargaining unit employee since May 1, 1998.

**Response:** This information is not reasonably available due to the efforts required to make the documents available, including costs and displacement of the agency's workforce. In addition, any information relating to work allegedly performed prior to the applicable FLSA statute of limitations is not necessary for discussion, understanding, and negotiation of subjects within the scope of collective bargaining.

Epstein Becker & Green, P.C.

By:     /s/      
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