

SUPPLEMENT 95

NATIONAL SUPPLEMENT
Between
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
And
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
NATIONAL COUNCIL OF HUD LOCALS 222

Subject: Reassignment of employees of the Office of Field Policy and Management (FPM)

Scope: The scope of this Supplement encompasses the impact of implementation of FPM's decision to utilize reassignments in order to meet its FY 2008 FTE ceiling.

1. **No Waiver of Rights:** This supplement does not diminish or waive any rights the Union or individual employees may have under the HUD/AFGE Agreement, law, rule or regulation to address any adverse impact.
2. **No Adverse Impact:** There will be no adverse impact on bargaining unit employees' current career ladder promotions or upward mobility entitlements, and no employee will be downgraded as a result of the implementation of this reassignment program.
3. **The Reassignment Process:** Management shall determine where the vacancies exist, and shall prepare a list of all FPM staff, including current location, title and grade. The reassignment process shall proceed through the following steps:
 - a. **Voluntary reassignments within the commuting areas:**
 - i. Management shall seek volunteers via email where vacancies have been identified. Management shall specifically advise employees of vacancies when the employee has, within the past year, unsuccessfully sought a hardship transfer to an office identified as having a vacancy. Employees shall have two workdays after distribution of the call for volunteers to advise Management by facsimile or email of their interest in a position. Employees will be allowed to submit a resume or OF-612 if they wish to volunteer. (The parties agree that management has completed this step for voluntary reassignments within the commuting areas by issuance of its August 28, 2007, memorandum issued to All FPM Employees.)
 - ii. Management shall determine if the volunteers are qualified for the vacancies, indicating how the qualification determination was made for each volunteer (i.e. held the position), or, at Management's discretion, if qualifications would need to be waived for a six month period. For offices that are at or below ceiling, based upon the predetermined "model office", Management may exclude positions from consideration for voluntary reassignment, such as the Web Manager or Homeless coordinator, or may limit the number of positions that may volunteer;
 - iii. Management shall select employees in the following order. If there are multiple employees in any category, the most senior employee shall be selected first:
 1. Qualified volunteers who have submitted a request for a hardship transfer within the past 12 months;

SUPPLEMENT 95

2. Qualified volunteers;
 3. If Management agrees to waive qualifications, volunteers seeking hardship transfers where qualifications need to be waived;
 4. If Management agrees to waive qualifications, volunteers for whom qualifications need to be waived.
- b. Involuntary reassignments within the commuting areas of FPM offices determined to be above ceiling: If there are insufficient volunteers:
- i. Management agrees to select the least senior qualified employee within the commuting area of the vacancy; then
 - ii. If Management agrees to waive qualifications, management shall select the least senior employee for which qualifications need to be waived within the commuting area of the vacancy.
- c. Voluntary reassignment outside of the commuting area:
- i. Employees selected for voluntary reassignment outside of the commuting area shall be entitled to relocation compensation and benefits.
 - ii. Management shall seek volunteers via email, identifying where vacancies exist. Employees shall have until 5:00pm EDT on the fifth workday after distribution of the call for volunteers to advise Management by facsimile or email of their interest in a position. Employees will be allowed to submit a resume or OF-612 if they wish to volunteer.
 - iii. Management shall determine if the volunteers are qualified for the vacancies, indicating how the qualification determination was made for each volunteer (i.e. held the position), or, at Management's discretion, if qualifications would need to be waived for a six-month period. For offices that are at or below ceiling, based upon the predetermined "model office", Management may exclude positions from consideration for voluntary reassignment, such as the Web Manager or Homeless coordinator, or may limit the number of positions that may volunteer;
 - iv. Management shall select employees in the following order. If there are multiple employees in any category, the most senior employee shall be selected first:
 1. Qualified volunteers who have submitted a request for a hardship transfer within the past 12 months;
 2. Qualified volunteers from FPM offices determined to be over ceiling;
 3. Qualified volunteers from FPM offices determined to be at or below ceiling;
 4. If Management agrees to waive qualifications, volunteers for whom qualifications need to be waived from FPM offices determined to be over ceiling;
 5. If Management agrees to waive qualifications, volunteers for whom qualifications need to be waived from FPM offices determined to be at or below ceiling.
- d. Involuntary reassignment within the commuting areas of FPM offices determined to be at or below ceiling: If there remains a need to reassign staff

SUPPLEMENT 95

- i. Management agrees to select the least senior qualified employee within the commuting area of the vacancy; then
 - ii. If Management agrees to waive qualifications, management shall select the least senior employee for which qualifications need to be waived within the commuting area of the vacancy.
- e. Directed reassignments (involuntary relocations) from FPM offices determined to be over ceiling:
 - i. Employees selected for directed reassignment shall be entitled to relocation compensation and benefits.
 - ii. Management shall prepare a list of all remaining vacancies.
 - iii. Management shall prepare a list of all available staff from FPM offices determined to be over ceiling. For example, if the office model specifies one Director, one Operations Specialist (or Analyst), and one program support position, and the office has one Director, two Operations Specialists, and one program support employee, both Operations Specialists shall be placed on the list. Neither the Director nor the program support employee shall be placed on the list.
 - iv. Management shall arrange this list in seniority order.
 - v. Management shall determine if the least senior employee is qualified for any vacancy. If not, the employee shall be removed from the list. If the employee is qualified for a position, the employee shall be notified that the agency has selected him/her for a directed reassignment. If the employee is qualified for more than one position, the employee shall be given a minimum of ten (10) days to select from the available positions.
 - vi. After selecting an employee from the list, Management shall reassess the list, removing persons encumbering positions that Management determines to be essential. Using the example above of the office with one Director, two Operation Specialists and one program support employee, if one of the Operation Specialists is selected for directed reassignment, Management would remove the other Operations Specialist from the list as that position is now essential to meet the model office.
 - vii. Management shall repeat (v) and (vi) above as necessary.
- f. Directed reassignments (involuntary relocations) from FPM offices determined to be at or below ceiling:
 - i. Employees selected for directed reassignment shall be entitled to relocation compensation and benefits.
 - ii. Management shall prepare a list of all remaining vacancies.
 - iii. Management shall prepare a list of all available staff from FPM offices determined to be over ceiling. For example, if the office model specifies one Director, one Operations Specialist (or Analyst), and one program support position, and the office has one Director, two Operations Specialists, and one program support employee, both Operations Specialists shall be placed on the list. Neither the Director nor the program support employee shall be placed on the list.
 - iv. Management shall arrange this list in seniority order.
 - v. Management shall determine if the least senior employee is qualified for any position. If not, the employee shall be removed from the list. If the

SUPPLEMENT 95

- employee is qualified for a position, the employee shall be notified that the agency has selected him/her for a directed reassignment in accordance with this Supplement. If the employee is qualified for more than one position, the employee shall be given a minimum of ten (10) days to select from the available positions.
- vi. After selecting an employee from the list, Management shall reassess the list, removing persons encumbering positions that Management determines to be essential. Using the example above of the office with one Director, two Operation Specialists and one program support employee, if one of the Operation Specialists is selected for directed reassignment, Management would remove the other Operations Specialist from the list as that position is now essential to meet the model office.
 - vii. Management shall repeat (v) and (vi) above as necessary.
- g. **Seniority:** Seniority for the purpose of this supplement is defined as the employee's Service Computation Date. If there is a tie in the Service Computation Date, the Entrance on Duty Date will be used.
- h. **Communication to the Council:** Until the process of reassignments is complete, Management shall report to the Council daily:
- i. Additional vacancies, if any;
 - ii. Lists of volunteers at each stage of the process, if any;
 - iii. Evidence of efforts to seek volunteers for reassignment within the commuting area and outside the commuting area;
 - iv. An updated list of selections made (arranged as a from-to list);
 - v. If involuntary reassignment within the commuting area is made, a list of qualified staff arranged by seniority, for each vacancy location, indicating how the qualification was made.
 - vi. If involuntary reassignment outside the commuting area is made, the seniority lists of all available staff in FPM offices determined to be over ceiling and of all available staff in FPM offices determined to be at or below ceiling level.
4. **Qualifications:** Qualification shall be determined by a review of the Official Personnel Record and/or documents provided by the employee.
5. **Report Dates and Notice:**
- a. Employees reassigned within their commuting area shall receive notice of the reassignment at least two weeks prior to the day they report to their new supervisors. The Local Union shall receive a copy of the notice.
 - b. Employees who are voluntarily relocated outside their commuting area shall receive notice a minimum of two weeks prior to the day they report to their new supervisor, and shall report to their new duty station within sixty (60) days. The Local Unions (losing and gaining) shall receive copies of the notice.
 - c. Employees who receive directed reassignments shall receive a minimum of ten (10) days notice of Management's decision. If the employee chooses not to accept the directed reassignment, the employee shall not be terminated before an additional thirty (30) days. If the employee accepts the directed reassignment, the employee shall receive a minimum of two weeks to report to their new supervisor

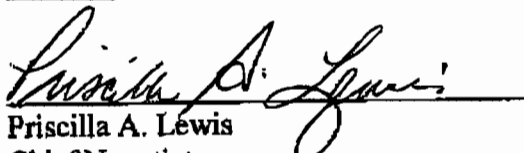
SUPPLEMENT 95

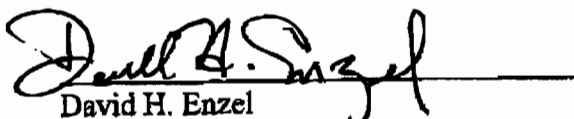
and shall report to their new duty station within sixty (60) days. The Local Unions (losing and gaining) shall receive copies of the notice.

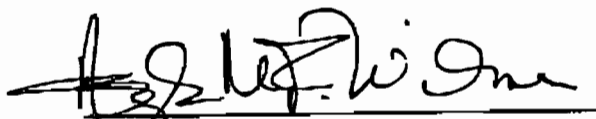
- d. Report dates may be changed by mutual agreement between the employee and both the losing and gaining managers.
6. **Final Rating:** Within thirty (30) days of the reassignment, FPM shall provide the employees with their annual rating for FY 2007.
 7. **Position Descriptions (PDs):** All affected bargaining unit employees will be assigned to positions with classified position descriptions. Employees shall receive copies of their new PDs within 30 days of reassignment. The PDs shall provide for duties and responsibilities consistent with the employee's grade. PDs shall accurately define, identify and describe the tasks and duties for which employees will be responsible. The Council shall be provided electronic copies of the aforementioned PDs. If a PD is not available within 30 days, Management shall provide the Council with a list of all unavailable PDs, and an estimate of the time it will take to provide each PD. In no circumstance will it take more than 60 days to provide a properly classified PD.
 8. **Training:**
 - a. For all employees reassigned, Management agrees to complete a training needs assessment. Management will provide supervisors with guidance regarding the specific skills and knowledge the employees will need to successfully perform their duties. The employees, consistent with Article 12, are encouraged to develop an IDP. If employees need on-the-job training, Management or senior program staff will provide the training.
 - b. Additionally, in cases where qualifications were waived to effect reassignment, Management will ensure the preparation of an Individual Development Plan (IDP) within 30 days of the effective date of reassignment. Management shall provide the Council within 30 days of reassignment with a list of the employees for whom qualifications were waived.
 - c. Performance appraisals shall take into account an employee's training status.
 9. **Requests for Reassignments:** Employees involuntarily reassigned shall be permitted to request reassignment. Employees will be afforded the opportunity to provide information in support of their request. Local Management official will be encouraged to resolve such requests. Requests for reassignment can include a request for voluntary relocation to another office at their own expense.
 10. **Local Bargaining:** Any impact not negotiated or proposed for negotiation at the national level may be the subject of bargaining at the local level upon the local Union's request. This includes, but is not limited to, the impact on employees who remain in the FPM office after an employee is reassigned out of FPM.
 11. **Effective Date:** This supplement shall become effective upon signature of the parties or within 30 days after completion of negotiations, whichever is sooner.

SUPPLEMENT 95

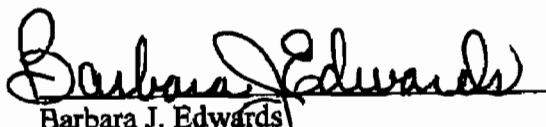
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Priscilla A. Lewis
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APPROVED:

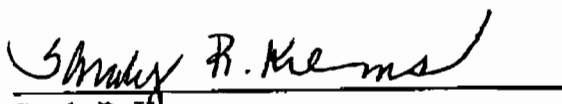

Barbara J. Edwards
Deputy Assistant Secretary
for Human Resource Management

Date Signed Sept 20, 2007


FOR THE UNION


Carolyn Federoff
Chief Negotiator


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APPROVED:


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Date Signed Sept 13, 2007