

November 13, 2002

MEMORANDUM FOR: Norman Mesewicz, Deputy Director, Labor and Employee
Relations Division, ARHRL

FROM: Carolyn Federoff, President, Council of HUD Locals 222

SUBJECT: Grievance of the Parties and Request for Information
Failure to Employees Fair and Equitably

Please accept this Grievance of the Parties and Request for Information. We believe the HUD/AFGE Agreement has been violated, employees harmed, and that a remedy is necessary.

Facts

On or about August 5, 2002, the agency advertised a Program Analyst, GS-0343-09 (vacancy number GS-MSH-2002-0101z and GR-DEU-2002-0043z) with maximum grade potential to GS-13. These advertisements were open to current federal employees and the general public, respectively. We believe that there are similarly situated persons (GS-0343 Program Analysts) working for HUD whose grade potential is limited to GS-12. We are unsure if the agency hired anyone under this announcement, as Management has not yet provided this information in response to our request for information dated October 9, 2002.

On or about August 7, 2002, the agency advertised 22 Contract Industrial Relations Specialists, GS-0246-09/11/12 (vacancy number PO-MSH-2002-0153z and PO-DEU-2002-0098z) with maximum grade potential to GS-13. These advertisements were open to current federal employees and the general public, respectively. We know that there are similarly situated persons (GS-0246 Contract Industrial Relations Specialists) working for HUD whose grade potential is limited to GS-12. We know the agency has hired at least some of the positions, but are unsure of the total number and location, as Management has not yet provided this information in response to our request for information dated October 9, 2002.

On or about August 6, 8 and 12, 2002, the agency advertised Engineers, GS-0801-09/13 (vacancy numbers 06-MSR-2002-0106Z, 06-MSR-2002-0107, 06-MSR-2002-0112Z, 06-MSR-2002-0113Z, 06-DEU-2002-0083Z, 06-DEU-2002-0084, 06-DEU-2002-0089Z, and 06-DEU-2002-0090Z) with maximum grade potential to GS-13. These advertisements were open to current federal employees and the general public, respectively. We believe that there are similarly situated persons (GS-0801 Engineers) working for HUD whose grade potential is limited to GS-12. We are unsure if the agency hired anyone under this announcement, as Management has not yet provided this information in response to our request for information dated October 9, 2002.

On or about August 8, 2002, the agency advertised Financial Analysts, GS-1160-09/13 (vacancy number 04-MSA-2002-0048Z and 04-DEU-2002-0036Z) with maximum grade potential to GS-13. These advertisements were open to current federal employees and the general public, respectively. We believe that there are similarly situated persons (GS-1160 Financial Analysts) working for HUD whose grade potential is limited to GS-12. We are unsure if the agency hired anyone under this announcement, as Management has not yet provided this information in response to our request for information dated October 9, 2002.

On or about August 9, 2002, the agency advertised Construction Analysts, GS-0828-11/13 (vacancy number RE-MSH-2002-0247Z and RE-DEU-2002-0124Z) with maximum grade potential to GS-13. These advertisements were open to current federal employees and the general public, respectively. We believe that there are similarly situated persons (GS-0828 Construction Analysts) working for HUD whose grade potential is limited to GS-12. We are unsure if the agency hired anyone under this announcement, as Management has not yet provided this information in response to our request for information dated October 9, 2002.

On or about August 16, 2002, the agency advertised Public Housing Revitalization Specialists, GS-1101-09/13 (vacancy number 04-MSA-2002-0051Z and 04-DEU-2002-0039z) with maximum grade potential to GS-13. These advertisements were open to current federal employees and the general public, respectively. We believe that there are similarly situated persons (GS-1101 Public Housing Revitalization Specialists) working for HUD whose grade potential is limited to GS-12. We are unsure if the agency hired anyone under this announcement, as Management has not yet provided this information in response to our request for information dated October 9, 2002.

Harm

- In each of these instances, the potential is to hire a person at an entry level (GS-9/11) to work side by side with and to be mentored and/or trained by another employee in the same position whose career ladder potential is limited to GS-12. In at least one of these instances, persons were hired at a GS-9 only, thus requiring any current GS-12 employee in the same position who is seeking promotion potential to take a downgrade to the GS-9. Additionally, employees in some offices, but not others, have career ladder potential to GS-13, though they occupy the same positions. Employees are harmed by this practice, in that they do not have an opportunity to be promoted to the GS-13 without competition.

Agreement and Violation

- This is a violation of the HUD/AFGE Agreement as follows:

Section 4.01 (“ . . . employees shall be treated fairly and equitably in the administration of this Agreement and in policies and practices concerning conditions of employment . . . ”)

Section 4.06 (“ . . . managers, supervisors, and employees shall endeavor to treat one another with the utmost respect . . . ”)

Section 9.01 (“Classification standards shall be applied fairly and equitably to all positions.”)

Section 13.01 (“Management agrees that it is desirable to develop or utilize programs that facilitate the career development of the Department’s employees. To that end, Management shall

consider filling positions from within the Department . . . , where feasible, to help promote the internal advancement of employees.”)

Additionally, the practice violates the Federal Service Labor-Management Relations Statute, and other law, rule and regulation.

Remedy

- We are seeking as a remedy that the full promotion potential for all similarly situated employees be GS-13, and such other relief as may be just.

Request for Information

- There may be additional instances, and we are requesting copies of certain vacancy announcements in order to make an assessment. These announcements include, but are not limited to:

02-MSD-2002-0066Z and 02-DEU-2002-0013Z
 152700
 152698
 152696
 PHJT-2-152800S0
 PHJT-2-152806S0
 152702
 03-MSA-2002-0032Z

Additionally, to fully assess the matter, we are requesting a list of employees as follows:

For all Program Analysts GS-0343

name	duty station	maximum promotion potential
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For all Contract Industrial Relations Specialists GS-0246

name	duty station	maximum promotion potential
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For all Engineers GS-0801

name	duty station	maximum promotion potential
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For all Financial Analysts GS-1160

name	duty station	maximum promotion potential
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For all Construction Analysts GS-0828

name	duty station	maximum promotion potential
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For all Public Housing Revitalization Specialists GS-1101

name	duty station	maximum promotion potential
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Finally, we need to know if persons were hired under each of vacancy announcements listed in the fact section above. For each person hired, please advise of his/her name, duty station, grade at which s/he was hired, and the vacancy announcement under which s/he was hired.

Thank you for your consideration in this matter. Please advise us as soon as possible when we can anticipate receiving the remainder of the information to complete our investigation. I may be reached at 617/994-8264.

cc: Council 222 Executive Board and
Local Presidents