

August 3, 2000

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

FROM: Edward Eitches, President, AFGE Local 476

SUBJECT: Demand to Bargain and Information Request-De Facto Reorganization within the  
Office of the Assistant Secretary for Community Planning and Development

As you know, AFGE Local 476 (hereinafter referred to as the "Local") recently received notices of proposed moves for six offices within the Office of the Assistant Secretary for Community Planning and Development (CPD). By memorandum dated May 22, the Local has demanded negotiations over those proposed moves. After review, however, it is the Local's position that the proposed moves constitute a de facto reorganization, which management apparently plans to accomplish without following required procedures.

During recent meetings regarding the proposed moves between management and employees who will be involved in the newly-created Office of Policy (OP), these employees pointed out that management is effecting a de facto reorganization along with the proposed moves: specifically, a reorganization of CPD's Office of Community Viability (OCV) and other units into the new Office of Policy. The Local has not received any notification of a proposed reorganization. When this issue was raised during meetings involving top management of CPD and the Local, CPD's management consistently denied having any intention to accomplish a reorganization along with the proposed moves. Accordingly, Linda Grant's July 20 memorandum covers only CPD's proposed moves of offices and staff, and does not address the reorganization that the moves would accomplish. Since the union contract requires that a reorganization be negotiated, not doing so in this case represents a contract violation.

Specific reasons that the proposed moves appear to include a de facto reorganization include the following: (This is based primarily on information in the floor plan and the attachments to Linda Grant's July 20 memorandum.)

1. The de facto reorganization will include: creation of a new Office of Policy, with a new Office Director and Deputy Director; creation of a new division office, the Office of Strategic Planning, with a new Division Director; addition of new supervisory levels; changes in information flows; and establishment of requirements for clearance to be obtained from the new supervisory levels before actions may be taken, etc.

2. The new Office of Policy will be above the Office of Community Viability, which will add another layer of supervision. We have been told that the Director of the new Office of Policy has announced that he wants to be informed of everything OCV employees are doing, and will have the authority to approve of OCV conference calls as well as OCV employees' leave. The OP Director wants OCV correspondence to be prepared in draft for his approval, prior to its being

made final. The Director of OP now conducts staff meetings in which OCV staff report their work activities.

3. We understand that in the CPD Organizational chart which was made available to all CPD staff in February, division references and references to environment and energy office responsibilities have been deleted. Additionally, we have been informed that there has been some discussion of changing the name of the Office of Community Viability, by renaming it as the Office of Planning and Policy. If the Office is renamed, will that entail new/different functions, and will new/different position descriptions then be required?

4. According to the July 20 space plan for the proposed move of the Office of Community Viability, none of the current division directors (Groberg, Bien, Hood) are to be given private offices. The plan instead shows them all in a shared space, with approximately 75 square feet each. At least one division director from outside OCV is shown with a private office, containing 150 square feet or more. This disparity raises questions of equity and/or de facto reorganization. It seems logical that, if there is to be no reorganization, private offices would be retained for the directors of the three divisions (Energy, Environmental Planning, and Environmental Review) in OCV.

#### Four Other Issues

The proposed move plan also conflicts with the space standards proposed by OAMS and approved by the General Deputy Assistant Secretary (GDAS) for Administration. (See GDAS for Admin's June 30, 2000 memorandum entitled "Private Office Standards - Interim Notice".) That memorandum says division directors are "entitled to private offices (ceiling-high)" of 150 square feet. For the three divisions in OCV, neither the prescribed floor areas nor the privacy standards would be fulfilled by the July 20 plan.

At least 13 employees who would be affected by the proposed moves in CPD and who should be classified as members of the bargaining unit, based on applicable rules, are erroneously classified as not being in the bargaining unit. These include Walter Prybyla, Donald Green, Salvatore Sclafani, Maxine Wallace, Penelope McCormack, Phyllis Shanks, Cornelia Terry, Phyllis Amon, Renee Ryles, John Allen, Jane Hildt, Myriam Boczkowski, and Marcelline Yearwood. We hereby request all information relevant to why these employees are not included in the bargaining unit.

Some employees have been reassigned to the Office of Community Viability from other offices. We have learned that the related SF 50s, new position descriptions, and performance standards have not been provided to some of the employees reassigned, such as Valerie Burley.

There is an important error in one of the employee listings attached to Linda Grant's July 20 memorandum. Specifically, the listing for the Office of Policy includes 17 employees, but six other employees, who are all currently on-board and are included in the proposed floor plan, are not included in this listing. They are: Sandy Allison, Terry Buss, Richard Broun, Robert Groberg, Cassandra Lancaster, and Rose Rodriguez. According to the floor plan, one further employee is to be added. In fact, the floor plan shows 25 employees and desks. Consequently, the calculation

of space per employee on the same listing is erroneous. The 2,595 square feet of space should be divided by 25 (or at least 24) employees, not 17. Therefore, the result should be 104 square feet per employee (108 if denominator is 24), rather than the figure of 144 square feet per employee stated in the listing. We request a corrected listing.

#### Demand to Bargain/Information Request Regarding De Facto Reorganization

The purposes of this memorandum are to preserve the Local's right to bargain and to invoke formal bargaining over the de facto reorganization apparently planned. We propose that management and the Local promptly commence discussions to resolve all serious issues regarding the reorganization, which include the following.

1. As explained above, the de facto reorganization is a violation of the union contract. In addition, it represents a statutory violation of 5 U.S.C. 7106(b)(2) and (3). Whereas those sections require management to bargain over a reorganization such as this, management has chosen not to do so in this instance. It is clearly a violation of the statute to present a reorganization as a move. Pursuant to 5 U.S.C. 7114(b)(4), the Local hereby requests all information concerning the establishment of the new Office of Policy in CPD.

2. Management has emphasized that the concept of the CPD moves will be to place people where they belong. It seems clear that negotiations should be conducted for the de facto reorganization discussed above, before we begin negotiations regarding the proposed moves in various parts of CPD.

Does this represent the dissolution of the Office of Community Viability and its environmental and energy functions?

Does this represent the demotion of the Office Director for the Office of Community Viability and dissolution of its three divisions?

We appreciate management's willingness to delay the start-up of bargaining over the proposed CPD moves until my return from scheduled leave. Nevertheless, the Local's position is that negotiations regarding the proposed CPD moves should be postponed until after issuance of a notice about this de facto reorganization.

Thank you for your consideration of the Local's memorandum. Our phone number is (202) 708-3077.