

**UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
WASHINGTON REGION**

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))
U.S. DEPARTMENT OF HOUSING AND)
URBAN DEVELOPMENT, WASHINGTON, DC)
 Charged Party)
 v.)
AMERICAN FEDERATION OF GOVERNMENT)
EMPLOYEES, COUNCIL 222, AFL-CIO)
 Charging Party)
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Case No. WA-CA-13-0034

Date: February 6, 2013

Agency's Implementation Plan
Fair and Equitable Arbitration

Actions Necessary for Compliance:

- a. Identification of claimants:** The Joint Exhibits and the Union Exhibits referenced in Arbitrator McKissick's Order identify certain job titles and certain announcements, but only for 2002. The order appears to identify the following groups of Bargaining Unit Employees ("BUE's") for years 2002-2012:
- 1) Any BUE who was in the same job title, but with a lower career ladder potential, than was advertised at the same location and for which a selection was made from that announcement.
 - 2) Any BUE who was in the same job title, but with a lower career ladder potential than was advertised and who applied for that position and was not selected.
- b. Phase I – Milestone - May 31-2013**
- 1) Identify claimants from the following program offices for 2002-2012 using the criteria identified in a. 1) and 2) above:
 - (a) Office of Strategic Planning and Management
 - (b) Center for Faith Based Initiatives

- (c) Office of the Secretary
 - (d) Office of Public Affairs
 - (e) Office of Sustainable Housing
 - (f) Office of Departmental Equal Employment Opportunity
 - (g) Office of the Chief Procurement Officer
 - (h) Office of the Chief Financial Officer
 - (i) Office of the Chief Human Capital Officer
 - (j) Office of the Chief Information Officer
 - (k) Office of Healthy Homes and Lead Hazard Control
 - (l) Office of Congressional and Intergovernmental Relations
 - (m) Office of Policy Development and Research
 - (n) Office of Departmental Operations and Coordination
 - (o) Office of Government National Mortgage Association
- 2) Using the Entrance on Duty (“EOD”) date of the successful applicant for the announcement at that location and the criteria in a. 1) and 2) above establish the effective dates for promotions.
 - 3) Calculate any back pay entitlement and other benefits for valid claimants from programs in b. 1) above using the EOD date of the successful candidate.
 - 4) Determine funding availability for back pay entitlement for any valid claimants identified from programs in b. 1) above.
 - 5) Pay valid claims as funding is available.
 - 6) Correct personnel records for valid claimants with current correction unless high 3 for retirement is potentially affected.
 - 7) Refer any valid claimants to the Office of Personnel Management (“OPM”) who subsequently retired and may require a retirement re-computation.
 - 8) Status update provided to the FLRA and Council 222.

c. Phase II – Milestone – August 30, 2013

- 1) Identify Office of Housing claimants for years 2002-2012 using the criteria in a. 1) and 2) above.
- 2) Using the EOD date of the successful applicant for the announcement at that location and the criteria in a.1) and 2) above establish the effective dates for

promotions.

- 3) Calculate any back pay entitlement and other benefits for valid Office of Housing claimants.
- 4) Determine funding availability for back pay entitlement for valid Office of Housing claimants.
- 5) Pay claims as funding is available.
- 6) Correct personnel records for valid claimants with current correction unless high 3 for retirement is potentially affected.
- 7) Refer any valid claimants to OPM who subsequently retired and may require a retirement re-computation.
- 8) Status update provided to FLRA and Council 222.

d. Phase III – Milestone – October 30, 2013

- 1) Identify claimants for the following program offices for 2002-2012 using the criteria in a. 1) and 2) above.
 - (a) Field Policy and Management (“FPM”)
 - (b) Office of General Counsel (“OGC”)
- 2) Using the EOD date of the successful applicant for the announcement at that location and the criteria in a.1) and 2) above establish the effective dates for promotions for claimants from programs identified in 1) (a) and (b) above.
- 3) Calculate any back pay entitlement and other benefits for valid claimants from programs listed above.
- 4) Determine funding availability for back pay entitlement for claimants identified from FPM and OGC.
- 5) Pay claims as funding is available.
- 6) Correct personnel records for valid claimants with current correction unless high 3 for retirement is potentially affected.

7) Refer any valid claimants to OPM who subsequently retired and may require a retirement re-computation.

8) Provide status update to FLRA and Council 222.

e. Phase IV – Milestone – December 31, 2013

1) Identify claimants for the following program offices for 2002-2012 using the criteria in a. 1) and b) above:

(a) Public and Indian Housing (“PIH”)

(b) Fair Housing and Equal Opportunity (“FHEO”)

2) Using the EOD date of the successful applicant for the announcement at that location and the criteria in a.1) and 2) above establish the effective dates for promotions.

3) Calculate any back pay entitlement and other benefits for valid claimants from PIH and FHEO.

4) Determine funding availability for back pay entitlement for valid claimants from FHEO and PIH.

5) Pay claims as funding is available.

6) Correct personnel records for valid claimants with current correction unless high 3 for retirement is potentially affected.

7) Refer any valid claimants to OPM who subsequently retired and may require a retirement re-computation.

8) Provide status update to FLRA and Council 222.

e. Phase V – Milestone – March 15, 2014

Complete any remaining actions and close out.

Provide status update to FLRA and Council 222.