



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING
GRANTS MANAGEMENT CENTER

July 12, 2017

MEMORANDUM FOR: (b)(6), Grants Management Center, PG

FROM: Cedric A. Brown, Director, Grants Management Center, PG

SUBJECT: Letter of Reprimand

This is a Letter of Reprimand being issued to you for failure to follow instructions. Your conduct regarding time and attendance is unacceptable and will no longer be tolerated in the workplace.

On April 27, 2017, I issued you a counseling memorandum for your failure to follow instructions on providing proper, timely and sufficient notification to me as your supervisor for your absences and to advise you of the hours which you are approved to work. However, despite several occasions of verbal counseling, and the written instructions provided to you, you have failed to improve your conduct in this area. Specifically, you failed to follow instructions as noted below.

Charge: Failure to Follow Instructions

Specification 1: On July 5, 2017, you were absent from work without approved leave. You did not request leave from me. You failed to follow time and attendance procedures for the workplace. Your leave was recorded as absent without leave, AWOL.

Specification 2: On July 6, 2017, you were absent from work. You sent me an email at 5:17am that read: "I will be out of the office today July 6, 2017 on annual leave." However, the April 27, 2017 memorandum informed you: "When unexpected emergencies arise, or the need to be absent on less than a 24-hour notice, you should speak to me directly, or call me by telephone to communicate your need to be absent. You should indicate the reason for the absence, the type of leave requested, the expected duration of the leave and any work assignments you have that will be impacted. An email notification should be used only as a secondary and supplemental form of notification in emergency or short-notice situations. Direct conversation, or a telephone conversation (message) are still required. Nevertheless, the telephone or email message should include a telephone number at which you can be reached." You failed to follow instructions.

Specification 3: On July 7, 2017, you sent to me two work related emails at 6:30am, which is outside of the hours for which you are approved to work. However, the April 27, 2017 memorandum informed you: "You are reminded that your official work schedule is a flexi-tour of 8:00 AM – 4:30 PM, Monday through Friday. This allows you to flex and start as early as 7:00 AM, but no earlier." You failed to follow instructions.

I am issuing you this Letter of Reprimand to remind you of the necessity to either request and obtain approval for leave in advance of an absence; to provide proper and timely notifications of unscheduled

absences in accordance with the instructions you have been provided; and to work the hours which you are approved to work.

Your conduct, as described above, is unacceptable and will not be tolerated in the workplace. Therefore, you should not construe the relative leniency of this Official Reprimand as my, or the Department's, condoning this type of behavior. According to HUD Handbook No. 0752.02 Revision-3, Table of Offenses and Penalties, further acts of misconduct may result in greater disciplinary or other corrective action being initiated against you. You are expected to comply with all policies and procedures in the U.S. Department Housing and Urban Development, including the HUD/AFGE Collective Bargaining Agreement. If you continue to display the unacceptable behavior noted in this official reprimand, I will initiate further disciplinary action against you to promote the efficiency of the service.

This Official Reprimand will be placed in your Official Personnel Folder for up to two (2) years.

If you are experiencing problems, I encourage you to seek assistance through the Department's Employee Assistance Program (EAP). Participation in the EAP is voluntary, and your discussions are kept strictly confidential. You can contact the EAP counselors located in the Health Unit in Headquarters, or by calling (202) 708-1726 or 1-800-222-0364. If you need further information about EAP, you can call the EAP staff on (202) 708-0523.

Attachment:

Counseling Memorandum dated April 27, 2017.

Acknowledgement of Receipt:

You are requested to sign and date a copy of this document acknowledging receipt. Your signature does not imply your agreement with the content of the document. It merely acknowledges receipt of the document. Failure to sign and date this document will not negate this action.

Signature

Date

Hand Delivered to (b)(6) on July 12, 2017.

Copy 1 of 2 Originals



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-0001

OFFICE OF POLICY DEVELOPMENT AND RESEARCH

DATE: May 25, 2017

MEMORANDUM FOR: (b)(6), PD&R

FROM: *Sav: amichalski*
Lori Michalski, Deputy Assistant Secretary for Operations, Office of
Community Planning & Development, DO

SUBJECT: Decision Notice to Suspend (14-days)

In a memorandum issued to you on February 7, 2017, Calvin C. Johnson, Deputy Assistant Secretary, Office of Research Evaluation and Monitoring (OREM), Policy Development and Research (PD&R), proposed to suspend you from your position as (b)(6) GS-0101-14, in the Program Monitoring Research Division, OREM, PD&R, U.S. Department of Housing and Urban Development (HUD), for a period of 30 calendar days. The reasons for the Proposed Suspension Notice were: Charge 1.) Failure to Follow Established Work Schedule and Charge 2.) Failure to Follow Instructions.

The Proposed 30-day Suspension Notice detailed the charges and specifications and it afforded you a twenty-one (21) calendar day response period from receipt to reply orally, in writing, or both. You responded orally and in writing. On March 10, 2017, your union representative, Ashaki Robinson Johns, provided me a written response. Also on March 20, 2017, you provided a written response to the Employee and Labor Relations Division prior to your oral presentation with me scheduled that day.

I have carefully considered the charges and specifications contained in the Proposed Notice and your written and oral responses fully and impartially. Based on my review, I have decided to mitigate the suspension from a period of 30 calendar days to a period of 14 calendar days.

The conduct described in the Proposed Notice is unacceptable and fully supported by a preponderance of the evidence and warrants your suspension. With reference to Charge #1 Failure to Follow Established Work Schedule, there were 48 specifications of late arrival listed. Mrs. Robinson Johns provided that 90% of the specifications fall under the guidelines of the Collective Bargaining Agreement, which require you to provide notice of late arrival within one-hour of your start time. I conducted a cross-walk of the text messages you provided and related WebTA entries against the specifications. My review noted that on 8 of the 48 specifications (specifications 5, 6, 7, 8, 12, 15, and 19), text messages were sent within the one-hour time frame. Regarding specification #10, a request for four (4) hours of LWOP and four (4) hours of annual leave was submitted. On March 16, 2016, the Metro was closed for the entire day. As such, the Office of Personnel Management (OPM) authorized employees to use unscheduled leave or telework. This specification falls within that guidance. The employee provided notice via email on September 20, 2016 regarding the intent to take leave on September 23, 2016 (specification #43). Four (4) hours of LWOP and four (4) hours of annual leave were submitted in WebTA. As Mrs. Robinson Johns pointed out, almost 50% of the specifications (specifications 23 - 48) occurred during the Metro SafeTrack period. However, I did not find any correlating notices during this time from you of pending late arrival. Although OPM and the Department acknowledged that commute times could be disrupted and possible delays occurring during impacted periods, you were encouraged to adjust your work and commuting schedules accordingly. Additionally, SafeTrack does not eliminate the requirement of you to provide notification of late arrival to your immediate supervisor.

With reference to Charge #2 Failure to Follow Instructions (Specification #1), based on my review, the charge is supported by approximately 80% of the specifications listed in Charge #1 (i.e. Specifications 1-4, 9, 11, 13-14, 16-18, 20-42, and 44-48). There was no corresponding notification that you would be arriving late. You received a letter of warning on July 6, 2015 regarding your leave and reminding you to report to work on time. I cannot sustain Charge #2, Specification #2 as it relates to a verbal response that I cannot confirm.

PENALTY CONSIDERATIONS

In making my determination to suspend you from your position without pay for 14 calendar days, I have considered the following Douglas Factors in Douglas v. Veterans Administration, 5 MSPB 313, 5 MSRP 280, 306(1981). However, I have outlined below the most relevant aggravating and/or mitigating factors that apply in this case.

The nature and seriousness of the offense and its relation to the employee's duties, position, and responsibilities including whether the offense was intentional or technical or inadvertent or was committed maliciously for gain or was frequently repeated. I considered the nature and seriousness of the offense. Based on my review, you have demonstrated a pattern of coming to work late without any advance notification for the past several years despite several corrective actions.

The employees past disciplinary record. In recent years, you received an Official Reprimand on September 25, 2013 and a 5-day Suspension on May 1, 2014. No disciplinary action has been taken since then, which is being taken into consideration for my decision.

The employees past work record, including length of service, performance on the job, ability to get along with fellow workers and dependability. I considered you have been rated at least fully successful and have over 25 years of Federal service (as reported in your written and oral replies).

The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisor's confidence in the employee's ability to perform assigned duties. I considered you have been rated at least fully successful.

The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question. I considered the fact your work schedule has been discussed with you repeatedly. Additionally, you received a Letter of Warning on July 6, 2015 and a Leave Restriction on July 7, 2014.

Potential for the employee's rehabilitation. Based on my review, I feel you have the ability for rehabilitation.

I have considered the relevant factors; however, I do believe these factors warrant a lesser penalty of suspension for a period of 14 calendar days. You should not construe the relative leniency of this suspension as my, or the Department's, condoning this type of behavior. Continued behavior of this nature could lead to a removal from your position and the Federal service. Therefore, I believe this action is reasonable, appropriate, and necessary to promote the efficiency of the Federal service.

Again, you will be suspended without pay from duty for a period of 14 calendar days. The scheduled days on which the suspension will be carried out is **July 9, 2017 to July 22, 2017**. You

are expected to return to duty on **July 23, 2017**, to work your scheduled tour of duty. This suspension will become a permanent part of your Official Personnel Folder.

The procedures governing this action are contained in the Civil Service Reform Act of 1978 (5 USC 7511-7514); Office of Personnel Management (OPM) regulations (5 CFR Sections 752.401-752.406); as implemented by HUD Handbook 0752.2 REV-03 "Adverse Actions"; and Article 12 "Discipline" of HUD/AFGE Agreement.

RIGHTS

You have the right to challenge this action in only one of the following ways. Once you elect one of these procedures, you may not change thereafter to any of the other procedures.

- Under Article 52 of the HUD/AFGE Agreement, the Union may invoke arbitration on this matter.
- You have the right to contact an Equal Employment Opportunity counselor and to file a complaint through the discrimination complaint process within 45 days of your receipt of this letter if you believe that this action is being taken because of your race, color, religion, sex, national origin, disability, age, genetics, or in retaliation for your previous participation in the EEO process.

If you have any questions concerning the procedures applicable to this decision, you may contact, Anjanette Twiggs, Human Resources Specialist, Employee and Labor Relations Division, at 202-402-2200.

ACKNOWLEDGMENT OF RECEIPT:

Please sign and date a copy of this Notice of Decision to Suspend. Your signature does not imply your agreement with the content of the document, it merely acknowledges receipt. Failure to sign and date this document will not negate this action.

Employee refused to sign. sm 5/25/17 2:22 pm

Name

Date

Copy:
ELRD Specialist



U.S. Department of Housing and Urban Development
Office of Administration
40 Marietta Street, N.W.
Atlanta, GA 30303
404/521-4000

March 31, 2017

MEMORANDUM FOR: (b)(6)

Project Management Division, Office of Administration, Fort Worth, Texas

FROM: Eric Williams, Branch Chief, *EW*
Project Management Division, Office of Administration, Atlanta, Georgia

SUBJECT: Official Reprimand

This is to advise you that I am issuing you this Official Reprimand for being delinquent on your government issued travel card.

In January 2017 Mark Gray the Agency Travel Card Reviewer spoke to you about your delinquent Citibank government travel card account in the amount of \$889.46. Although the Agency reimbursed you for travel expenses incurred in 2016, your Citibank government travel card was 90-days delinquent in February 2017 in the amount of \$904.46. You did not pay the past due amount until February 13, 2017 and it was credited to your account on February 17, 2017. You failed to make your payment in accordance with Government regulation and the Cardholder Agreement you signed to obtain a government travel charge card. Specifically, your payment is expected to arrive at the bank, in full, by the statement due date whether or not reimbursement has been received.

I must remind you that delinquency, misuse or abuse of the travel charge card may be a cause for reconsideration leading to loss of privileges or more severe disciplinary action being initiated against you including up to removal from Federal Service. Also, a consistently delinquent payment history may affect your personal credit rating.

I have determined that an Official Reprimand is the appropriate penalty for your misconduct. Prior to selecting this penalty, I consulted HUD Handbook 0752.02 REV-03, Chapter 4, Table of Offenses and Penalties, Appendix A-1. Your conduct as described above is identified as Offense #40 (a) in Appendix A-1. A formal reprimand is the least severe corrective action given the circumstances. I have decided to issue this Official Reprimand in the hope that it will impress upon you the seriousness of your misconduct and prevent future incidents of wrong doing. Any further misconduct may result in more severe disciplinary action being initiated against you, up to and including your removal from the Federal service.

This Official Reprimand will be placed in your Official Personnel Folder (OPF) for a period not-to-exceed two (2) years from the date you receive this action in accordance with Section 12.04 of the HUD/AFGE Agreement.

You may grieve this Official Reprimand in accordance with the procedures outlined in Article 51 of the HUD/AFGE Agreement. You may contact your Union representative if you have questions concerning the negotiated grievance procedures or your rights.

If there are personal problems which you believe may be affecting your behavior on the job, you may seek assistance through the Department's Employee Assistance Program (EAP). The telephone number of the EAP is 1-800-222-0364. This is a toll-free, 24 hour service. The services of the EAP are at no cost to you and are strictly confidential.

Attachments:

41 CFR 301-52.24

Statement of Cardholder Responsibility

(b)(6) credit card payment dated February 13, 2017

Emails dated February 15, 2017 from (b)(6) and Mark Gray

Emails dated March 17, 2017 and March 20, 2017 from (b)(6)

cc:

LER Specialist

Official Personnel Folder



U.S. Department of Housing and Urban Development
Office of Community Planning & Development
451 7th Street Southwest, Room 7152
Washington, DC 20410
www.hud.gov

April 19, 2017

MEMORANDUM FOR: (b)(6)

Office of Community Planning and Development,
Albuquerque Field Office.

Renee Ryles
FROM: Renee Ryles, Director of Field Management,
Office of Community Planning & Development

SUBJECT: Notice of Decision to Suspend

By Memorandum dated January 9, 2016, Leticia Ibarra, CPD Director, Albuquerque Field Office, notified you she was proposing you be suspended for a period of fourteen (14) calendar days from duty and pay for the following charges: Use of Marijuana and Lack of Candor. You were afforded an opportunity to submit a written and/or oral response to the proposed action. After two (2) extension requests, which management granted, you provided a written response on February 27, 2017 and March 1, 2017. You did not provide an oral response.

As the Deciding Official, I have carefully reviewed all the material that formed the basis for the proposed action, including the evidence in support of the proposed action provided to you by Ms. Ibarra. In addition, I have given full and impartial consideration to your written response. It is my decision to sustain all charges.

In making my determination on the appropriate penalty, I have considered all the factors in *Douglas v. Veterans Administration* (Douglas Factors). I considered your length of service and that you have no prior discipline to be a significant mitigating factor. Also, in your written response you indicate you did not renew your medical marijuana license and the marijuana use was due to a medical condition and not recreational use. Although these are significant, it does not outweigh the seriousness of the offenses.

Therefore, consistent with the guidelines and offenses annotated in HUD's Table of Offenses and Penalties, I have decided that a seven (7) calendar day suspension from duty and pay is warranted and will promote the efficiency of the service. This suspension will be imposed effective April 24, 2017 to April 30, 2017. Your return to duty date is May 1, 2017. I hope that this action will impress upon you the seriousness of your misconduct. Any further misconduct may result in a more severe disciplinary action being initiated, up to and including your removal from the Federal service.

You are advised that current regulations of the Merit Systems Protection Board (MSPB) do not

provide for appellate review of suspensions of fourteen (14) calendar days or less. However, because you are covered by a negotiated grievance procedure, you may request the Union to invoke arbitration as provided by Article 12, Section 12.05 and Article 52 of the National Agreement between the Department of Housing and Urban Development and the American Federation of Government Employees (Agreement). The Agreement is available at <http://hudatwork.hud.gov/po/arh/union/contract.doc> or it can be obtained from your Region's Employee and Labor Relations Division (ELRD) Branch Chief, D'Andra Hankinson. If arbitration is not invoked by the Union within twenty (20) calendar days, the matter is closed for purposes of the grievance/arbitration procedure.

The procedures governing this action are contained in the Civil Service Reform Act of 1978 (5 U.S.C. §§ 7501-7504), Office of Personnel Management (OPM) regulations (5 C.F.R. §§ 752.201-752.203), as implemented by HUD Handbook 0752.02 REV-3, "Adverse Actions," and the Agreement. If you wish to review these materials, or have any questions concerning the procedures applicable to this action, you may contact Rhonda Essington, Human Resources Specialist, Employee and Labor Relations at 817-978-5607. In accordance with Article 12, Section 12.07 of the Agreement, the Union will be given a general statement regarding this decision.

If there are personal problems which you believe may be affecting your behavior on the job, you may seek assistance through the Department's Employee Assistance Program (EAP). The telephone number of the EAP is 1-800-222-0364. This is a toll-free, 24 hour service. The services of the EAP are at no cost to you and are strictly confidential.

If you believe that you have a medical condition that is impeding your ability to satisfactorily perform the essential functions of your position, you may request reasonable accommodation of that medical condition. Reasonable accommodation includes modifications or adjustments to the work environment and the manner in which the work is performed that enable a qualified individual with a disability to perform the essential functions of the position. Medical documentation is normally required to support a request for accommodation. Reasonable accommodation is also prospective, meaning that it is developed to resolve difficulties in the future, and does not excuse misconduct. You may obtain more information on reasonable accommodation process by contacting the Reasonable Accommodation Branch at (202) 402-4690 ext. 1301.

Attachment:
Douglas Factors

I acknowledge receipt of this memorandum. My signature does not indicate my agreement or disagreement with the contents of this document. My signature only indicates I have received a copy of this document.

Employee Name/Signature

Date

Copies:

Rhonda Essington, Human Resource Specialist, ELR

Leticia Ibarra, CPD Director, Albuquerque Field Office



U.S. Department of Housing and Urban Development
Houston Field Office, Region VI
Office of Public Housing
1301 Fannin, Suite 2200
Houston, TX 77002
(713) 3199 - FAX (713) 718-3101
www.hud.gov

July 28, 2017

(b)(6)

SUBJECT: Notice of Decision to Suspend

By Memorandum dated June 15, 2017, Johnny Wooley, Field Office PIH Director, Little Rock Field Office, notified you he was proposing you be suspended for a period of seven (7) calendar days from duty and pay for the following charges: Failure to Follow Leave Procedures and Absence Without Leave (AWOL). You were afforded an opportunity to submit a written and/or oral response to the proposed action. You requested to provide an oral response on June 23, 2017, but you canceled the meeting on June 22, 2017. You never rescheduled the meeting nor did you request an extension to provide an oral or written response. You did not provide an oral or written response.

As the Deciding Official, I have carefully reviewed all the material that formed the basis for the proposed action, including the evidence in support of the proposed action provided to you by Mr. Wooley. It is my decision to sustain all charges.

In making my determination on the appropriate penalty, I have considered all of the factors in *Douglas v. Veterans Administration* (Douglas Factors). Consistent with the guidelines and offenses annotated in HUD's Table of Offenses and Penalties, I have decided that a seven (7) calendar day suspension from duty and pay is warranted and will promote the efficiency of the service. This suspension will be imposed effective July 31, 2017 to August 6, 2017. Your return to duty date is August 7, 2017. I hope that this action will impress upon you the seriousness of your misconduct. Any further misconduct may result in a more severe disciplinary action being initiated, up to and including your removal from the Federal service.

You are advised that current regulations of the Merit Systems Protection Board (MSPB) do not provide for appellate review of suspensions of fourteen (14) calendar days or less. However, because you are covered by a negotiated grievance procedure, you may request the Union to invoke arbitration as provided by Article 12, Section 12.05 and Article 52 of the National Agreement between the Department of Housing and Urban Development and the American Federation of Government Employees (Agreement). The Agreement is available at <http://hudatwork.hud.gov/po/arh/union/contract.doc> or it can be obtained from your Region's Employee and Labor Relations Division (ELRD) Branch Chief, D'Andra Hankinson. If arbitration is not invoked by the Union within twenty (20) calendar days, the matter is closed for purposes of the grievance/arbitration procedure.

The procedures governing this action are contained in the Civil Service Reform Act of 1978 (5 U.S.C. §§ 7501-7504), Office of Personnel Management (OPM) regulations (5 C.F.R. §§ 752.201-752.203), as implemented by HUD Handbook 0752.02 REV-3, "Adverse Actions," and the Agreement. If you wish to review these materials, or have any questions concerning the procedures applicable to this action, you may contact Rhonda Essington, Human Resources Specialist, Employee and Labor Relations at 817-978-5607. In accordance with Article 12, Section 12.07 of the Agreement, the Union will be given a general statement regarding this decision.

If there are personal problems which you believe may be affecting your behavior on the job, you may seek assistance through the Department's Employee Assistance Program (EAP). The telephone number of the EAP is 1-800-222-0364. This is a toll-free, 24 hour service. The services of the EAP are at no cost to you and are strictly confidential.

If you believe that you have a medical condition that is impeding your ability to satisfactorily perform the essential functions of your position, you may request reasonable accommodation of that medical condition. Reasonable accommodation includes modifications or adjustments to the work environment and the manner in which the work is performed that enable a qualified individual with a disability to perform the essential functions of the position. Medical documentation is normally required to support a request for accommodation. Reasonable accommodation is also prospective, meaning that it is developed to resolve difficulties in the future, and does not excuse misconduct. You may obtain more information on reasonable accommodation process by contacting the Reasonable Accommodation Branch at (202) 402-4690 ext. 1301.

Sincerely,

Donna Wickes

Donna Wickes
SW Regional Public Housing Director
Houston, Texas

Attachment:
Douglas Factors

Copies:
Rhonda Essington, Human Resource Specialist, ELR
Johnny Wooley, Field Office PIH Director, Little Rock, Arkansas



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Fort Worth Regional Office, Region VI
Office of Fair Housing & Equal Opportunity
801 Cherry Street, Unit #45, Ste. 2500
Fort Worth, TX 76102
Phone 1-888-560-8913 • Fax (817) 978-5739
www.hud.gov

Method of Delivery: Hand delivered

February 8, 2017

MEMORANDUM FOR: (b)(6)

Program Compliance Branch, FHEO – Region VI

FROM: Bonita Howard, Branch Chief, Program Compliance Branch, FHEO – Region VI

SUBJECT: Official Reprimand

This is to advise you that I am issuing you this Official Reprimand for absence without leave (AWOL), failure to follow leave requesting procedures, and failure to follow instructions.

Absence Without Leave (AWOL) and Failure to Follow Leave Requesting Procedures

On January 4, 2017, you advised me of your pending departure due to the terminal illness of your husband's aunt and that you would be out of the office the remainder of the week.

On January 9, 2017, you failed to report to work. After speaking with upper management and being told that you had not been in contact with them, I called and left a voice message advising you to call me and reminded you that you had not validated your timecard. On January 9, 2017 at 4:26 p.m. you left a voicemail stating that you had just returned from New Mexico with your husband due to the death of his aunt. You called two additional times and left one voice message on January 9, 2017 at 4:35 p.m. indicating that you were tired and may or may not report to work on Tuesday, January 10, 2017, because your husband was sick.

On January 9, 2017, you were absent, without authority, from your required duty station for the entire day. You were not on approved annual or sick leave; thus, your absence was not authorized and you were AWOL. Further, you failed to follow leave requesting procedures because you did not call your supervisor within one hour after the core hours began to request unscheduled leave.

Failure to follow instructions

You continually fail to perform your assigned duties as required and instructed.

City of Garland

During a November 7, 2016 Government Technical Monitor ("GTM") meeting. We discussed the City of Garland review and I reminded the team that attendance was mandatory. Since you had not conducted a review in several years, I agreed to lead the City of Garland review so that you and the other GTM could learn how to prepare for and conduct your reviews. On November 15, 2016 you failed to report the City of Garland's review, instead you reported to the office. When I asked you why you failed to report for the review, you indicated you had your days mixed up.

City of Dallas

On January 10, 2017 I arrived to the office to pick up the team for the City of Dallas Performance Assessment Review. I noticed you were not present even though the review was mandatory. You left a voice mail message claiming your husband had a virus or something and you may need to stay home with him. However, you reported to the office and failed to report to the City of Dallas as required January 10-12, 2017.

Fort Worth Performance Assessment Review

On November 28, 2016, I assigned you the task of leading the Fort Worth Performance Assessment Review ("review") since you are the assigned GTM for Fort Worth. You were told to begin preparation for the review. You were also told of the requirement to provide the tentative review date by close of business November 28, 2016. On November 29, 2016, I emailed you and reminded you of the requirement to provide the tentative review date on November 28, 2016. You responded that you did not see the message and later provided December 6, 2016, as the tentative date, which was not enough time for the Fair Housing Assistance Program (FHAP) to prepare. On November 30, 2016, you inquired if I would rather you wait until after the holidays. I agreed with the review being conducted after the holidays and advised you to send me your notification letter for review. Additionally, I explained to you the elements of the notification letter and why it was necessary. Lastly, I explained how an on-site would be conducted.

On December 1, 2016, I sent you a sample notification letter via email. On December 5, 2016, I sent you a reminder that the notification letter was to be submitted for my review on November 30, 2016. In response to your email stating that this was the first time you've seen the notification letter, I reminded you that the letter was sent to you on December 1, 2016 by both the Deputy Director and me.

As of December 8, 2016, you had not submitted the notification letter, as required; therefore, I told you that I would make the necessary corrections and would conduct the review.

On December 9, 2016, I met with you regarding your performance. Additionally, I completed the notification letter and advised you to have it signed and mailed to the FHAP. Lastly, you were advised that you would lead the review and to submit your investigative plan (example/template was provided on November 9, 2016 and December 6, 2016) to Scott Dickerson, my acting, for review and guidance. You were also advised

that I would return to the office on December 19th and to be prepared to brief me on the status of the review on the 20th. However, you failed to submit the investigative plan or brief me on the upcoming review.

On January 12 & 16, 2017, I emailed you and reminded you to be prepared to brief me on Tuesday, January 13, 2017, on the status of the Fort Worth on-site review and that you were the lead. Further, I advised that the team were awaiting their investigative plan and their briefing/training from you. Additionally, I told you to be prepared to train the team on Wednesday and Thursday of next week. You were also told to review Fort Worth's closures and pull 10 no cause (random) and all administrative closures for review and that I would help you review the case files on Tuesday morning. Lastly, you were told to call Fort Worth and check on the status of their response to the data request letter because you must review prior to the on-site and brief the team on relevant points. However, the only task you completed was the random selection of the files.

On January 13, 2017, I inquired of the investigative plan and reminded you that the plan must be submitted for my review and the team must be properly briefed prior to the review. You stated that you did not recall receiving the investigative plan. I reminded you that I sent you the investigative plan on November 9, 2016 and December 6, 2016. I instructed you to check your emails and to let me know if you could locate the investigative plans, if not, I would email to you again. I also instructed you to send an email to the team members indicating the date(s) that the team meeting(s) would be held. I further instructed you to conduct the meeting(s).

On January 16, 2017, I inquired of the investigative plan and again you stated you did not recall but would check your emails.

On January 17, 2017, I emailed you that per our January 16th conversation, you did not work on the IP and you did not recall receiving the template. I reminded you that the templates were sent to you, via email, on November 9, 2016 and December 6, 2016. You were directed to complete the investigative plan and send to me not later than 12:00 on January 18, 2017.

On January 18, 2017, I checked my emails and noted you did not comply with my directives. You responded to my emails, but only about the case files and nothing else.

On January 19, 2017, I emailed you and told you that the team meeting was scheduled for January 20, 2015 at 10:00 a.m. A follow-up meeting would be held on Monday, January 24, 2017 at 10:00. I inquired of the status of the investigative plan and told you to be prepared to brief the investigative plan, the elements of the PAR and the on-site review. You ignored this directive and did not respond to the email. Due to your failure to complete the assignment, I canceled my leave in order to complete the investigative plan. Not only was I forced to cancel my scheduled leave, but in order to complete the task I worked several hours past my tour of duty so the investigative plan would be complete and sent to the team timely for the scheduled meeting.

On January 20, 2017, the meeting you were responsible for began at 10:00 am; however, you failed to arrive timely. You arrived at 11:00 am unprepared for the meeting with only a drink and no materials. Due to your failure to complete the assignment and arriving late, you were excused and I completed the meeting. Your conduct was unprofessional and unacceptable.

I have determined that an Official Reprimand is the appropriate penalty for your misconduct. Prior to selecting this penalty, I consulted HUD Handbook 0752.02 REV-03, Chapter 4, Table of Offenses and Penalties, Appendix A-1. Your conduct as described above is identified as Offense #1(a), #1(b), and #18 in Appendix A-1. A formal reprimand is the least severe corrective action given the circumstances. I have decided to issue this Official Reprimand in the hope that it will impress upon you the seriousness of your misconduct and prevent future incidents of wrong doing. Any further misconduct may result in more severe disciplinary action being initiated against you, up to and including your removal from the Federal service.

This Official Reprimand will be placed in your Official Personnel Folder (OPF) for a period not-to-exceed two (2) years from the date you receive this action in accordance with Section 12.04 of the HUD/AFGE Agreement.

You may grieve this Official Reprimand in accordance with the procedures outlined in Article 51 of the HUD/AFGE Agreement. You may contact your Union representative if you have questions concerning the negotiated grievance procedures or your rights.

If there are personal problems which you believe may be affecting your behavior on the job, you may seek assistance through the Department's Employee Assistance Program (EAP). The telephone number of the EAP is 1-800-222-0364. This is a toll-free, 24 hour service. The services of the EAP are at no cost to you and are strictly confidential.

If you have any questions about the information provided, you may reach me at (817) 978-5890.

Attachments:

1. WebTA pay period 01 for FY17
2. Email dated November 28 at 10:35am
3. Email dated November 28 at 10:58am and November 29 at 7:40am & 12:50pm
4. Email dated November 30 at 2:10pm & 2:56pm
5. Email dated December 1, 2016 at 8:21am & 10:22am
6. Email dated December 1, 2016 at 2:26pm & 4:28pm and December 5 at 11:29am, 11:59am & 12:18pm
7. Email dated December 5, 2016 at 8:45am
8. Email dated December 5, 2016 at 11:30am
9. Email dated December 8, 2016 at 12:29pm
10. Email dated December 9, 2016 at 1:09pm, 1:55pm & 3pm
11. Email dated January 4, 2017 at 2:22pm
12. Email dated January 12, 2017 at 5:40pm

- 13. Email dated January 16, 2017 at 3:13pm
- 14. Email dated January 16, 2017 at 3:21pm
- 15. Email dated January 18, 2017 at 6:33am
- 16. Email dated January 18, 2017 at 4:26pm
- 17. Email dated January 19, 2017 at 8:30pm

Receipt Acknowledgment

To acknowledge that you have received this notice, please sign and date in the space below. Your signature does not mean that you agree or disagree with this notice and, by signing you will not forfeit any rights to which you are entitled. Your failure to sign will not void the contents of this memorandum.

I acknowledge receipt of this memorandum:

Employee refused to sign
(b)(6)

2/10/17
Date



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Multifamily Midwest Region
Chicago Regional Center
77 W. Jackson Blvd.
Chicago, Illinois 60604-3507

July 18, 2017

MEMORANDUM FOR: (b)(6) MFH Team

FROM: Daniel J. Burke, Director, Multifamily Midwest Region, 5 AHMLA

SUBJECT: Notice of Decision to Suspend

By memorandum dated April 6, 2017, which you received on April 11, 2017, Asset Resolution Team Branch Chief Gerald Smith, notified you that he was proposing you be suspended from your position of Program Assistant, GS-0303-7, in the Multifamily Midwest Regional Center, U.S. Department of Housing and Urban Development. The proposal was based on the following charges: (1) Failure to Follow Instructions, and (2) Disrespectful and Disruptive Conduct. The proposing official proposed a suspension of thirty (30) days. On May 3, 2017, I was notified by Mr. Waite Stuhl that he had been retained by you to represent him in this matter. Mr. Stuhl advised me that he wanted to file a written response to the proposal and to represent you at the oral response scheduled for May 19, 2017. I granted Mr. Stuhl until COB May 12, 2017 to file the written response. Mr. Stuhl subsequently notified me that he needed additional time to file the written response and I granted an extension until COB May 15, 2017. The written response was timely filed. On May 19, 2017, you and your counsel, Mr. Waite Stuhl, provided an oral response to the proposal.

As the Deciding Official, I have carefully reviewed all the material that formed the basis for the proposed action, including the evidence in support of the proposed action provided to you by Memorandum dated April 6, 2017. I also considered all the information presented in your oral and written responses.

Background

The Charges and Specifications in this matter relate to a mass email you sent at 1:36 A.M. on January 23, 2017 to approximately 60 Multifamily Asset Management staff in the Chicago Regional Center. Your email was directed to Asset Management Division Director Debbie Gray in response to an email that Program Analyst LaShawna Robinson had sent to all Asset Management staff on January 20, 2017 with the permission of her supervisor providing staff with guidance on how to "close out" work items in the HUD Asset Management Processing System ("AMPS") electronic system for workload management, a system which has been the subject of collective bargaining with AFGE pursuant to Supplement 4 to the MFRT Agreement. Ms. Gray's email of January 20, 2017 was directed to four Program Assistants, including Mr. Perry, in follow up to Ms. Robinson's email to emphasize to all Program Assistants the importance of close out dates for work actions being promptly entered. You inferred that this email was directed at you personally as criticism though no individual staff member was

identified in Ms. Gray's email. On Monday, January 23, 2017 you responded to the emails at 1:36 A.M. outside of your tour of duty with an unprofessional and discourteous email to Ms. Gray which was copied to all staff who had received Ms. Robinson's email. Your email, sent outside of your tour of duty, made negative allegations regarding your supervisor, Gerald Smith, stating that Mr. Smith does not know what your job duties involved and was not available to you, claimed that the AMPS system was an unapproved system for workload management and personally identified a co-worker, by name, stating that she was not a supervisor and questioning her authority to send out an email that was authorized by the Asset Management Division Director.

Charge 1: Failure to Follow Instructions.

Charge 1 and Specification 1 relate to your failure to follow instructions in that your supervisor, Gerald Smith, directed you in writing and orally, to not send out mass email messages. I find on the basis of the written record of Mr. Smith's direction to you via email dated June 5, 2015, and on the absence of credible testimony from you at the oral response to the contrary, that you have been directed in writing and orally to not send out mass emails without the permission of your supervisor, Mr. Smith. I also find that you confirmed in your email to Mr. Smith of January 23, 2017 at 11:32 AM that you did in fact send the email at 1:36 AM on January 23, 2017, and that it was copied to at least sixty HUD staff members. The written response regarding this charge and specification acknowledges that you did send the January 23, 2017 email at 1:36 AM and acknowledges that you were directed in writing not to send out mass emails. At the oral response, you did not provide testimony contradicting Mr. Smith's declaration in the Notice of Proposal to Suspend that he had orally warned you not to send out mass emails in November of 2016. As such I find that the Charge 1 and Specification 1 are sustained.

Charge 2: Disrespectful and Disruptive Conduct.

Charge 2 charges that the January 23, 2017 email was disrespectful to your supervisor and to the Asset Management Division Director, as well as to a specific employee named in your email and includes five specifications related to specific elements of the email that were disrespectful to your colleagues and disruptive to the operations of the office. The specifications set forth specific statements in your email that were disrespectful to your supervisor and the Division Director as well as to a fellow non-supervisory employee who acted within her authority to send the January 20, 2017 email. There are a number of statements in your email that are disrespectful to your Supervisor and to the Asset Management Division Director in that you stated that your supervisor does not know what you do and is not available to you, and that your duties and those of others in the office are not governed by job descriptions. You also state in your email that a specific employee did not have the authority to send an email that she did have authority to send which was disrespectful to her. You inaccurately stated that AMPS was not an approved workload management system. You disrupted the efficiency of the office by sending your disrespectful and factually inaccurate message to the entire office. I find Mr. Smith's statement that staff who read your email message to be upset by it to be credible as it is not customary for staff to receive emails that make negative statements about their supervisors or colleagues or incorrectly assert that HUD systems are not approved as if such matters arise they

are addressed through established methods that assure privacy such as consultation with your supervisor or exercise of rights pursuant to the Collective Bargaining Agreement.

You argue in your written response that the email was neither disrespectful nor disruptive and was "impulsive" and represents an expression of free speech under the First Amendment. I do not find this argument to be convincing. The First Amendment does not excuse disrespectful conduct in the workplace. The content of your January 23, 2017 email concerned matters of personal interest as it was a complaint about internal office affairs. Moreover, the focus of your written response is not on the elements of the Charges and Specifications but upon your assertion of a conflict with your supervisor. Such complaints have proper venues for resolution which do not include sending mass emails outside of duty hours that make negative statements about management and non-management colleagues or office systems. The content and timing of your email caused an adverse impact on the efficiency of the service and was both disrespectful in content and disruptive to the workings of the office. As such I sustain Charge 2 and its accompanying specifications.

It is my decision to sustain all charges and specifications due to my finding that your email of January 23, 2017 to all Chicago Multifamily staff, was sent in contravention to instructions you had received and that the contents of the email were disrespectful to your colleagues and caused disruption to the morale of the workplace. However, I find the proposed penalty of a thirty (30) day suspension should be mitigated as set out below.

In making my determination on the appropriate penalty I have considered all the factors in Douglas v. Veterans Administration, (*Douglas* Factors) with regard to aggravating and mitigating factors relevant to this decision. The *Douglas* Factors are discussed more fully as follows:

1. The nature and seriousness of the offense. Aggravating. In your position as a (b)(6) (b)(6) with 19 years' experience, and as a federal employee, you are to refrain from conduct that contravenes supervisory instructions and is disrespectful to your colleagues and disruptive to the workplace. You were previously instructed by your supervisor to not send out group emails yet you emailed the entire HUD Multifamily staff on January 27, 2017 at 1:36 AM, outside of duty hours. The email you sent undermined your supervisor and was disruptive to the morale of the office. There is no claim on your part that you did not intend to send the mass group email or that you thought it incorrect to do so even though you are well aware that you are not to work outside of your tour of duty, which includes sending emails. In addition, you have been instructed not to send mass group emails previously without first obtaining supervisory approval. You failed to produce any evidence that you obtained supervisory approval prior to sending out the January 23, 2017 email which you sent to more than 60 Multifamily staff, which states your supervisor is largely unavailable to you is contradicted by your written and oral response which refer to frequent contact with your supervisor. Your email included language that was unprofessional and disrespectful to your supervisor and HUD staff. You informed co-workers in a mass group email, that your supervisor is not available to you and stated that "I don't believe my Branch Chief knows what I do;" this has the impact of maligning the reputation of that supervisor and injuring office morale.

2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position. Mitigating.

As a GS-7 Program Assistant you are not in a supervisory role nor did the offenses in question reach parties external to HUD. Your position is not one of prominence and while the email you sent was disruptive to the workings of the Multifamily office and disrespectful to three fellow staff members your conduct did not adversely impact the Department's reputation with the public.

3. The employee's past disciplinary record. Aggravating. This is your third disciplinary offense resulting in suspension. On July 13, 2014, you were suspended for a thirty (30) day period for willfully misusing a government vehicle outside of your tour of duty. On December 21, 2015, you were suspended for a three-day period for failure to follow instruction and disrespectful and disruptive conduct. The offenses for which you were suspended are similar in nature to the offenses charged in this proposal in that they both involved failure to follow procedures and directions and caused disruption to the workplace. You did not dispute that you have a past disciplinary record in your oral or written reply.

4. The employee's past work record. Mitigating. You have served your country as a veteran of the Armed Forces and worked at HUD for 19 years at a level of full performance or above. You interact with co-workers on a positive basis when you are in the office.

5. The effect upon the supervisor's confidence in the employee's ability to perform assigned duties. Aggravating. The offenses you have committed have damaged your supervisor's confidence in your ability to perform work satisfactorily in that you failed to obey supervisory instructions and you maligned your supervisor in an email to over sixty staff members in Multifamily housing. Your counsel asserted at the oral response that you had acted impulsively and that you had never sent out an email like this one before. I find this argument not to be mitigating as you have been repeatedly warned about sending out mass emails and are well aware of your duties to obey supervisory directives. The email you sent was not only in direct contravention of prior supervisory instructions, but it also made negative statements about your supervisor that would have the effect of undermining his confidence in you.

6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses.

To the best of my knowledge the penalty imposed pursuant to this decision is consistent with those imposed for similar offenses. I have served as a Deciding Official in one other matter that involved the improper use of HUD email that was disturbing to staff in its content and caused disruption within the office and imposed a fourteen-day suspension in that matter.

7. Consistency of the penalty with applicable agency table of penalties. The penalty is

consistent with the Agency Table of Penalties which provides for a range of five-day suspension for a first offense, up to removal for a third offense. This is your third disciplinary action resulting in suspension. However, mitigating circumstances may warrant a reduction in the penalty.

8. The clarity with which the employee was put on notice of any rules that were violated. Aggravating. With regard to Charge 1 you are aware of governmental standards to follow supervisory instructions and have been warned to not send out group emails. You are aware that you are not permitted to work outside of your tour of duty given you have been suspended previously for utilizing a governmental vehicle without permission outside of your tour of duty. With regard to Charge 2 Departmental policy requires employees to treat each other with respect. In addition, Section 6.05 of the HUD/AFGE Agreement requires that all HUD employees treat one other "with the utmost respect and dignity." You have also been previously disciplined for disrespectful and disruptive conduct.

9. The potential for the employee's rehabilitation. Mitigating. At the oral response, you expressed your desire to work on behalf of the HUD team and that you "will comply with every directive." However, prior disciplinary action has not deterred conduct that contravenes supervisory instructions and which has been disruptive to the workplace. I have determined that suspension is the most appropriate action to reinforce the seriousness of the conduct. While the conduct set forth in this proposal is most serious, it is the Deciding Official's view that you are a person of general good will and that you will modify your behavior in light of the discipline that is imposed so as to not be at risk of more disciplinary action in the future which may warrant your removal from Federal service.

10. Mitigating circumstances surrounding the offense. Mitigating. You have expressed that you are under some stress due to the health conditions of your spouse. I have taken this into account in electing to reduce the proposed penalty.

Based on all the reasons specified above, it is my determination the charges against you are fully substantiated. It is also my determination that each of the sustained charges, standing alone, is sufficient to justify your suspension.

Therefore, it is my decision to suspend you from your position of Program Assistant GS-0303-7 for a period of fourteen (14) calendar days. This suspension will be imposed effective July 30, 2017 through August 12, 2017. You are to return to duty on August 14, 2017.

I believe this action is reasonable, appropriate and necessary to promote the efficiency of the service. I hope this action will impress upon you the seriousness of your misconduct.

Any further misconduct may result in more severe disciplinary action, up to and including your removal from the Federal service.

You are advised that current regulations of the Merit Systems Protection Board (MSPB) do not provide for appellate review of suspensions of fourteen (14) calendar days or less. However, the Union may invoke arbitration under Section 52.02 of the HUD/AFGE Agreement, within twenty-five (25) calendar days of the effective date of this action. You may contact your Union representative if you have any questions concerning this process. Should the union invoke arbitration on your behalf, upon your return to a duty status you may be permitted up to sixteen (16) hours of official time as needed to prepare your arbitration case. Any request for the use of official time must be submitted to your supervisor.

Following is more specific information concerning your appeal rights:

Arbitration

If you elect not to invoke arbitration, the matter may be referred to the grievance/arbitration procedure. In accordance with Sections 51.15 and 52.02 of the HUD/AFGE Agreement, only the Union may refer this matter to arbitration. Arbitration must be invoked by the union within twenty-five (25) calendar days of the effective date of this action. A request to invoke arbitration should be directed to your Union representative.

If you believe this disciplinary action is based in whole or in part on discrimination on the basis of any of the protected categories under law, i.e., race, color, religion, sex, national origin, age, disability, marital status, or political affiliation, you have the right to file an Equal Employment Opportunity (EEO) complaint by either filing a grievance in accordance with Article 51 of the Agreement, or by filing an EEO complaint under the Department's EEO complaint process contained in Article 9 of that Agreement. If you file a written grievance alleging discrimination under the negotiated grievance procedure or if the Union invokes arbitration alleging discrimination, such act constitutes an election and you may not also file an EEO complaint. Whichever is filed first shall be an election to proceed in that forum. You may contact your union representative if you have any questions concerning these rights.

The procedures governing this action are contained in the Civil Service Reform Act of 1978 (5 USC 7511-7514), Office of Personnel Management (OPM) regulations (5 CFR Sections 752.401-752.406), as implemented by HUD Handbook 0752.2 REV-03, "Adverse Actions," the HUD/AFGE Agreement. If you wish to review these materials, or have any questions concerning the procedures applicable to this action, you may contact Desirée Johnson, Labor and Employee Relations Specialist at 312-913-8555 or desiree.l.johnson@hud.gov. In accordance with Section 12.07 of the Agreement, the Union will be given a general statement regarding this decision.

Attachments

MSPB Appeal Form

I acknowledge receipt of this memorandum. My signature does not indicate my agreement or disagreement with the contents of this document. My signature only indicates I have received a copy of this document.


(b)(6)

7-19-2017

Date

Copies:

Waite P Stuhl, Attorney AT Law, Employee's Representative
Desirée Johnson, LER Specialist
Gerald Smith, Proposing Official

	MERIT SYSTEMS PROTECTION BOARD APPEAL FORM (MSPB FORM 185)
INSTRUCTIONS FOR COMPLETING YOUR APPEAL	
<p style="text-align: center;">MSPB's Authority to Review Employment Related Actions or Decisions</p> <p>The MSPB (the Board's legal authority (jurisdiction) to review employment-related actions or decisions is limited to those matters specifically entrusted to it by law, rule, or regulation. A listing of matters over which the Board has jurisdiction can be found in the Board's regulations at <u>5 C.F.R. § 1201.3</u>. The administrative judge assigned to your case will determine whether the Board has jurisdiction over the particular circumstances of your appeal.</p>	
<p style="text-align: center;">Where to Obtain Additional Information</p> <p>Much more information about the adjudication of appeals before the MSPB, including the Board's regulations, may be found at the Board's website: <u>www.mspb.gov</u>. The Board's regulations are also published in the Code of Federal Regulations, 5 C.F.R. Part 1200 et seq., available in many libraries.</p>	
<p style="text-align: center;">Time Limits for Filing an Appeal</p> <p>You must file your appeal within 30 calendar days of the effective date, if any, of the action or decision you are appealing, or the date you received the agency's decision, whichever is later. (Please note that Individual Right of Action (IRA), Uniformed Services Employment and Reemployment Rights (USERRA), and Veterans Employment Opportunities Act (VEOA) appeals have different time limits, as described in Appendix A). In limited circumstances, the 30-day filing time limit may be extended if you and the agency mutually agree in writing to try to resolve your dispute through an alternative dispute resolution process before you file an appeal. See <u>5 C.F.R. § 1201.22(b)-(c)</u>. The 30-day time limit may also be extended if you have previously filed a formal equal employment opportunity (EEO) complaint regarding the same matter, as described in Appendix A. The date of filing is the date your appeal is postmarked, the date of the facsimile (fax) transmission, the date it is delivered to a commercial overnight delivery service, the date of receipt in the regional or field office if you personally deliver it, or the date of submission if you file your appeal electronically. Do not delay filing your appeal merely because you do not currently have the documents requested in this form.</p>	
<p style="text-align: center;">Where to File an Appeal</p> <p>You must file your appeal of the agency's action or decision with the Board's regional or field office responsible for your actual or potential duty station. If you are appealing a retirement or suitability decision by the Office of Personnel Management (OPM), you must file your appeal with the Board's regional or field office responsible for where you live. See <u>5 C.F.R. § 1201.4(d)</u> and <u>1201.22(a)</u>. For a list of regional and field offices, see Appendix B.</p>	
<p style="text-align: center;">Attachments</p> <p>Please submit only the attachments requested in this form. The filing of an appeal is just the beginning of the adjudication process, and you will have additional opportunities to submit evidence and argument before a decision is issued. Further, the agency will submit all the documents contained in its record of the action. <u>5 C.F.R. § 1201.25(c)</u>.</p>	
<p>If you prefer to file your appeal electronically, please visit</p> <p>MSPB e-Appeal Online — https://e-appeal.mspb.gov</p>	
<p style="text-align: right;">MSPB Form 185, Page 1 (5/13) 5 C.F.R. Parts 1201, 1206 and 1209</p>	



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Midwest Regional Office, Region V
Ralph Metcalfe Federal Building
77 West Jackson Blvd
Chicago, IL 60604-3507

OFFICE OF THE REGIONAL ADMINISTRATOR

March 27, 2017

MEMORANDUM FOR: (b)(6) FHEO, Region V

FROM: James Cunningham, Acting Regional Administrator, Region V

SUBJECT: Notice of Decision to Suspend

A memorandum, dated January 19, 2017, which you received on January 19, 2017, from Courtney N. Kyles, Intake Branch Chief, FHEO, Region V, notified you that she was proposing that you be suspended from your position of (b)(6) Office Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Region V, for 30 calendar days. The Proposal was based on the charge of disrespectful conduct.

I have carefully reviewed all of the material that formed the basis for the proposed action, including the supporting documentation. In addition, I have given full and impartial consideration to your written response dated, and received by me, on February 7, 2017, and your oral response which was presented to me on February 21, 2017. You indicated that you believed that Ms. Kyles was the aggressor in the situation and that the penalty was excessive. In addition, I considered the written statement of (b)(6), which you submitted as part of your response. (b)(6) verified that you called her over to witness the interaction between you and your supervisor. (b)(6) (b)(6) indicated that both you and Ms. Kyles were speaking in loud conversation.

I conclude from the evidence provided that a disrespectful conduct occurred on October 24, 2016. The preponderance of evidence, including statements from two other employee-witnesses and the Regional Director leads me to the conclusion that you responded to supervisory direction in an inappropriate manner. Neither your oral or written evidence, nor your witness support an alternate version of the events of October 24, 2016, as described in the original disciplinary action. Three other witness statements indicated that you were speaking to your supervisor at an unacceptable volume, making inappropriate statements to your supervisor and creating a disruption in the workplace by involving your colleagues. The statement of your witness, (b)(6) actually corroborates the statements provided by the other witnesses as to what occurred. Based on the facts presented to me, you acted in a disrespectful manner to your supervisor when you shouted for another employee to come to your cubicle to "witness" an interaction between you and your supervisor and made statements that you would not be "treated like this" in response to a simple supervisory interaction. You were disrespectful when you accused your supervisor of ulterior motives for her interaction with you by making statements that she has it "out for you" and that you "will not be treated like this." The preponderance of evidence provided in the original disciplinary action, the four witness statements, including (b)(6), demonstrate that you reacted to a supervisory interaction inappropriately by raising your voice to your supervisor, engaging other employees in the interaction, making accusatory remarks to your

supervisor and pointing your finger at your supervisor. In your rebuttal, you argued that your supervisor acted inappropriately in discussing your performance. While you may have felt unsettled by your supervisor, the ability to interact with employees without confrontation is essential for the efficiency of the service. Therefore, I am sustaining the charge of disrespectful conduct.

In making my determination on the appropriate penalty, I am required to consider the relevant aggravating and/or mitigating circumstances. In making this determination, I have reviewed all of the factors in Douglas v. Veterans Administration (Douglas Factors) and considered the following factors were applicable.

1) The nature and seriousness of the offense. Aggravating. Disrespecting your supervisor is a serious offense and cannot be tolerated in the workplace. In your response, you indicated that you felt that you were the victim in the transaction. However, the evidence indicates that you resisted supervisory instruction and assistance and engaged in an inappropriate manner. It is important that a supervisor has the right and duty to monitor work assignments and employee performance. In conducting these duties, a supervisor also must be able to have productive interactions with employees about performance and assignments.

2) The clarity with which you were on notice of any rules that were violated. Aggravating. You were clearly provided information about the appropriate conduct expected of HUD employees. Based on prior history, interaction and prior discipline, you had been appropriately notified that further transgressions could lead to disciplinary action. You were clearly on notice about the rules that were violated and the expected behavior in the workplace.

3) Past disciplinary record. Aggravating

This is considered a second offense based on your suspension of June 24, 2014.

You did not dispute that you have a past disciplinary record in your rebuttal.

4) Consistency of penalty. Neutral You argued that the penalty was excessive. I have determined that the consistency of the penalty is within the table of penalties. Additionally, you submitted no evidence indicating the penalty is inconsistent with the Department practice in similar cases. However, mitigating circumstance may warrant a reduction in the penalty.

5) The effect of the actions on the confidence that the employee at issue will perform her assigned duties. Aggravating. It is my determination that failure to correct your behavior will have a negative effect on your ability to perform the essential functions of your position with the Department. Failure to receive supervision without a negative reaction will not allow the necessary duties of your position to be completed in an efficient manner. If a supervisor is unable to have a productive conversation with you as an employee deficiency cannot be corrected overall productivity will decrease. Your behavior indicates that you cannot perform you assigned duties with adequate supervisory controls.

6) Potential for rehabilitation and the adequacy and effectiveness of alternate sanctions. Aggravating. You indicated that you have sought EAP counseling to help you carry out your duties and responsibilities. However, prior disciplinary action has not deterred the inappropriate conduct in the workplace. I have determined that suspension is the most appropriate action to reinforce the seriousness of the conduct.

7) Mitigating factors. I also considered the mitigating the following mitigating factors. 1) You apologized after the incident. While the apology is welcomed, I have determined that it is a repeated pattern and the apology does not absolve inappropriate conduct in the workplace. 2) Your long work history and performance. I considered your 30 years of service and fully successful job performance in making my decision. Your tenure and performance mitigates, but does not fully make up for the misconduct, however. 3) I further understand that employee has personal issues that (b)(6) is addressing through available Employee Assistance programs offered by the Department.

Based on the mitigating factors, I am reducing the penalty to a 14 calendar day suspension. It is my opinion that this penalty will reinforce that (b)(6) needs to respect management and their authority to provide support and direction to subordinate employees. Considering this is a second offense within the last two years I am affirming that this is an appropriate disciplinary action to prevent future occurrences of such inappropriate behavior in the workplace.

Based on all of the reasons specified above, it is my determination that the charges against you are substantiated with a reduced penalty and warrant your suspension for 14 calendar days.

Therefore, it is my decision to suspend you from your position of (b)(6) - (b)(6) for a period of **14 calendar days**. This suspension will be imposed effective April 9, 2017 through April 22, 2017. You are to return to duty on April 24, 2017.

I believe this action is reasonable, appropriate and necessary to promote the efficiency of the service. I hope that this action will impress upon you the seriousness of your misconduct. Any further misconduct may result in more severe disciplinary action, up to and including your removal from the Federal service.

The union may invoke arbitration in accordance with Section 52.02 of the HUD/AFGE Agreement. You are further advised that upon your return to a duty status, you may be permitted up to sixteen (16) hours of official time as needed to prepare either your arbitration case. Any request for the use of official time must be submitted to your supervisor.

Following is more specific information concerning your appeal rights:

Arbitration

This matter may be referred to the grievance/arbitration procedure. In accordance with Sections 51.15 and 52.02 of the HUD/AFGE Agreement, only the Union may refer this matter to arbitration. Arbitration must be invoked by the union within thirty (30) calendar days of the

effective date of this action. A request to invoke arbitration should be directed to your Union representative.

If you believe this disciplinary action is based in whole or in part on discrimination on the basis of any of the protected categories under law, i.e., race, color, religion, sex, national origin, age, disability, marital status, or political affiliation, you have the right to file an Equal Employment Opportunity (EEO) complaint by either filing a grievance in accordance with Article 51 of the Agreement, or by filing an EEO complaint under the Department's EEO complaint process contained in Article 9 of that Agreement. If you file a written grievance alleging discrimination under the negotiated grievance procedure or if the Union invokes arbitration alleging discrimination, such act constitutes an election and you may not also file an EEO complaint. Whichever is filed first shall be an election to proceed in that forum. You may contact your union representative if you have any questions concerning these rights.

The procedures governing this action are contained in the Civil Service Reform Act of 1978 (5 USC 7511-7514), Office of Personnel Management (OPM) regulations (5 CFR Sections 752.401-752.406), as implemented by HUD Handbook 0752.2 REV-03, "Adverse Actions," the HUD/AFGE Agreement. If you wish to review these materials, or have any questions concerning the procedures applicable to this action, you may contact **Desirée Johnson, Employee and Labor Relations Specialist** at 312-913-8555 or desiree.l.johnson@hud.gov. In accordance with Section 12.07 of the Agreement, the Union will be given general statement regarding this decision.

Attachments

I acknowledge receipt of this memorandum. My signature does not indicate my agreement or disagreement with the contents of this document. My signature only indicates I have received a copy of this document.

(b)(6)

03/28/17

Employee Name/Signature

Date

Copies:

Farrah Tunk, AFGE Local 911, Employee's Representative
Desirée Johnson, LER Specialist
Courtney Kyles, Proposing Official



U.S. Department of Housing and Urban Development

Fair Housing and Equal Opportunity
Philadelphia Regional Office

July 14, 2017

MEMORANDUM FOR: (b)(6)

FROM: *Ronaldlyn Lathams* Branch Chief, Programs and Compliance

SUBJECT: Official Reprimand

This is an Official Reprimand for Inappropriate Behavior- Sleeping while on Duty.

On June 29, 2017, at approximately 9:30 am, I was walking around to greet the staff in the morning. As I walked down the corridor I noticed you with your headphones on your head and it appeared that you were sleeping. As I approached your desk, I found that you were asleep and snoring. I had to wake you. I then asked if you were okay. You indicated that you were not feeling well. I advised that you can request leave and go home or go for a walk to get fresh air, but you cannot continue to sleep while on duty. You ended up taking leave for the remainder of the day. On July 7, 2017, at approximately 9:40 a.m., I was walking around to say good morning to the staff. I found you again asleep at your desk and had to wake you. You took a small break and then continued to work for the remainder of the day.

If you are sleeping while on duty you are not completing the tasks necessary for your position as it relates to the mission of the agency. This type of behavior is unacceptable and will not be tolerated in the future. If you are unable to work it is your responsibility to request leave.

I have determined that an Official Reprimand is the appropriate penalty for your misconduct. Prior to selecting this penalty, I consulted HUD Handbook 0752.02 REV-03, Chapter 4, Table of Offenses and Penalties, Appendix A-1. Your conduct as described above is identified as Offense #20. The suggested penalty for a first offense of this type ranges from reprimand to 5-day suspension. I have decided to issue this Official Reprimand in the hope that it will impress upon you the seriousness of your misconduct. Any further misconduct may result in more severe disciplinary action being initiated against you, up to and including your removal from the Federal service.

A copy of this Official Reprimand will be filed in your Official Personnel Folder (OPF), for a period of 2 years, in accordance with Section 12.04 of the HUD/AFGE Agreement.

You may grieve this Official Reprimand in accordance with the procedures outlined in Article 51 of the HUD/AFGE Agreement. You may contact your Union representative if you have questions concerning the negotiated grievance procedures or your rights.

If there are personal problems which you believe may be affecting your behavior on the job, you may seek assistance through the Department's Employee Assistance Program (EAP). The telephone number of the EAP is 1-800-222-0364. This is a toll-free, 24-hour service. The services of the EAP are at no cost to you and are strictly confidential.

I acknowledge receipt of this memorandum. My signature does not indicate my agreement or disagreement with the contents of this document. My signature only indicates I have received a copy of this document.

Declined to Sign 7/14/2017
(b)(6) Date

cc:

Supervisor

LER Specialist

Official Personnel Folder



U.S. Department of Housing and Urban Development
NEW YORK, NEW YORK 10278-0068

DATE: June 28, 2017

MEMORANDUM FOR:

(b)(6)

Multifamily Northeast Region Production Division

FROM:

Arden Sokolow *Arden Sokolow*
Director
Multifamily Northeast Region

SUBJECT:

Notice of Decision to Proposed Suspension

By memorandum dated May 31, 2017, which you received that day from, Richard Harding, Chief, Technical Specialist Branch, Multifamily Northeast Region Production Division, notified you that he was proposing that you be suspended from your position of (b)(6) in the Multifamily Northeast Region, Baltimore Satellite Office, U.S. Department of Housing and Urban Development, for a period of one (1) calendar day. The Proposal was based on the following charges: Failure to follow instructions and Absent without Leave (AWOL).

As the Deciding Official, I have carefully reviewed all of the material that formed the basis for the proposed action including the supporting documentation. I note for the record that you did not provide a written or oral reply.

I have concluded that the charges and the supporting specifications in the proposal notice are supported by a preponderance of evidence and are sustained, and that the penalty of one (1) calendar day is appropriate and promotes the efficiency of the service.

In making my decision on the appropriate penalty, I have considered all of the factors in *Douglas v. Veterans Administration*, 5 M.S.P.B. 313, 5 M.S.P.R. 280, 305-06 (1981). Additionally, I considered the reasons outlined in Mr. Harding's proposal notice. Based on the information included in the proposed suspension, I am in agreement with Mr. Harding, your failure to follow instructions has happened on a frequent and recurrent basis. Further, the misconduct is related to the timely completion of assignments which causes the Agency to be in a position of not meeting required timeframes. This lack of timeliness, as noted in the proposal, has the potential to tarnish the reputation of the Agency. I find that your supervisor has attempted to rectify this issue and that those prior conversations and written counseling did not lead to any change or improvement. In fact, as noted in the proposal, after your supervisor issued a leave counseling you had an instance of AWOL, which was sustained. I have also taken

into consideration your almost nine (9) years of service and that you submit quality work. However, these factors do not serve to effectively outweigh the seriousness of your actions.

I have also considered the effectiveness of alternative sanctions, and the consistency of the penalty with HUD Handbook 0752.02, REV-3, Chapter 4, Table of Offenses and Penalties, appendix A-1 Table of Penalties. I have concluded that proposing a lesser penalty would not promote the efficiency of the service.

Therefore, it is my decision to suspend you from your position of (b)(6) (b)(6) for a period of one (1) calendar day. This suspension will be imposed effective Tuesday, July 11, 2017. You are to return to duty on Wednesday, July 12, 2017.

I believe this action is reasonable, appropriate and necessary to promote the efficiency of the service. I hope that this action will impress upon you the seriousness of your misconduct. Any further misconduct may result in a more severe action being initiated, up to and including your removal from the Federal service.

You are advised that current regulations of the Merit Systems Protection Board (MSPB) do not provide for appellate review of suspensions of fourteen (14) calendar days or less. However, the Union may invoke arbitration under Section 52.02 of the HUD/AFGE Agreement, within twenty-five (25) calendar days of the effective date of this action. You may contact your Union representative if you have any questions concerning this process. Should the union invoke arbitration on your behalf, upon your return to a duty status you may be permitted up to sixteen (16) hours of official time as needed to prepare your arbitration case. Any request for the use of official time must be submitted to your supervisor.

The procedures governing this action are contained in the Civil Service Reform Act of 1978 (5 USC 7501-7504) and Office of Personnel Management (OPM) regulations (5 CFR Sections 752.201-752.203), as implemented by Article 12 of the HUD/AFGE Agreement. If you wish to review these materials, or have any questions concerning the procedures applicable to this action, you may contact Ashley Webster, Employee and Labor Relations Specialist, Region III at 215-430-6646 or ashley.t.webster@hud.gov. In accordance with Section 12.07 of the Agreement, the Union will be given a general statement regarding this decision.

I acknowledge receipt of this memorandum. My signature does not indicate my agreement or disagreement with the contents of this document. My signature only indicates I have received a copy of this document.

(b)(6)

6/28/2017
Date

Copies:
Employee
LER Specialist
Proposing Official



U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
100 Penn Square East
Philadelphia, Pennsylvania 19107-3380


DATE: June 9, 2017

MEMORANDUM FOR

(b)(6)

Office of Fair Housing and Equal Opportunity

FROM:

Melody Taylor 
Regional Director
Office of Fair Housing and Equal Opportunity, 3AEH

SUBJECT: Written Reprimand

This is an Official Reprimand based on your Failure to Follow Instructions.

On May 8, 2017, I issued you a Memo of Counsel. In that memo, I provided very specific instructions and due dates for assignments that were at that time already overdue. Specifically, you were to:

1. Finalize the Standard Operating Procedures for the FHIP/FHAP operations this was to include the financial management processes and the manner in which staff would monitor FHIP/FHAP grantees. In fact, at the start of the fiscal year, you verbally proposed the approach that the region is currently undertaking. At that time, I advised you to develop the operational plan to allow the region to implement. A modicum of the plan was not formalized until February. The final product remains outstanding. You must complete this assignment by May 12, 2017.
 - a. *This remains outstanding. You requested an extension which I granted until May 19, 2017. Additionally, you called to request unscheduled leave on both dates the document was due.*
2. You were directed as a priority effort for the past three months, to complete your office clean-up. In doing so it would allow you to organize the files electronically and physically to ensure that as the Regional Administrator of funds that I would have easy access to financial records and files without the reliance of having to request information. This remains outstanding. You must complete this assignment by May 15, 2017.
 - a. *This was only partially completed. You have not completed the upload of files electronically, and the physical files remain unorganized.*
3. In February, I instructed you to provide monthly LOCCS reports to date this has not been carried out. This remains outstanding. These reports are due to me at the beginning of each month and made available for bi-weekly managers meetings.

a. The LOCCS reports have still not been made available for the managers' meetings as instructed.

4. In February, I also requested a strategy to address FHAPs with aged caseload, as this remains outstanding. You must provide me with this information by May 19, 2017.

a. This item remains outstanding.

I have determined that an Official Reprimand is the appropriate penalty for your misconduct. Prior to selecting this penalty, I consulted HUD Handbook 0752.02 REV-03, Chapter 4, Table of Offenses and Penalties, Appendix A-1. Your conduct as described above is identified as Offense #18. The suggested penalty for a first offense of this type ranges from Reprimand to 5-day suspension. I have decided to issue this Official Reprimand in the hope that it will impress upon you the seriousness of your misconduct.

You must provide me with a daily update on the status of each assignment so that I can ensure that progress is being made on each task.

Any further misconduct may result in more severe disciplinary action being initiated against you, up to and including your removal from the Federal service.

A copy of this Official Reprimand will be filed in your Official Personnel Folder (OPF), for a period of 1 year.

You may grieve this Official Reprimand in accordance with the Administrative Grievance procedures outlined in CHCO Handbook 771.2.

Attachments

I acknowledge receipt of this memorandum. My signature does not indicate my agreement or disagreement with the contents of this document. My signature only indicates I have received a copy of this document.

(b)(6)


Date

cc:
Supervisor
LER Specialist
Official Personnel Folder



U.S. Department of Housing and Urban Development

Baltimore Office
City Crescent Building
10 South Howard Street, 5th Floor
Baltimore, MD 21201-2528

March 30, 2017

MEMORANDUM FOR: (b)(6) Baltimore Field Office
FROM: Sorella Jacobs, Chief Counsel, Baltimore Field Office
SUBJECT: Official Reprimand

This is an Official Reprimand for disrespectful conduct.

On March 29, 2017, we had a scheduled closing. The closing was scheduled as a closing by mail, however, the lender's counsel arrived and he was accommodated in your office. After some time elapsed you advised me that the closing documents were in order as you had reviewed the corrected drafts. I then told you that as the Office of General Counsel (OGC), closing counsel, you are also expected to carefully review final documents as a part of the closing process. In addition, I told you that I found some deficiencies in the documents I reviewed. I requested that we meet in the library to review what needed to be corrected.

As our discussion proceeded, you got up and walked out in the middle of the discussion. You came back in after a few minutes and as you sat down said, "I cannot do this." I told you that it is disrespectful to walk out in the middle of a discussion without saying anything. At that point you jumped to your feet, very agitated and with a loud, aggressive voice, said to me, "I am an adult I can do what I want to do." You remained standing while I sat and continued to speak over me with a loud aggressive voice. One statement you made was, "I am a professional and should be treated as a professional." It was impossible to continue the document review as you remained standing and continued to be agitated in both speech and manner. At that point I became concerned for my safety and did not focus on what else was said; I ran out of the room as quickly as I could.

I have determined that an Official Reprimand is the appropriate penalty for your misconduct. Prior to selecting this penalty, I consulted HUD Handbook 0752.02 REV-03, Chapter 4, Table of Offenses and Penalties, Appendix A-1. Your conduct as described above is identified as Offense #5. The suggested penalty for a first offense of this type ranges from reprimand to 5-day suspension. I have decided to issue this Official Reprimand in the hope that it will impress upon you the seriousness of your misconduct. Any further misconduct may result in more severe disciplinary action being initiated against you, up to and including your removal from the Federal service.

A copy of this Official Reprimand will be filed in your Official Personnel Folder (OPF), for a period of 2 years, in accordance with Section 12.04 of the HUD/AFGE Agreement.

You may grieve this Official Reprimand in accordance with the procedures outlined in Article 51 of the HUD/AFGE Agreement. You may contact your Union representative if you have questions concerning the negotiated grievance procedures or your rights.

If there are personal problems which you believe may be affecting your behavior on the job, you may seek assistance through the Department's Employee Assistance Program (EAP). The telephone number of the EAP is 1-800-222-0364. This is a toll-free, 24-hour service. The services of the EAP are at no cost to you and are strictly confidential.

I acknowledge receipt of this memorandum. My signature does not indicate my agreement or disagreement with the contents of this document. My signature only indicates I have received a copy of this document.

(b)(6)

Date

cc:

Supervisor

LER Specialist

Official Personnel Folder



U.S. Department of Housing and Urban Development

Office of Administration
Project Management Division
40 Marietta Street
Atlanta, GA 30303

DATE: March 29, 2017

MEMORANDUM FOR

(b)(6)

Human Capital Field Support, Project Management Division

FROM:

Eric Williams
Branch Chief

Human Capital Field Support, Project Management Division

SUBJECT:

Written Reprimand

This is an Official Reprimand for your delinquent payment of your Government travel charge card.

You were delinquent in paying the full balance of your Government travel charge card listed below.

Statement Period 06/15/2016- 07/14/2016—balance = \$431.47

Statement Period 09/15/2016-10/14/2016—balance = \$929.15

Statement Period 1/14/2017-10/14/2016—balance = \$952.37

I have determined that an Official Reprimand is the appropriate penalty for your misconduct. Prior to selecting this penalty, I consulted HUD Handbook 0752.02 REV-03, Chapter 4, Table of Offenses and Penalties, Appendix A-1. Your conduct as described above is identified as Offense #40a. The suggested penalty for a first offense of this type ranges from Reprimand to 5-day suspension. I have decided to issue this Official Reprimand in the hope that it will impress upon you the seriousness of your misconduct.

Additionally, I considered that you were on approved Family and Medical Leave Act (FMLA) leave during the period of October 16, 2016 through December 23, 2016, to care for your mother out of town. However, you have a responsibility to be up-to-date on all financial responsibilities relating to your position. Further, you did not respond or address this situation until Citibank made contact with you indicating that they would be offsetting your salary to bring your credit card balance to zero. Payments to rectify this delinquency did not begin until March 2017, and you returned from FMLA leave in January 2017. You knew or should have known that this was an issue that needed to be resolved. You should have communicated with me during your absence so that I could have provided guidance and/or assistance to remedy this matter immediately.

Any further misconduct may result in more severe disciplinary action being initiated against you, up to and including your removal from the Federal service.

A copy of this Official Reprimand will be filed in your Official Personnel Folder (OPF), for a period of 1 year.

You may grieve this Official Reprimand in accordance with the Administrative Grievance procedures outlined in CHCO Handbook 771.2.

Attachments

I acknowledge receipt of this memorandum. My signature does not indicate my agreement or disagreement with the contents of this document. My signature only indicates I have received a copy of this document.

Employee Declined to Sign _____ *3/29/2017*
Date

(b)(6)

cc:
Supervisor
LER Specialist
Official Personnel Folder

U.S. Department of Housing and Urban Development
Washington, DC 20420-0500



Office of Housing

August 07, 2017

MEMORANDUM FOR: (b)(6) Office of
Housing, Housing Operations

FROM: Genger, Charles

SUBJECT: Notice of Decision to Suspend

By memorandum issued to you on May 12, 2017, Ms. Sara Meyers notified you that she was proposing that you be suspended from your position of (b)(6) in the Office of Housing, Office of the Deputy Assistant Secretary for Operations, U.S. Department of Housing and Urban, for a period of five (5) calendar days. The Proposal was based on the following charge: Misuse of Government Property.

As the Deciding Official in this matter, I have carefully reviewed all the material that formed the basis for the proposed action including the supporting documentation. In addition, I have given full consideration to your written and oral responses, submitted on your behalf by your counsel, Shaw Bransford & Roth, P.C., on June 16, 2017, as well as your oral response on July 18, 2017. Your counsel and, HR Specialist Shaundrelle Watson, were also at the meeting when you presented your oral response.

In your oral and written responses, you stated that you apologize for unlocking the outer door to the suite of the Office of the Chief Human Capital Officer (OCHCO), citing a momentary lapse in judgement. Furthermore, you stated that you understood the concerns of the agency with respect to this matter given the sensitivity of materials and documents under the purview of OCHCO. Finally, you stated that this conduct is not a reflection of who you are and that you can be trusted to protect and safeguard sensitive information. Through your counsel, you asked that the proposed 5-day suspension not be sustained.

Following due consideration of the facts presented by you as well as the Notice of Proposed Suspension presented to you by Ms. Meyers, I have determined that the proposal should not be sustained. Instead in my role as the deciding official on this matter, it is my determination that you be suspended for a term of one (1) calendar day. Furthermore, to reinforce the need to protect and preserve sensitive information, you should take approved training on privacy.

In making my determination on the appropriate penalty in this matter, I considered the relevant aggravating and/or mitigating circumstances. In doing so, I have considered all of the

factors in Douglas v. Veterans Administration (Douglas Factors). The relevant factors that I considered are as follows:

The aggravating factors:

The nature and seriousness of the offense and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;

As outlined in the letter from Ms. Meyers, I concur that the nature of the offense- unauthorized entry into an office suite – to be serious, unacceptable, and intolerable. As a manager, you should be relied on to show good judgement and set an example for peers and staff, which you failed to do here in trying to access space housing vital and confidential information in an unauthorized manner.

(2) The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;

This offense was inappropriate for a senior leader, who should not only be sensitive to the nature of the information contained in the Chief Human Capital Officer's office, but who also should be aware of the impact of such behavior, joking or not, when it is witnessed by other employees. As a manager, you should be relied on to show good judgement and set an example for peers and staff, which you failed to demonstrate in this matter.

The mitigating factors:

1. It is clear that you feel remorse for your actions and understood the consequences of your conduct. While it is my determination that these events cannot go unanswered for, it is also my belief that a suspension and training in the nature that I have determined, rather than the recommendation you suggested, is in the best interest of both you and the agency and will adequately resolve this matter.

Based on all of the reasons specified above, it is my determination that the charge against you is fully substantiated and warrant a suspension.

Therefore, it is my decision to suspend you from your position of (b)(6) (b)(6) in the Office of Housing, Office of the Deputy Assistant Secretary for Operations, U.S. Department of Housing and Urban Development for a period of one (1) calendar day. This suspension will be imposed effective **August 21, 2017** through **August 21, 2017**. You are to return to duty on **Tuesday, August 22, 2017**.

I believe this action is reasonable, appropriate and necessary to promote the efficiency of the service. I hope that this action will impress upon you the seriousness of your misconduct. Any further misconduct may result in a more severe disciplinary action being initiated, up to and including your removal from the Federal service.

You have the right to obtain review of this adverse action through one of the avenues stated below. You may only choose to pursue one of these available avenues of review and any election is deemed to have been made based on which of the actions is filed first. If you elect to challenge this adverse action, it is important that you make an informed choice among the available options as electing an option will foreclose your ability to select a different option at a later point. Therefore, if you wish to challenge this adverse action, please read the information carefully and select only one of the avenues below:

You are advised that current regulations of the Merit Systems Protection Board (MSPB) do not provide for appellate review of suspensions of fourteen (14) calendar days or less. However, you have the right to grieve the merits and procedures of the suspension under HUD Handbook 771.2 REV-3, Administrative Grievances. If you believe this action is motivated by or the result of illegal discrimination, you may have the right to appeal this suspension by initiating an EEO complaint through the Department's discrimination complaint process within 45 calendar days from the alleged discrimination or within 45 calendar days of the effective date of the suspension.

This decision has been prepared in accordance with regulations of the Office of Personnel Management and HUD Handbook 0752.02 REV-3. If you wish to review the materials relied on for this disciplinary action, or have any questions concerning the procedures applicable to this action, you may contact Shaundrelle Watson, Employee and Labor Relations Division, Shaundrelle.S.Watson@hud.gov or 202-402-6232.

If there are personal problems which you believe may be affecting your behavior on the job, you may seek assistance through the Department's Employee Assistance Program (EAP). The telephone number of the EAP is 1-800-222-0364. This is a toll-free, 24 hour service. The services of the EAP are at no cost to you and are strictly confidential.

Please sign and date in the space provided below to acknowledge your receipt of this letter. Your signature, in no way implies that you agree with this letter or its contents, only that you acknowledge receipt of this notice.

Attachments

1. Insert Date, Proposed Suspension

(b)(6)

July 17
Date

Copies:
Employee
Employee's Representative
LER Specialist
Proposing Official

May 2, 2017

MEMORANDUM FOR: (b)(6)

FROM: Cheryl Teague – Underwriting Branch Chief

SUBJECT: Official Reprimand

The purpose of this memorandum is to give you an official reprimand for your disrespectful and inappropriate conduct during a meeting on April 6, 2017 as indicated in the Table of Offenses and Penalties, Appendix 1 of HUD Handbook 752.2, Rev. 3. The specifics that prompted this action is as follows:

On April 6, 2017, I conducted a meeting with you to discuss the follow up of your duties that were assigned to you on January 19th, 2017. I asked you what was wrong and your response was in a very inappropriate manner “Just tell me what you want me to do”. I asked you why do you have this attitude against me and you stated “oh you are taking this personal”. I stated to you that I am not taking this personal but there is a problem because I don’t like your attitude when you are speaking to me and it is unacceptable. I proceeded to go over the duties that were discussed with you on January 19th, 2017 and your response was very hostile as well as disrespectful as you were explaining your lack of completing the task was the fault of another teammate. I told you again that I don’t like your attitude towards me and in one point of the conversation you started singing to drown out what I was saying to you. I proceeded to go over the tasks again to you and I asked you again what is wrong and you stated “I just want to be left alone”. I told you that you cannot be left alone, you are on my team and you must do your work and I cannot justify giving you credit hours or any comp time unless I know exactly what you are doing and that the work that you have is warranted for the extra time. I have explained to you that your attitude must change as it is making your team members uncomfortable and it is creating a hostile environment and then you said “Oh you don’t like me; oh, you don’t like me?”. I stated to you that I never said that. You proceed to get very irate in which made me feel extremely uncomfortable and then you got up and said “I cannot talk to you and this meeting is over” and you stormed out of the conference room upsetting everyone in the office.

As a HUD employee, you are expected to conduct yourself with professionalism and respect for both our internal and external customers. It is the policy of the Department, as well as the HUD/AFGE Agreement, which states specifically that “employees should endeavor to treat one another with the utmost respect and dignity.” Your conduct towards me demonstrated a lack of respect; it was also demeaning, condescending and inappropriate. This type of misconduct undermines my ability to effectively manage the New York Office and its day-to-day operations. Your conduct clearly demonstrates a lack of respect, and will not be tolerated.

I have determined that an Official Reprimand is the appropriate penalty for your misconduct. Prior to selecting this penalty, I consulted HUD Handbook 0752.02 REV-03, Chapter 4, Table of Offenses and Penalties, Appendix A-1. Your conduct as described above is equivalent to Offense Number 5 in the Appendix. The penalty for a first offense ranges from a Reprimand to a 5-day suspension for each charge. I have decided to issue this Official Reprimand in the hope that it will impress upon you the seriousness of your misconduct. Any further misconduct may result in more severe disciplinary action being initiated against you, up to and including your removal from the Federal service.

A copy of this Official Reprimand will be filed in your Official Personnel Folder (OPF), for a period of two (2) years, in accordance with Section 20.03(2) of the HUD/AFGE Agreement.

You may grieve this Official Reprimand in accordance with the procedures outlined in Article 22 of the HUD/AFGE Agreement. You may contact your Union representative if you have questions concerning the negotiated grievance procedures or your rights.

If there are personal problems which you believe may be affecting your behavior on the job, you may seek assistance through the Department's Employee Assistance Program (EAP). The telephone number of the EAP is 1-800-222-0364. This is a toll-free, 24-hour service. The services of the EAP are at no cost to you and are strictly confidential.

Attachments

I acknowledge receipt of this memorandum. My signature does not indicate my agreement or disagreement with the contents of this document. My signature only indicates I have received a copy of this document.

Employee Name/Signature

Date

cc:

Supervisor

LER Specialist

Official Personnel Folder

(b)(6)

(b)(6)

Refused NOT TO sign 5/2/17
was in the meeting AS A witness.



U.S. Department of Housing and Urban Development
Los Angeles Regional Office - Region IX
300 North Spring Street, Suite 4054
Los Angeles, California 90012
www.hud.gov
espen@hud.gov

February 23, 2017

MEMORANDUM TO: (b)(6), FHEO

FROM: *David Quezada* David Quezada, Director, Los Angeles FHEO Center
Office of Fair Housing and Equal Opportunity

SUBJECT: Written Letter of Reprimand

This memorandum serves as a written Letter of Reprimand for your rude and unprofessional conduct in the workplace and for failure to follow supervisory instructions.

1. While your supervisor Gregory Crespo, FHEO Enforcement Branch Chief was on leave in December 2016, you sent a data request to a Respondent under the guise of Gregory Crespo and the authority of the Department. On November 17, 2016, your supervisor Gregory Crespo, FHEO Enforcement Branch Chief, rejected your data request. You were aware the data request you sent, was previously rejected and unauthorized. Subsequently, your supervisor had to send a letter to the Respondent apologizing for the contradictory data request sent by you during his absence.
2. On or about December 23, 2016, you sent an email to your supervisor Gregory Crespo, FHEO Enforcement Branch Chief requesting a meeting with Office of General Counsel (OGC) to review two of your cases. Gregory Crespo, FHEO Enforcement Branch Chief responded by stating he would meet with you when he returned from leave on January 3, 2017. On December 30, 2016, while Acting as Center Director for a day, you contacted Anné Quesada, FHEO Regional Director and asked if you could meet with OGC in spite of being told by your supervisor that he would meet with you upon his return.
3. On January 10, 2017, your routine bi-weekly case review meeting was held. The purpose of the meeting is to review the progress of investigative work, discuss how to overcome obstacles in the investigation and provide guidance, if necessary. Your supervisor Gregory Crespo, David Quezada, Center Director, and Anné Quesada, FHEO Regional Director (via teleconference) were in attendance. Also in attendance was (b)(6) (b)(6) to serve as your witness. While your supervisor was speaking, you interrupted him, shook your finger at him, and stated "I don't want to hear it from you". You were told by Anné Quesada that your behavior was unacceptable. You were also advised by Anné Quesada that you were to follow the instructions of your supervisor.

4. On January 17, 2017 you met with your supervisor Gregory Crespo for your routine case review meeting. When your supervisor Gregory Crespo inquired about whether you would be able to complete an investigation report by the January 31, 2017 deadline, you got up and walked out of the meeting without offering an explanation or the status of the case.
5. You were scheduled to meet with Gregory Crespo, your supervisor and David Quezada on January 31, 2017 at 2:00 p.m. in room 710 for your routine bi-weekly case review meeting. You did not come to the meeting as scheduled. You sent an email stating you did not want to meet with two supervisors, in spite of being told on January 19, 2017, by the Regional Director that David Quezada would be present in any work related in-person or telephonic discussions between you and Greg Crespo. In response, David Quezada sent you an email instructing you to report to conference room 710 to provide an update of your case work. In spite of these instructions, you failed to report as instructed.
6. You were scheduled to meet with Gregory Crespo, your supervisor and David Quezada on February 14, 2017 at 2:00 p.m. in room 710 for your routine bi-weekly case review meeting. You did not come to the meeting as scheduled. Shortly after 2:00 p.m. you came to my office with a union representative and stated you would meet with one but not two supervisors. You failed to report to the case review meeting as scheduled.

As an (b)(6) you are held to a high standard of conduct and it is critical that your actions are professional and above reproach. You failed to meet this high standard on several occasions. Your conduct towards your supervisor is considered rude and unprofessional. You sent out a request for information under the guise of your supervisor's name after being told not to do so. You also refused to report to scheduled meetings with your supervisor as instructed. Your conduct is unbecoming of a federal employee. We must be able to rely on our employees to act in a professional and responsible manner.

Your conduct is in violation of Labor-Management Agreement between U.S. Department of Housing and Urban Development (HUD) Region IX and the National Federation of Federal Employees (NFFE), Article 1. Standards of Conduct, Section 1.02 – *Morale* and Section 1.05 – *Complying with Orders*. These requirements stipulate in part the following, “... Everyone shall treat one another with the utmost respect and dignity ...” and “Employees recognize their responsibility to comply with all lawful orders and instructions from their supervisors.” This article also stipulates that “continued refusal to carry out an order or instruction may be cause for disciplinary action.” These requirements are essential to maintain workforce morale and efficiency, as well as a high level of public trust and respect that enables HUD to carry out its mission.

Under the Region IX/NFFE Local 1450 Labor Management Agreement, Article 16, an Official Letter of Reprimand is a disciplinary action. In considering a penalty for these violations, I

consulted HUD's Table of Offenses and Penalties in HUD Handbook 752.02, REV-3. A first offense for rude or disruptive conduct towards other employees and failure or willful delay in carrying out instructions in a reasonable time is a reprimand to a 5-day suspension.

This reprimand is effective upon your receipt of this letter. It is intended to emphasize to you the seriousness of your misconduct and encourage you to modify your conduct, behavior, demeanor, and the manner in which you interact with other staff, including your supervisor.

A copy of this reprimand will be retained in your Official Personnel Folder for a period of 1 to 2 years. While in effect, this reprimand may be a factor in determining the severity of any corrective action that might be issued should subsequent offenses occur. This official reprimand also serves as a warning that any further acts of misconduct may result in more severe disciplinary action being taken against you, up to and including your removal from Federal service.

You are entitled to file a formal grievance concerning this action in accordance with the procedures cited in Article 9 of the Labor-Management Agreement between HUD and NFFE Local 1450. If you have any questions, please contact me at 213-534-2600.

Please sign below to acknowledge receipt of this reprimand. Your signature does not represent agreement or disagreement with the contents and by signing you will not forfeit any of your rights. However, your failure to sign will not void the contents of this letter.

Employee

Date

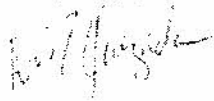
CC: ELR



U.S. Department of Housing and Urban Development
Los Angeles Regional Office - Region IX
300 North Spring Street, Suite 4054
Los Angeles, California 90012
www.hud.gov
esportal.hud.gov

February 23, 2017

MEMORANDUM TO: (b)(6) FHEO

FROM:  David Quezada, Director, Los Angeles FHEO Center,
Office of Fair Housing and Equal Opportunity

SUBJECT: Written Letter of Reprimand

This memorandum serves as a Written Letter of Reprimand, for your unprofessional and disruptive behavior in the workplace.

1. During a group training held on November 8, 2016, you elected to go through your personal mail at the conference table, where all of your co-workers were gathered. Your supervisor, Greg Crespo FHEO Enforcement Branch Chief instructed you not to go through your personal mail during the group training. You asked your supervisor if you were required to be at the training and you were told you were. You put away your personal mail, however you began to sigh loudly and roll your eyes at your co-workers. Your behavior was inappropriate, disruptive and unprofessional. You were asked to leave the training.
2. On December 14, 2016, you received an email from your supervisor, Greg Crespo FHEO Enforcement Branch Chief instructing you, not to contact Ms. Cordero-Sacks, unless you were instructed to proceed. In response to his email you stated, *"Although I will not contact Ms. Cordero-Sacks until further notice, the tone of the statement, is not acceptable and intolerable. In moving forward loose the ego and demeaning remarks."*
3. During a group routine weekly branch meeting conducted by your supervisor Greg Crespo, you asked a question about a DFEH case file you had received. While your supervisor was explaining to you the necessity for you to properly arrange the case file you stated he couldn't tell you what to do. Your tone was loud and disrespectful. Your confrontational and disruptive conduct resulted in the meeting being abruptly terminated.

As an (b)(6) you are held to a high standard of conduct and it is critical that your actions are professional and above reproach. You failed to meet this standard on several occasions. Your conduct towards your supervisor is considered unprofessional and disruptive. We must be able to rely on our employees to act in a professional and respectful manner. Further incidents of unprofessional and disruptive conduct will not be tolerated.

Your conduct is in violation of the Labor-Management Agreement between U.S. Department of Housing and Urban Development (HUD) Region IX and the National Federation of Federal Employees (NFFE), Article 1. Standards of Conduct, Section 1.02 – *Morale*. These requirements stipulate in part the following, “... *Everyone shall treat one another with the utmost respect and dignity ...*” These requirements are essential to maintain workforce morale and efficiency and enable HUD to carry out its mission.

Under the Region IX/NFFE Local 1450 Labor Management Agreement, Article 16, an Official Letter or Reprimand is a disciplinary action. In considering a penalty for these violations, I consulted HUD’s Table of Offenses and Penalties in HUD Handbook 752.02, REV-3. A first offense for rude or disruptive conduct towards other employees ranges from a written reprimand to a 5-day suspension.

This reprimand is effective upon your receipt of this letter. It is intended to emphasize to you the seriousness of your misconduct and encourage you to modify your conduct, behavior, demeanor, and the manner in which you interact with other staff, including your supervisor.

A copy of this reprimand will be retained in your Official Personnel Folder for a period of 1 to 2 years. While in effect, this reprimand may be a factor in determining the severity of any corrective action that might be issued should subsequent offenses occur. This official reprimand also serves as a warning that any further acts of misconduct may result in more severe disciplinary action being taken against you, up to and including your removal from Federal service.

You are entitled to file a formal grievance concerning this action in accordance with the procedures cited in Article 9 of the Labor-Management Agreement between HUD and NFFE Local 1450. If you have any questions, please contact me at 213-534-2600.

Please sign below to acknowledge receipt of this reprimand. Your signature does not represent agreement or disagreement with the contents and by signing you will not forfeit any of your rights. However, your failure to sign will not void the contents of this letter.

Employee

Date

CC: ELR



Homeownership Center

Region VIII, Denver
1670 Broadway Street
Denver, Colorado 80202-4801

Phone: 1-800-225-5342
Fax: 303-672-5040
Web: www.hud.gov

August 23, 2017

MEMORANDUM FOR: (b)(6) Processing and Underwriting Branch 1, Processing and Underwriting Division, Denver Homeownership Center, 8AHHPI Dorothy Crow-Willard, President, AFGE Local 3972

FROM: Amy K. Trujillo, Director, Processing and Underwriting Division, Denver Homeownership Center, 8AHH

SUBJECT: Decision of Proposed 14-Day Suspension

In a notice dated June 14, 2017, Chris Malone proposed to suspend you for 14-calendar days from your position of (b)(6) in the Denver Homeownership Center. The reasons for the proposed suspension were: **Absence Without Leave (AWOL), Failure to Follow Leave Restriction, and Failure to Follow Established Leave Procedures.** As stated in the letter, the proposal was initiated under the provisions of Title 5, United States Code (5 USC), Chapter 75 and Title 5, Code of Federal Regulations (5 CFR), Part 752, and is for such cause as will promote the efficiency of the service.

In the proposal notice, your supervisor informed you that you had 21 calendar days from receipt of the notice to submit an oral or written (or both) response to me. Your response if you chose to provide one was due July 5, 2017. After an extension request, I provided you an extension until July 14, however, on July 13, I received another extension request. After granting another extension, I met with you and your Union representatives (Dorothy Crow-Willard, local Union President; Christopher Fowler, local Union Vice President) on July 27, 2017, and you and your representatives provided an oral and 1.25-page written response. Towards the end of the response meeting, Ms. Crow-Willard requested another week to provide a "Plan Going Forward" letter. I granted until the following Wednesday, August 2, 2017. I did receive that letter from Ms. Crow-Willard on August 2.

During the oral presentation, you explained that you have vehicle problems, problems getting to work, issues with your son, ex-boyfriend, and ex-husband. You also explained that on July 18, 2017, you started to meet with the Employee Assistance Program (EAP) and you were also going to see if EAP had time-management classes you could attend. You also explained that you were

having some medical issues, for which you were seeing a doctor, and that you were seeing a nutritionist. During this meeting, you also provided a 1.25-page response and explained that you have several family issues, no-contact orders, car issues, and phone issues. In the "Proposed Plan for Addressing Attendance Needs" letter I received on August 2, you outlined the fact that: you were moving to another house, you just started seeing EAP, and you now have a Regional Transportation District (RTD) pass as a method of getting to work.

Based on all the information provided to me, I have found that the facts and supporting documentation are sufficient to show by a preponderance of the evidence, that you are responsible for the acts and conduct set forth in the Notice of Proposed 14-Day Suspension letter dated June 14, 2017. I therefore sustain the charges: Absence Without Leave (AWOL), Failure to Follow Leave Restriction, and Failure to Follow Established Leave Procedures.

Factors Considered for the Proposed Suspension: In determining the appropriate penalty to propose in this matter, I have carefully reviewed the factors in *Douglas v. Veterans Administration*, 5 MSPB 313, 5 MSPR 280, 306 (1981). I considered the relevant *Douglas* factors to determine whether there were aggravating and/or mitigating circumstances. My analysis of the most relevant factors follows:

1. *The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.* (b)(6)

(b)(6), your primary responsibilities are to provide customer service, perform Loan Reviews and participate in departmental or industry-wide training. Your perpetual showing up for work late or not at all, and/or disappearing from your desk without approved leave, resulting in AWOL negatively impacts the Division's ability to perform the functions for our customers. Your Manager has counseled, reminded and discussed with you the seriousness of your failure to follow the leave protocols and constant tardiness on numerous occasions. Your misconduct is serious, frequently repeated, and intentional. This is an aggravating factor.

2. *The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.* (b)(6) series non-supervisory (b)(6) In your position, you constantly have contact with the public, particularly with the customer service inquiries through the Client Response System (CRM) and the Loan Reviews performed. Your continued failure to follow the requirements in your Leave Restriction issued March 9, 2017, adversely impacts the Division to provide timely customer service to our customers (the public) as well as burdens the remaining Insuring and Underwriting (I&U) staff to cover the phones and loan reviews when you are not available. This is an aggravating factor.

3. *The employee's past disciplinary record.* Your supervisor issued you a Letter of Reprimand on November 16, 2016, for similar attendance-related AWOL offenses and tardiness. This is an aggravating factor.

4. *The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.* (b)(6) You have been employed with HUD since July 2008, and had no discipline issues until last fall when your supervisor issued you a Letter of Reprimand for AWOL, tardiness, disappearing from your work cubicle, and failure to follow leave procedures. You were rated fully successful in your last performance rating, and you get along with your co-workers. However, your dependability for the past nine months, since September 2016, has drastically declined. As a (b)(6) you are primarily responsible for providing customer service, performing Loan Reviews and participating in training opportunities both personal/departmental or industry-wide. Your dependability is dubious because of your failure to follow established leave procedures and your leave restriction. As such it impacts the Division's ability to provide adequate and timely customer service, including the ability to complete Loan Reviews as well as your own necessary personal training. Your absences affect the remaining I&U staff who are then required to cover your workload and service requests. As the issues identified above seem to be balanced, this is a neutral factor.

5. *The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisor's confidence in the employee's ability to perform assigned duties.* The documentation provided in the Proposed 14-day Suspension, the continued pattern of AWOL, tardiness, and inability to follow leave procedures after your Letter of Reprimand and Leave Restriction, adversely influences any confidence that I have of your ability to perform assigned duties. As (b)(6) your primary functions are to provide customer service, perform Loan Reviews and participate in training opportunities both personal as well as departmental or industry-wide, all of which are impacted. With your ongoing and continued absences, you unable perform your primary functions. You stated in your oral response that you recognized that you needed to give more effort to your work. Because of the totality and severity of these issues, I have lost confidence and faith in your integrity and responsibility. This is an aggravating factor.

6. *Consistency of the penalty with those imposed upon other employees for the same or similar offenses.* This penalty is consistent with the penalty imposed on other employees with similar offenses.

7. *Consistency of the penalty with applicable agency table of penalties.* This is consistent with the HUD table of penalties, HUD Handbook 752.02, REV-03, Chapter 4, Table of Offenses and Penalties, Appendix 1. The recommended penalty for Charge 1 (1. AWOL) for a second offense is a 5-day suspension to a 30-day suspension. The recommended penalty for Charge 2 (Failure to Follow Leave Restriction (19. refusal to comply with proper order)) for a first offense is a 5-day suspension to removal. The recommended penalty for Charge 3 (1. Failure to Follow Established Leave Procedures) for a second offense is a 5-day suspension to a 30-day suspension. Therefore the 14-day suspension is appropriate and falls within the specified Agency Table of Penalty ranges.

8. *The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.* (b)(6) you were issued a letter of reprimand on November 16, 2016, specific to AWOL, tardiness, and failure to

follow leave request procedures and you acknowledged by your signed receipt. You were issued a Leave Restriction on March 9, 2017, citing similar concerns as the Letter of Reprimand. You acknowledged receipt of the Reprimand and Leave Restriction. In each of these documents you were made aware of HUD's policies, rules, and responsibilities expected of you regarding the proper use of leave policies, and you were provided the possible consequences of your actions if they were to continue. The evidence included as part of the proposed 14-day Suspension, showed that you were continually warned and counseled of the severity of offenses you were committing. Furthermore, you admitted in your oral response that you were unable to keep track of all the absences and required documentation per the leave restriction, which resulted in more AWOL. You also said that you were confused about when you were supposed to call your Manager to let him know you would be late. You stated it was unclear if you were to call him by 9:30 am or 10:30 am. This is clearly specified in your Leave Restriction and if there was confusion then you should have asked your Manager for the clarification. This is an aggravating factor.

9. *Potential for employee's rehabilitation.* (b)(6) you have repeatedly expressed remorse and apologized for your actions, yet you still failed to comply with your Manager's and HUD's established leave procedures as well as your leave restriction. You were issued a Letter of Reprimand in November of 2016, a Leave Restriction in March of 2017 and the Proposed 14-Day Suspension June 14, 2017, yet your attendance problems have continued. Because there were several prior attempts to correct your misconduct, you have demonstrated that you are unable or unwilling to improve your conduct. This is an aggravating factor.

10. *Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.* You stated that your supervisor was made aware of some personal and health issues that have occurred during this time. You recognize that you need to give more effort to your work and to make it a higher priority. You acknowledged that you want to do better, but didn't know how to do this. You contacted the EAP on July 12, 2017 and met with a counselor on July 18, and again on July 25, 2017, to work through your personal issues, time management, and to have EAP provide homework specific to positive thinking.

In your oral response, it was brought up that Management should have assisted you earlier with contacting EAP and not just reference it in each of the formal letters issued to you, because you did not know how to go about it. However, later in your oral response you stated that on your own accord you called, scheduled meetings, and attended EAP counseling for more than the covered six sessions, at your own cost back in 2010. Even though you had worked with EAP previously, you still waited to address any of these recent issues until the week before your oral response to the proposed 14-day suspension.

Per your oral response and Plan of Action letter received July 28, 2017, you explained that you have made several changes to your living arrangements and made personal improvements. You have moved to a friend's house that neither your ex-husband or ex-boyfriend know of and have considered alternative transportation to get to work on time. You have met with a nutritionist to improve your general health and are following a plan to alleviate your fatigue. You explained

that it was difficult to comply with the leave restriction procedures because you were unable to get a doctor's note signed for each instance, particularly for the migraines you experienced. You stated this increased your stress to comply with the requirements yet you failed to communicate with your supervisor to discuss alternative documentation. This is an aggravating factor.

11. The adequacy and effectiveness of alternate sanctions to deter such conduct in the future by the employee and others. The Letter of Reprimand and Leave Restriction you were issued has not changed your conduct regarding your pattern of tardiness, failing to follow established leave procedures or AWOL. Although you proposed an alternative remedy to remove the suspension and instead provide a living/action plan for you to follow, it is unfortunately too late. Your lack of judgment, reaction, and action to the severity of these 3 charges and their 27 specifications does not support that an alternative sanction would be adequate or effective nor deter you from future misconduct.

Decision: For the reasons I specified above, I feel that a 14-day suspension is quite lenient, and given the multiple specifications, is reasonable. Therefore, this memorandum hereby serves as your notice of my decision to suspend you without pay from your position of an (b)(6)

(b)(6) Processing and Underwriting Branch 1, Processing and Underwriting Division, Denver Homeownership Center, Denver Regional Office for a period of 14-calendar days. **This suspension will be imposed and be effective starting Thursday, August 24, 2107, through Wednesday, September 6, 2017. You will report to work the first duty day on Thursday, September 7, 2017.**

I believe this action is reasonable, appropriate and necessary to promote the efficiency of the service. I hope that this action will impress upon you the seriousness of your misconduct. Any further misconduct may result in the initiation of more severe disciplinary action, up to and including your removal from the Federal service.

The Notification of Personnel Action, SF-50, effecting this action shall be forthcoming and will become a permanent part of your Official Personnel Folder (OPF). A copy will be mailed to your address of record.

Rights: As a member of the AFGE bargaining unit, this matter may be referred to the grievance and arbitration procedure in accordance with Article 12.05 of the HUD/AFGE Agreement (CBA), and only the Union may refer this matter to arbitration. Such a request must be made by the Union, in writing, within twenty (20) calendar days of the date of this decision. Should the Union invoke arbitration on your behalf, upon your return to a duty status, in accordance with the CBA Article 51.10, management will provide a reasonable amount of duty time for you to prepare and present a grievance or appeal. Any request for the use of official time must be submitted to your supervisor.

The procedures governing this action are contained in the Civil Service Reform Act of 1978 (5 USC 7501-7504), Office of Personnel Management (OPM) regulations (5 CFR Sections 752.201-752.203), as implemented by HUD Handbook 0752.02 REV-3, "Adverse Actions," and the HUD/AFGE Agreement. If you wish to review these materials, or have any questions

concerning the procedures applicable to this action, you may contact Scott Kottke, ELR Specialist at 303-672-5184. In accordance with Article 12.07 of the CBA, the Union will be given a general statement regarding this decision.

EAP: If you are experiencing any personal problems that may be contributing to your attendance problems, you should seek assistance through the Department's Employee Assistance Program (EAP). Participation in the EAP is voluntary, and your discussions are kept strictly confidential. To schedule an appointment, you may contact the counselors by calling 1-800-222-0364, 24 hours a day, 7 days a week. While participation in this program is completely voluntary, I strongly encourage you to meet with a counselor and discuss any issues you believe are appropriate.

Acknowledgement of Receipt: Please sign and date below to acknowledge that you received this notice. Your signature does not indicate that you agree with the contents of this notice, nor will you forfeit any rights by signing this notice. Also, note that not signing will neither void its contents nor impede the agency from taking the actions stated herein.

(b)(6)

Date

U.S. Department of Housing and Urban Development




Homeownership Center
Processing and Underwriting
Division

Region VIII, Denver
1670 Broadway Street
Denver, Colorado 80202-4801

Phone: 1-800-225-5342
Fax: 303-672-5008
Web: www.hud.gov

DATE: March 15, 2017

MEMORANDUM FOR: (b)(6) Processing and
Underwriting Branch 2, Processing and Underwriting Division,
8AHHP2

FROM:  Melanie Brazil-Aksland, Chief, Processing and Underwriting Branch 2, Processing
and Underwriting Division, 8AHHP2

SUBJECT: Official Letter of Reprimand

This is to advise you that I am issuing you an Official Reprimand for inappropriate conduct.

The purpose of this letter is to officially reprimand you for your misconduct on the following occasions:

- On February 3, 2017, I approached you to discuss the situation that occurred regarding the unscheduled telework/unscheduled leave options provided to Denver HUD employees due to inclement weather on February 2, 2017. I began the conversation trying to clear up the misunderstanding about why I needed you to notify me about which option you wanted to take. You stated that I was a liar regarding my comment that other employees had notified management of their intention to telework. Since you were escalating the situation and calling me a liar, I said the conversation was over, and turned to walk away. You continued to express expletives in anger as I was walking away. You also stated that I had my chance and to "let the games begin".
- On February 7, 2017, I scheduled a meeting with you to discuss the unscheduled telework and your disrespectful and unprofessional behavior that occurred on Friday, February 3, 2017. When I began the discussion of your behavior, and before I could finish my sentence, you stood up, indicated that I was the unprofessional one, and stated that the conversation was over. You walked out of the conference room and as you walked away, you again called me a liar using offensive language.
- On February 14, 2017, I requested a meeting with you, the local Union President, and the Employee and Labor Relations (ELR) Specialist. We discussed the unscheduled telework regarding the directive to inform your Manager of your intention to telework or take leave using the word "must." The ELR Specialist explained several times that there is a basic requirement, Section 6.03 of the HUD/AFGE Contract, for complying with orders. Throughout the meeting you raised your voice and disrupted attempts I made to discuss, in a professional manner, the issues I wanted to raise to you. Your inappropriate conduct and outbursts were witnessed by the AFGE Local 3972 President, and the ELR Specialist.

I have been unable to address your unacceptable behavior as noted in the examples above because in every meeting I've scheduled with you to discuss my concerns, you have either walked out without allowing me to provide you with my expectations, or you have been so disrespectful and disruptive that I have been unable to effectively communicate with you. My expectations are that all employees' workplace conduct be professional, courteous and considerate regardless of who they are interacting with including peers, management, and representatives. A working relationship must be maintained between the employee and management to successfully perform their jobs.

I have determined that an Official Letter of Reprimand is the appropriate penalty for your misconduct. Prior to selecting this penalty, I consulted HUD Handbook 0752.02 REV-03, Chapter 4, Table of Offenses and Penalties, Appendix A-1. Your conduct as described above is best identified as Offense #5, Rude, boisterous, or disruptive conduct; use of insulting, abusive or offensive language to or about other employees. The first-time penalty for this offense ranges from a reprimand to a 5-day suspension.

After much consideration, I have decided that an Official Letter of Reprimand is appropriate. This Letter of Reprimand is intended to impress upon you the seriousness of your actions and is considered reasonable, equitable, and fully warranted. It is also considered to be a corrective measure and necessary to promote the efficiency of HUD. Any further incidents of misconduct on your part may result in a more severe disciplinary action, up to and including removal from Federal service, being imposed upon you.

This letter will be made a matter of record and incorporated into your Official Personnel Folder (OPF) for a period not to exceed two years from the date you receive it, in accordance with Section 12.04 of the HUD/AFGE National Agreement. You may grieve this Official Reprimand in accordance with the procedures outlined in Article 51 of the HUD/AFGE National Agreement. You may contact your Union representative if you have questions concerning the negotiated grievance procedures or your rights.

Employee Assistance Program: If you are experiencing any personal problems that may be contributing to your attendance problems, you should seek assistance through the Department's Employee Assistance Program (EAP). Participation in the EAP is voluntary, and your discussions are kept strictly confidential. To schedule an appointment, you may contact the counselors by calling 1-800-222-0364, 24 hours a day, 7 days a week. While participation in this program is completely voluntary, I strongly encourage you to meet with a counselor and discuss any issues you believe are appropriate. The HUD/AFGE National Agreement provides that employees may request Administrative Leave for up to 3 (three) visits of two (2) hours per visit, per calendar year. If you schedule an appointment with EAP during the work day, please enter your request for leave for that appointment into WebTA.

Please sign and date below to acknowledge that you received this notice. Your signature does not indicate that you agree with the contents of this notice, nor will you forfeit any rights by signing this notice.

Also note that not signing will neither void its contents nor impede the agency from taking further action.

Acknowledgement of Receipt:

(b)(6) REFUSED TO SIGN ^W 3/15/17
Date



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
409 First Avenue, Suite 500
Seattle, WA 98104

Office of Community Planning and Development
Seattle Regional Office

DATE: May 1, 2017

MEMORANDUM FOR: (b)(6)

FROM: David Foster, Program Manager, Office of Community Planning and Development

SUBJECT: Official Letter of Reprimand

This memorandum constitutes an Official Letter of Reprimand for (b)(6). This memorandum will be held in your Official Personnel Folder and will be removed after a maximum of two (2) years. In accordance with Section 12.04 of the Labor-Management Agreement, the reprimand may be removed sooner than 2 years if I determine it has had the desired effect.

You were AWOL for six work days (48 hours) during pay period 6. You were AWOL on three consecutive days in each week of the pay period. In the first week of the pay period you were AWOL Wednesday, Thursday, and Friday (March 22-24, 2017). In the second week of the pay period you were AWOL Wednesday, Thursday, and Friday (March 29-31, 2017).

On March 22 and 23, 2017 you failed to report to work at the office and you did not call me to request leave, therefore you were charged AWOL for those two days. On March 24, 2017, you called the office and left a message that you were out on sick leave. I called your designated personal contact phone number to reach you and discuss your situation. That phone call was not answered. You failed to follow the procedures for requesting and receiving sick leave approval by not providing an explanation for your absence, not providing a phone number to be reached at, and not providing medical documentation upon your return to work. On March 29, 2017, you failed to report to work and did not call in to request and receive leave approval. On March 30, 2017, you called me and requested sick leave. I asked you about your situation. In response, you stated "I said I am on sick leave". I advised you that approval of sick leave in webTA would require medical documentation; you then ended the phone call. On your return to the office for work, I asked you if you could provide the required medical documentation for the sick leave request for March 30, 2017. You said "no" and the time for March 30, 2017 was charged as AWOL. You failed to report to work on March 31, 2017, and did not call in to request and receive leave approval, therefore you were charged AWOL for March 31.

In completing your webTA for pay period 6, you initially entered 8 hours as regular base pay for March 29, 2017. I informed you that you had not worked on March 29, 2017, and you stated that the time for that day would have to be recorded as AWOL. I had the Master Timekeeper change the time for March 29, 2017 to AWOL in webTA. You then validated the time in webTA.

This is not the first time that I have had to counsel you. You were issued a Leave Restriction by memorandum from me dated March 21, 2017. That memorandum detailed specific procedures for requesting leave. Prior to issuing the Leave Restriction, I provided you with an unsigned copy of the memorandum for you to review. You reviewed the memorandum and we met and discussed the procedures. At that meeting I emphasized to you the importance of following the procedures. After the meeting, I issued the Leave Restriction and provided you with a copy of the signed memorandum. You failed to follow the procedures in the Leave Restriction memorandum. Consequently, you were charged with AWOL for your absences during pay period 6. The Leave Restriction memorandum also stated that excessive charges of AWOL may result in disciplinary action being taken against you, up to and including your removal from federal service. This Letter of Reprimand is disciplinary action for your failure to follow the procedures of the Leave Restriction and the resulting excessive charges of AWOL.

Under the HUD/AFGE Labor Management Agreement, Article 12, an Official Reprimand is a disciplinary action. In considering a penalty for these violations, I consulted HUD's Table of Offenses and Penalties in HUD Handbook 752.02, REV-3. A first offense for Attendance-related offenses both absence without leave and failure to follow established leave procedures carries a range of penalties from a reprimand to a 5-day suspension.

For all of the reasons above and the fact that this is a first offense, I have determined that a reprimand is the minimum corrective action I should take that will promote the efficiency of the Federal service and impress upon you the seriousness of your misconduct.

This memorandum is being issued for the purpose of bringing your attention to a situation that you must take positive steps to correct. This official reprimand also serves as a warning that any further acts of misconduct may result in more severe disciplinary or adverse action being taken against you, up to and including your removal from Federal service. While in effect, this reprimand may be a factor in determining the severity of any corrective action that might be issued should subsequent offenses occur.

You may grieve this reprimand in accordance with the procedures in Article 51 of the Labor-Management Agreement between HUD and AFGE.

If you have any questions, please contact me at 206-220-5368 or david.foster@hud.gov.

			
David Foster	Date	(b)(6)	Date

CC: Official Personnel File (eOPF);
Daniel Raymond, Employee and Labor Relations Specialist

3/7 2017



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

400 First Avenue, Suite 200
Seattle, WA 98104

Office of Fair Housing and Equal Opportunity
Seattle Regional Office

DATE: June 26, 2017

MEMORANDUM FOR: (b)(6)

FROM: Andrew E. Farver, Supervisory Equal Opportunity Specialist, GS-0360-14, Intake Branch Chief

SUBJECT: Letter of Reprimand

This memorandum constitutes an Official Letter of Reprimand for your improper closing of Case File #522007 in the Office of Fair Housing and Equal Opportunity HEMS' system. This memorandum will be held in your Official Personnel Folder and will be removed after a maximum of two (2) years. In accordance with Section 12.04 of the Labor-Management Agreement, the reprimand may be removed sooner than 2 years if I determine it has had the desired effect.

On March 16, 2017, Mona Fandel of the Office of General Counsel ("OGC") informed me that you indicated to her that you failed to follow FHEO policy when, in December 2016, you closed Claim Number 522007 in the HEMS database. Ms. Fandel indicated that you communicated to her that you intentionally deviated from the policy and closed the case outside of the established appropriate administrative closure guidelines. At the time, OGC was working on a Freedom of Information Act (FOIA) request involving Claim Number 522007. OGC was reviewing whether documents should be released based on the claim being closed in the system. Your conduct raised serious concerns that our office is not ensuring appropriate processing of intake claims and FOIA responses due to inaccurate information on the status of complaints and cases.

It is the intake specialist's responsibility to process intake claims that are assigned. In accordance with your performance standards, 80 percent of fair housing claims received in intake must be processed within 30 days to obtain a fully satisfactory level of performance. In accordance with the FHEO Title VIII Handbook 8024.1, claims are to remain open until the claim is either filed or closed administratively. The claim is filed when notification letters are drafted and sent to the parties of the complaint. The appropriate administrative closures are Non-Jurisdiction letters, Failure to Respond letters, Unable to Locate letters, Informal Resolutions Prior to filing letters, Decision by Claimant Not to Pursue letters, and Other Dispositions letters. You were made aware of the policy and process through Intake Online/Webcast Training and material you received by Sara Pratt from FHEO Headquarters in September 2012, and yet you still erroneously closed the above file without first sending a Non-Jurisdictional letter to the complainant. This reprimand is being issued for the purpose of bringing your attention to a

situation that you must take positive steps to correct. You must cease from closing claims prior to the 30th day. To ensure that you are following the policy, you will provide me with a weekly report that shows that you have not closed claims prior to the 30th day without the appropriate justification.


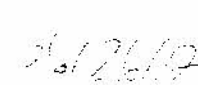
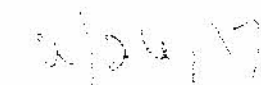
Under the HUD/AFGE Labor Management Agreement, Article 12, an Official Reprimand is a disciplinary action. In considering a penalty for these violations, I consulted HUD's Table of Offenses and Penalties in HUD Handbook 752.02, REV-3. A first offense for failure to carry out instructions carries a penalty of Reprimand to 5-day suspension.

For the reasons above and because this is your first offense, I have determined that a reprimand is the minimum corrective action I should take that will promote the efficiency of the Federal Service and impress upon you the seriousness of your misconduct.

This official reprimand also serves as a warning that any further acts of misconduct may result in more severe disciplinary or adverse action being taken against you, up to and including your removal from Federal service. While in effect, this reprimand may be a factor in determining the severity of any corrective action that might be issued should subsequent offenses occur.

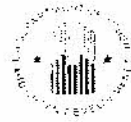
You may grieve this reprimand in accordance with the procedures in Article 51 of the Labor-Management Agreement between HUD and AFGE.

If you have any questions, please contact me at (206) 220-6411 or andrew.tarver@hud.gov.

 _____ Andrew Tarver	 _____ Date	<div style="border: 1px solid black; width: 250px; height: 60px; display: flex; align-items: center; justify-content: center;"> (b)(6) </div>	 _____ Date
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CC: Official Personnel File (eOPF);
 Daniel Raymond, Employee and Labor Relations Specialist

U. S. Department of Housing and Urban Development
Atlanta Homeownership Center
40 Marietta Street
Atlanta, Georgia 30303-2806
(800) CALLFHA or (800) 225-5342



April 25, 2017

MEMORANDUM FOR: (b)(6)

FROM: Valerie J. Williams, Chief, Branch 1, Quality Assurance Division

SUBJECT: Official Reprimand

This is an Official Reprimand for your failure to follow supervisory instructions.

You were instructed by your supervisor that when handling QAD Reviews you were not to perform Program Assistant functions without prior authorization from a manager. On January 31, 2017, you were tasked with handling QAD Reviews 82085, 83996, 83998 and 83976. You acknowledge that during your handling of these QAD Reviews, you failed to follow your supervisor's instructions and performed Program Assistant functions without prior authorization from a manager. Your refusal to follow your supervisor's instructions is unacceptable and undermines your supervisor's authority as your Chief, Branch 1, Quality Assurance Division.

In making my decision on the appropriate penalty, I considered all the facts pertaining to this matter. I have also given full and impartial consideration to your statements during our meeting on March 30, 2017. Therefore, consistent with the guidelines and offenses annotated in HUD's Table of Offenses and Penalties, I have determined that an Official Reprimand is the appropriate penalty for your misconduct. I hope that this Official Reprimand will impress upon you the seriousness of your misconduct. As a (b)(6) you hold a position of high responsibility and trust. Your conduct is unacceptable and will not be tolerated. Any further misconduct may result in more severe disciplinary action being initiated against you, up to and including your removal from the Federal service.

A copy of this Official Reprimand will be filed in your Official Personnel Folder (OPF), for a period not to exceed two (2) years, in accordance with Section 12.04 of the HUD/AFGE Agreement.

You may grieve this Official Reprimand in accordance with the procedures outlined in Article 51 of the HUD/AFGE Agreement. You may contact your Union representative if you have questions concerning the negotiated grievance procedures or your rights.

If there are personal problems which you believe may be affecting your behavior on the job, you may seek assistance through the Department's Employee Assistance Program (EAP). The telephone number of the EAP is 1-800-222-0364. This is a toll-free, 24 hour service. The services of the EAP are at no cost to you and are strictly confidential.

I acknowledge receipt of this memorandum. My signature does not indicate my agreement or disagreement with the contents of this document. My signature only indicates I have received a copy of this document.

Employee Name/Signature

Date

cc:

Michael P. Johnson, Employee and Labor Relations Specialist, AHEDB
Official Personnel Folder



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

OFFICE OF LEAD HAZARD CONTROL
AND HEALTHY HOMES

MEMORANDUM FOR: (b)(6)

FROM: Peter J. Ashley, Director, Policy and Standards Division, LP *HP 5/11/17*

SUBJECT: Official Reprimand

This Official Reprimand is being issued to you for your failure to complete assigned tasks and for your inappropriate and disrespectful email communications with me.

You were the (b)(6) for the Harvard University and Columbia University grants. On multiple occasions I instructed you to complete the tasks required to closeout these grants. Due to your failure to assemble and submit close-out packages for the grants as instructed, both grants had to be administratively closed out. You also failed to provide documents to the grant files after the grants were administratively closed. The following are examples of email communications to and from you regarding this matter.

I sent an email to you on June 2, 2016, indicating that the Harvard and Columbia University grants needed to be closed out. You sent me an email response on June 6, 2016 indicating that you were working on closing the Harvard grant.

On July 1, 2016, I sent you an email asking for the status of your close-out activities for the Harvard and Columbia grants. In one of your email responses on July 1, 2016 you stated: "I'm working on it." and "I'm very much aware of what's on my plate and what needs to be done." The wording of your response is an example how my simple requests regarding the status of assigned tasks are often met with inappropriate responses suggesting annoyance with my inquiry.

On August 15, 2016, I received an email from Nadine Heath, Director of the Grants Services Division, indicating that the Columbia University grant had been administratively closed by her staff because you failed to send them the close-out materials. Consequently, on August 15, 2016, I sent another email to you reiterating the importance of getting the grant closeouts completed. I also indicated that this was not acceptable performance of your GTR duties and requested that you send me the close-out materials by the end of the week, August 19, 2016. Once again, you failed to send me the close-out materials as requested.

Following the administrative closure of the Harvard and Columbia grants I requested that you provide the Grants Services Division with a (b)(6) evaluation (a 1-page form) and the final reports for each of the grants for the grant files (tasks that would require a total of 1-2 hour of effort). In an email to you on September 16, 2016, I indicated that you still needed to complete this task and that you would not be able to receive a "fully successful" performance rating on the related performance element if you did not complete it. You still failed to complete this task.

On January 9, 2017, I sent you an email (marked as high priority) requesting that you provide the grants officer with the close-out package for a recently expired (Silent Spring) grant by the end of that week and I asked once again that you provide the Grants Services Division with the documents for the Harvard and Columbia grants. In response to a question from you regarding the Harvard and Columbia grant assignments, on January 18, 2017, I sent an email to you once again explaining what I wanted you to do on the Harvard and Columbia grants. Nadine Health confirmed that as of February 21, 2017, you had not completed any of these tasks.

You have made it clear that you do not like to work on grant management tasks and that you do not believe that you should be required to do so. You have also indicated that you believe that you have not been sufficiently trained to perform the duties of a (b)(6). I have indicated on numerous occasions that I would help arrange one-on-one sessions with experienced (b)(6) in the Division to address any concerns that you have, but you have not requested this. I have also offered to help you receive additional training on the Healthy Homes Grant Management System, but you have not followed up on this offer. I reduced the number of grants for you to manage (currently only 4 active grants); however, as I have told you on numerous occasions, I believe that it is important that you share in the grant management workload for the Division. Serving as a GTR for cooperative agreements allows you to become familiar with the research, ask questions, and make suggestions regarding specific aspects of the research. Through this process you also get to know the researchers, and these connections are important for the office.

It is clear from your actions that you are refusing to perform some of your duties as a (b)(6) even when I repeatedly instruct you to do so. This is unacceptable. When I request that you perform a task, I expect it to be completed within the specified time period in order to avoid any interruptions in workflow that could negatively impact the mission of the office.

I am also alerting you to the need to stop all inappropriate and disrespectful communications with me. On April 8, 2014, I provided you with a memorandum that counseled you for inappropriate, disrespectful tone and content in communications with me. The following paragraph is copied from that memo:

"Specific aspects of your email communications that have been inappropriate include: 1) telling me what work assignments you will or will not perform; 2) ascribing motives or intent to my or others' actions (note: in such cases the interpretation is generally that the actions are meant to harm you in some way, a conclusion that is often based on inadequate knowledge of the situation); 3) criticizing or scolding me for taking specific actions or being inappropriately sarcastic in your wording; and 4) directing me to take a specific action."

As evidenced in the attached email communications, you continue to send me written communications that have inappropriate content and which are disrespectful in tone. The underlined contents in the attached emails (numbered 1 through 7) provide examples of this type of communication; they do not represent a complete listing.

Additionally, a common complaint from you has been that I do not assign you with work that is commensurate with your professional and academic background. As I have explained to you on multiple occasions, as your supervisor I expect you to complete all assigned tasks in a timely manner. Your decisions not to follow my directives as described above do not give me confidence that you will complete other more complex tasks in a timely manner. Completing all assigned tasks in a timely manner and consistently communicating with me in an appropriate and respectful manner will facilitate your being assigned more of the complex and autonomous work as you often request.

You also commonly complain that I am treating you differently from others in the Division when I assign you tasks that you view as "secretarial" or administrative in nature (e.g., completing an agenda, summarizing notes from a meeting), or when I ask for status reports on assigned tasks. You should understand that I request this type of work from all in the Division and I often complete these routine tasks myself. When tasks are assigned to you I expect them to be completed in a timely manner without receiving disrespectful and inappropriate responses from you when they are assigned or when I inquire regarding their status. As your supervisor, it is my responsibility to track the status of your work assignments.

To summarize, you are expected to promptly comply with my instructions for completing all tasks and you must refrain from inappropriate and disrespectful communication with me. Further acts of misconduct may result in disciplinary action being initiated against you up to and including removal from the Federal service.

A copy of this Official Reprimand will be filed in your Official Personnel Folder (OPF) for one year. If you believe this action is unwarranted, you have the right to use the grievance procedures described in the Article 51 of the negotiated labor-management agreement between HUD and AFGE.

If you are experiencing personal issues that you feel make it difficult for you to follow instructions and directives, I encourage you to seek assistance through the Department's Employee Assistance Program (EAP). Participation in the EAP is voluntary, and your discussions are kept strictly confidential. To schedule an appointment, you may contact the counselors by calling 202-708-1726 or you may contact an EAP counselor 24 hours a day, 7 days a week by calling 1-800-222-0364.

You have the right to contact an Equal Employment Opportunity Counselor and to file a complaint through the discrimination complaint process within 45 days of your receipt of this letter if you believe that I am taking this action because of your race, color, religion, sex, national origin, disability, age, genetics, or in retaliation for your previous participation in the EEO process.

You are to sign and date a copy of this memorandum acknowledging receipt of this document. Your signature does not imply concurrence with this action; likewise, failure to sign and date a copy of this document will not negate this action.

ATTACHMENTS:

Emails

Counseling Memorandum, April 2014

ACKNOWLEDGEMENT OF RECEIPT:

*Provided To Mr. (b)(6) on 4/17/17
Refused To sign. Jfa*

(b)(6)

Date