

**UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
WASHINGTON REGIONAL OFFICE**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, BALTIMORE DISTRICT OFFICE
BALTIMORE, MARYLAND
(RESPONDENT)

-AND-

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 3614, AFL-CIO
(CHARGING PARTY)

**Case Nos.: WA-CA-03-0182
and WA-CA-03-0261**

CONSOLIDATED COMPLAINT AND NOTICE OF HEARING

1. This unfair labor practice complaint and notice of hearing is issued under 5 U.S.C. §§ 7101-7135 (the Statute) and 5 C.F.R. Chapter XIV.
2. These cases are consolidated under 5 C.F.R. § 2429.2 in order to effectuate the purposes of 5 U.S.C. §§ 7101-7135 and to avoid unnecessary costs or delay.
3. The Equal Employment Opportunity Commission (EEOC), Baltimore District Office, Baltimore, Maryland (Respondent) is an agency under 5 U.S.C. § 7103(a)(3).
4. The American Federation of Government Employees, Council 216 (AFGE) is a labor organization under 5 U.S.C. § 7103(a)(4) and is the exclusive representative of a unit of employees appropriate for collective bargaining at the EEOC.
5. AFGE Local 3614 (Charging Party) is an agent of AFGE for the purposes of representing employees in the bargaining described in paragraph 4 at the Respondent.

6. The charge in Case No. WA-CA-03-0182 was filed by the Charging Party with the Washington Regional Director on December 10, 2002.
7. The charge in Case No. WA-CA-03-0261 was filed by the Charging Party with the Washington Regional Director on December 10, 2002.
8. A copy of the charges described in paragraphs 6 and 7 was served on the Respondent.
9. During the time period covered by this complaint, James M. Sobar (Sobar) occupied the position of Assistant Legal Counsel at the Respondent.
10. During the time period covered by this complaint, Sobar was an agent of the Respondent and was acting on behalf of the Respondent.
11. During the period covered by this complaint, Dianne Shaw (Shaw) was a member of the bargaining unit described in paragraph 4 and employed by the Respondent.
12. During the period covered by this complaint, James Norris (Norris) was a member of the bargaining unit described in paragraph 4 and employed by the Respondent.
13. On or about April 3, 2002, the Charging Party filed a grievance on behalf of Judy Navarro and similarly situated Investigators alleging that they were being required to meet productions quotas in breach of a collective bargaining agreement.
14. During the period covered by this complaint, Dianne Shaw (Shaw) was one of the Investigators covered by the grievance described in paragraph 11.

15. The Charging Party invoked arbitration of the grievance described in paragraph 11, and the arbitration was scheduled for December 16, 2002, after being consolidated with another grievance.
16. During the period covered by this complaint, Shaw was known by the Respondent to be a potential witness in connection with the arbitration described in paragraph 15.
17. During the period covered by this complaint Norris was known by the Respondent to be a potential witness in connection with the arbitration described in paragraph 15.
18. On or about December 4, 2002, Sobar met with and conducted an interview of Shaw in preparation for the arbitration described in paragraph 15.
19. On or about December 4, 2002, Sobar met with and conducted an interview of James in preparation for the arbitration described in paragraph 15.
20. The meetings described in paragraphs 18 and 19 were formal in nature because they involved interviews by an agency representative with bargaining unit employees in preparation for an arbitration proceeding in which the Charging Party had an adversarial role.
21. The meetings described in paragraphs 18 and 19 were held without affording the Charging Party an opportunity to be represented.
22. By the conduct described in paragraphs 18, 19, 20 and 21, the Respondent failed to comply with 5 U.S.C. § 7114(a)(2)(A).
23. By the conduct described in paragraphs 18, 19, 20, 21 and 22, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1) and (8).

A HEARING ON THIS COMPLAINT WILL BE HELD before an Administrative Law Judge of the Federal Labor Relations Authority on October 28, 2003, at 9:00 a.m. at the Federal Labor Relations Authority, Washington Regional Office, Tech World Plaza North, 800 K Street, NW, Washington, DC. The Respondent has the right to appear and present testimony and evidence at the hearing.


To answer this complaint, the Respondent must comply with the filing and service requirements set forth in 5 C.F.R. Part 2429 and file an original and four copies of its answer with the:

Chief Administrative Law Judge
Office of the Administrative Law Judges
Federal Labor Relations Authority
1400 K Street, NW, Suite 300
Washington DC 20424-0001

The answer shall admit, deny, or explain each allegation of this complaint. If the Respondent has no knowledge of an allegation or insufficient information as to its truthfulness, the answer shall so state. Absent a showing of good cause to the contrary, a failure to file an answer or respond to any allegation in this complaint shall constitute an admission. See 5 C.F.R. § 2423.20(b).

The Respondent must serve any answer on the Chief Administrative Law Judge, the FLRA Washington Regional Director, the Charging Party, and all other parties at the addresses on the attached Certificate of Service. An answer filed in person must be received by the Office of Administrative Law Judges no later than **July 22, 2003**. An answer filed by mail must be mailed and postmarked by **July 22, 2003**. The date of filing

shall be determined by the postmark date. If no postmark date is evident on the mailing, it shall be presumed to have been mailed five days prior to receipt. See 5 C.F.R. § 2429.21(b).

A handwritten signature in cursive script, reading "William E. Persina", written over a horizontal line.

William E. Persina
Acting Regional Director
Federal Labor Relations Authority
Washington Region
Tech World Plaza
800 K Street, NW, Suite 910
Washington DC 20001-8000

Dated: June 27, 2003

CERTIFICATE OF SERVICE
CASE NO. WA-CA-03-0182 and WA-CA-03-0261

I hereby certify that on June 27, 2003, I served the foregoing CONSOLIDATED COMPLAINT AND NOTICE OF HEARING in Equal Employment Opportunity Commission, Baltimore District Office, Baltimore, Maryland and American Federation of Government Employees, Local 3614, AFL-CIO, upon the interested parties in this action by placing a true copy, postage prepaid, in the United States Postal Service mailbox at Washington DC, addressed as follows:

The Honorable Eli Nash
Chief Administrative Law Judge
Office of Administrative Law Judges
Federal Labor Relations Authority
1400 K St., NW, Suite 300
Washington, DC 20424-0001
Telephone: 202- 218-7923
Fax: 202- 482-6629

Certified No. 7000 1670 0000 1167 9768

Regina M. Andrew, President
American Federation of Government
Employees, Local 3614, AFL-CIO
c/o Equal Employment Opportunity Commission
10 S. Howard Street, Suite 3000
Baltimore, MD 21201
Telephone: 410-962-4220
Fax: 410-962-4270

Certified No. 7000 1670 0000 1167 9775

Vicki Johnson, Labor Relations Specialist
Office of Human Resources
Equal Employment Opportunity Commission
Washington, DC 20507
Telephone: 202-663-4322
Fax: 202-663-4110

Certified No. 7000 1670 0000 1167 9751

David L. Feder, Esq.
Deputy General Counsel
Office of the General Counsel
Federal Labor Relations Authority
1400 K Street, NW, Suite 200
Washington, DC 20424-0001

Director
Center for Partnership and
Labor-Management Relations
1900 E Street, NW
Washington, DC 20415

A. Walker

UNITED STATES OF AMERICA
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
WASHINGTON REGION

Case Nos.: WA-CA-03-0182 and WA-CA-03-0261

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
BALTIMORE DISTRICT OFFICE
BALTIMORE, MARYLAND
(RESPONDENT)

-AND-

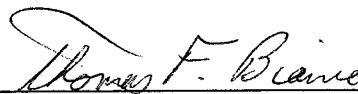
AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 3614, AFL-CIO
(CHARGING PARTY)

MOTION FOR PRE-HEARING CONFERENCE

On June 27, 2003, the Washington Regional Director issued a Complaint and Notice of Hearing in this matter. The hearing is scheduled for October 28, 2003, at Washington, DC.

Counsel for the General Counsel moves pursuant to § 2423.24(d) of the Regulations that a pre-hearing conference be held at least seven days prior to the scheduled hearing date and within a reasonable time subsequent to the pre-hearing disclosure mandated in § 2423.23.

Respectfully submitted,



Thomas F. Bianco
Counsel for the General Counsel
Federal Labor Relations Authority
Washington Regional Office
Tech World Plaza North
800 K Street, NW, Suite 910
Washington, DC 20001
(202) 482-6702, ext. 22

Dated: June 27, 2003

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