

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

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Respondent

And

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL, 3614, AFL-CIO

Charging Party

CASE NO. WA-CA-04-0175

COMPLAINT AND NOTICE OF HEARING

1. This unfair labor practice complaint and notice of hearing is issued under 5 U.S.C. §§ 7101-7135 and 5 C.F.R. Chapter XIV.
2. The Equal Employment Opportunity Commission (Respondent or EEOC) is an agency under 5 U.S.C. § 7103(a)(3).
3. The National Council of EEOC Locals No. 216, American Federation of Government Employees, AFL-CIO (AFGE) is a labor organization under 5 U.S.C. § 7103(a)(4) and is the exclusive representative of a nationwide unit of employees appropriate for collective bargaining at the EEOC.
4. AFGE Local 3614 (Union) is an agent of AFGE for the purpose of representing the bargaining unit employees assigned to the EEOC offices in Baltimore, Maryland, Richmond, Virginia and Norfolk, Virginia.
5. The charge was filed by the Union with the Washington Regional Director on January 22, 2004.
6. A copy of the charge was served on the Respondent.
7. During the time period covered by this complaint, James M. Sober occupied the position of Respondent's Attorney, Office of the General Counsel, Washington, D.C. and was an agent of Respondent acting upon its behalf.

8. During the time period covered by this complaint, Regina Davis and Edwina St. Rose were employees under 5 U.S.C. § 7103 (a)(2) and were in the bargaining unit described in paragraph 3.

9. On or about January 16, 2004, the Respondent, by Sober, had a discussion with bargaining unit employee Davis by telephone.

10. The discussion described above in paragraph 9 concerned a grievance.

11. The discussion described above in paragraph 9 was formal in nature.

12. Respondent did not provide the Union with advance notice and an opportunity to be represented at the discussion described above in paragraphs 9 through 11.

13. By the acts and conduct described in paragraphs 9 through 12, the Respondent failed to comply with 5 U.S.C. §7114(a)(2)(A).

14. In or around January 2004, the Respondent, by Sober, had a discussion with bargaining unit employee St. Rose by telephone.

15. The discussion described above in paragraph 14 concerned a grievance.

16. The discussion described above in paragraph 14 was formal in nature.

17. Respondent did not provide the Union with advance notice and an opportunity to be represented at the discussion described above in paragraphs 14 through 16.

18. By the acts and conduct described in paragraphs 14 through 17, the Respondent failed to comply with 5 U.S.C. §7114(a)(2)(A).

19. By the acts and conduct described in paragraphs 13 and 18, and by each of said acts, the Respondent has committed unfair labor practices 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 July 22, 2004, at 9:00 A.M. at a place to be determined in Richmond, Virginia. The Respondent has the right to appear and present testimony and evidence at the hearing.

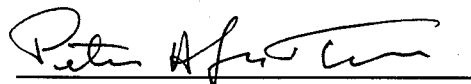
To answer this complaint, the Respondent must comply with the filing and service requirements set forth in 5 C.F.R. Part 2429 and file an original and 4 copies of

its answer with:

Eli Nash
Chief Administrative Law Judge
Office of the Administrative Law Judges
Federal Labor Relations Authority
1400 K Street, N.W.
Washington, D.C. 20424-0001

The Respondent must also serve a copy of its answer on the FLRA Chicago Regional Office and the Charging Party. The answer must admit, deny, explain, or deny knowledge as to each allegation in each paragraph of this complaint. A failure to file an answer or respond to any allegation of this complaint will constitute an admission. See 5 C.F.R. § 2423.20(b).

An answer filed and served in person with the Office of the Administrative Law Judges must be received by the Office of Administrative Law Judges no later than May 24, 2004. An answer filed by mail must be mailed and postmarked by May 24, 2004. If an answer is received without a legible postmark, the Authority presumes that it was mailed 5 days prior to receipt. 5 C.F.R. § 2429.21(b).



Peter A. Sutton
Acting Regional Director, Chicago Region
Federal Labor Relations Authority
55 W. Monroe, Suite 1150
Chicago, Illinois 60603-9729

Dated: April 27, 2004

Certificate of Service

I certify that copies of the Complaint and Notice of Hearing in Case No. WA-CA-04-0175 have this day been mailed to the following parties:

Joann C. Riggs, Assistant Director
Office of Human Resources
Equal Employment Opportunity Commission
1801 L Street, NW
Washington, DC 20507 (Certified Mail)

Regina M. Andrew, President
American Federation of Government
Employees, Local 3613, AFL-CIO
c/o Baltimore District Office, EEOC
10 S. Howard Street, Suite 3000
Baltimore, Maryland 21201 (Certified Mail)

Eli Nash
Chief Administrative Law Judge
Federal Labor Relations Authority
607 14th Street, N.W., Suite 440
Washington, D.C. 20424-0001 (Certified Mail)

William Persina, Deputy General Counsel
Office of the General Counsel
Federal Labor Relations Authority
1400 K Street, N.W., Second Floor
Washington, D.C. 20424-0001(Regular Mail)


INEZ C. THOMAS

Dated: April 27, 2004

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OFFICE OF ADMINISTRATIVE LAW JUDGES

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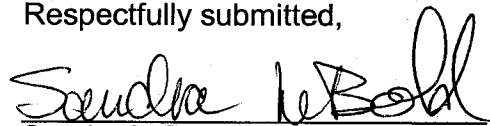
CASE NO. WA-CA-04-0175

MOTION FOR PREHEARING CONFERENCE

On April 27, 2004, the Chicago Acting Regional Director issued a Complaint and Notice of Hearing in this matter. The hearing is scheduled for July 22, 2004 at 9:00 a.m. in Richmond, Virginia.

Counsel for the General Counsel moves pursuant to 5 C.F.R. § 2423.23(d) of the Regulations that a prehearing conference be held at least seven days before the July 22, 2004 scheduled hearing date and within a reasonable time after the prehearing disclosure mandated in 5 C.F.R. § 2423.23.

Respectfully submitted,



Sandra LeBold
Counsel for the General Counsel
Federal Labor Relations Authority
Chicago Region
55 W. Monroe, Suite 1150
Chicago, Illinois 60603-9729

Dated: April 27, 2004

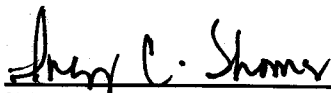
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I certify that copies of the Motion for Prehearing Conference in Case No. WA-CA-04-0175 have this day been served on the following parties:

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INEZ C. THOMAS
Office Manager

DATED: April 27, 2004