



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

Date Filed

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (Include address, city, state, & ZIP)

National Archives & Records Administration
 8601 Adelphi Road
 College Park, Maryland 20740

b. Agency Representative (Include name, title, address)

Emmalisa Hobbs
 Chief, Labor/Employee Relations
 National Archives & Records Administration
 8601 Adelphi Road
 College Park, Maryland 20740

tel. (301)837-1981 fax (301)837-3195
 e-mail emmalisa.hobbs@nara.gov

2. CHARGING PARTY

a. Name of Charging Party (Include address, city, state, & ZIP)

AFGE Council 260
 Rm. 1920
 8601 Adelphi Road
 College Park, Maryland 20740

b. Charging Party Representative (Include name, title, address)

Ashby Crowder
 Executive Vice President
 AFGE Council 260
 8601 Adelphi Road
 College Park, Maryland 20740

tel. (301)837-0901 fax (301)713-6578
 e-mail ashby.crowder@nara.gov

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

On April 29, 2015, AFGE Council 260 leadership received notice that the Agency intended to remove a Writer-Editor position from the consolidated national bargaining unit including all nonsupervisory, not-otherwise-excluded-by-law professional and nonprofessional employees of the National Archives and Records Administration, attached hereto as Exhibit 1. The Union was informed that this removal would be effective May 4, 2015. The Agency subsequently posted three vacancy announcements for Writer-Editor positions, hereto Exhibit 2, that did not include the contractually required statement that the positions are in the AFGE unit. The Agency erroneously claims that these positions are excluded from the unit because they require a confidential relationship with an official who formulates or effectuates management policies in the field of labor-management relations under b(2) and/or substantive personnel work under b(3).

AFGE is certified to represent all employees described in Certificate 3-RO-50013, hereto Exhibit 3, including those the employer has unilaterally removed from the unit. The unilateral action of NARA is in violation of the law and is an interference with the Union's rights as exclusive representative. The law provides that the sole authority for determining the appropriateness of a bargaining unit is the Authority.

Remedy: AFGE Council 260 requests that NARA be found to have committed an unfair labor practice by unilaterally removing positions from the bargaining unit; that NARA be ordered to reinstate the positions to the bargaining unit and to cease and desist any actions which remove positions from the bargaining unit in a manner inconsistent with 3-RO-50013 and the provisions of 5 USC § 7112; that NARA be ordered to post a notice for 6 months in all bargaining unit offices and facilities stating that NARA violated the law in unilaterally removing these positions from the bargaining unit; and that the notice also be distributed electronically to all bargaining unit employees.

The charging party requests that this complaint be held in abeyance pending final disposition of the relevant petition for unit clarification.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) (2) (3) (4) (5) (6) (7) (8)

c. Have you or anyone else raised this matter in any other procedure? No Yes If yes, where?

- Grievance Procedure
- Equal Employment Opportunity Commission
- Other Administrative or Judicial Proceeding
- Federal Mediation and Conciliation Service
- Merit Systems Protection Board
- Negotiability Appeal to FLRA
- Federal Service Impasses Panel
- Office of Special Counsel
- Other _____

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

- In Person
- 1st Class Mail
- Fax
- Commercial Delivery
- Certified Mail
- e-mail (see reverse)

Ashby Crowder

MAY 29 2015

Type or Print Your Name

Your Signature

Date