


 UNITED STATES OF AMERICA  
 FEDERAL LABOR RELATIONS AUTHORITY

## CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No.

Date Filed

Complete instructions are on the back of this form.

## 1. Charged Activity or Agency

Name: Brenda Sprague, Deputy Assistant Secretary of State  
 Address: Department of State/Passport Services  
 2201 C St NW, Rm 6811 Washington, DC 20520  
 Tel.#: (202) [REDACTED]  
 Fax#: (202) [REDACTED]

## 2. Charging Party (Labor Organization or Individual)

Name: National Federation of Federal Employees, FD 1,  
 IAMAW, AFL-CIO, Federal Local 1998  
 Address: PO Box 2221 Seattle, WA 98111-2221  
 Tel.#: (206) [REDACTED]  
 Fax#: (206) [REDACTED]

## 3. Charged Activity or Agency Contact Information

Name: Steve Polson - DOS Chief Labor/Management Negotiator  
 Title: 2201 C St NW, HST Rm 6217  
 Address: Washington, DC 20520  
 Tel.#: (202) [REDACTED]  
 Fax#: (202) [REDACTED]

## 4. Charging Party Contact Information

Name: Colin Patrick Walle - NFFE Local 1998 Union President  
 Title: PO Box 2221  
 Address: Seattle, WA 98111-2221  
 Tel.#: (206) [REDACTED]  
 Fax#: (206) [REDACTED]

5. Which subsection(s) of 5 U.S.C. 711E(a) do you believe have been violated? [See reverse] (2), (4), (5), (7), and (8).

6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles.

On October 20, 2009 NFFE Local 1998 Union representatives [REDACTED] and [REDACTED] invoked their right to bargain over the procedures and appropriate arrangements for an "Outreach Program" at the Charleston Passport Center (CPC). The Outreach Program involves sending bargaining unit employees (Passport Specialists) to provide information and/or training to outside entities (schools, travel shows, passport acceptance facilities). These duties are included in the performance elements and position description for Passport Specialists, and are performed by Passport Specialists in all of the 21 Passport Agencies/Center across the country. Previously, Management had solicited volunteers and then assigned them to opportunities mostly alphabetically, but with variances that raised questions among BUE. The Union sought to use seniority among qualified BUE in place of the alphabetical listing. On October 21, 2009 Management stated that it would respond later. On November 24, 2009 Management claimed that the topic was nonnegotiable. Union representatives submitted a written proposal on December 1, 2009, using seniority among qualified employees (see 49 FLRA No. 80), and requested to meet to negotiate. Management on December 4, 2009 claimed that the topic was not negotiable, but then recognized on December 9<sup>th</sup> that the Union's proposal was negotiable and stated that they would not refuse to meet and bargain. On December 18<sup>th</sup> the Union inquired again about meeting to negotiate and the parties subsequently agreed to meet on December 29<sup>th</sup>.

The Union and Management representatives at CPC met for the first (and only time) on December 29<sup>th</sup> to negotiate over the Union's proposal and discussed other issues pertaining to the Outreach Program (including overtime payment to employees in the Outreach Program, which was the subject of a 2007 grievance filed by the Union). The parties did not reach agreement on the procedure for assigning qualified employees and scheduled another bargaining session for January 14, 2010. On January 5, 2010 the Union submitted a new proposal, dropping seniority and replacing it with the use of a random selection from among qualified volunteers, witnessed by the Union. The Union had understood from the December 29<sup>th</sup> negotiations that this would be closer to Management's position. However, later on January 5<sup>th</sup> CPC Director [REDACTED] emailed the Union that he was suspending the participation of BUE in the program "for the time being" and would only have supervisors perform this duty. On January 7<sup>th</sup> a BUE informed the Union that Management officials had told them that the Union was to blame for the suspension of the CPC Outreach Program. On January 12<sup>th</sup>, the Union invoked its right to bargain over Management's January 5<sup>th</sup> unilateral change and made a number of proposals (similar to those that the Authority found negotiable in 49 FLRA No. 29 and 6 FLRA No. 106), but on January 13<sup>th</sup> Management indicated that they would not bargain over the Union's proposals.

By refusing to meet at reasonable times and places to bargain over the Union's proposals regarding the Outreach Program, by bargaining in bad faith, by making a unilateral change in working conditions without advance notice to the Union, and by blaming the Union\* to BUE for actions that Management took, Management committed an Unfair Labor Practice.

\*This follows a pattern documented in WA-CA-09-0077, WA-CA-09-0169, and in grievances.

7. Have you or anyone else raised this matter in any other procedure?  No  Yes If yes, where? [see reverse]8. 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 #3 BY [check "x" box] Fax  1st Class Mail  In Person 

Commercial Delivery

Certified Mail

Colin Patrick Walle

January 25, 2010

Type or Print Your Name

Your Signature

Date