

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

U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

Respondent

and

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, COUNCIL 238, AFL-CIO

Charging Party

Case No. CH-CA-07-0425

MOTION FOR PREHEARING CONFERENCE

The Chicago Regional Director issued a Complaint and Notice of Hearing in this matter on this date. The hearing is scheduled for August 14, 2007.

Counsel for the General Counsel moves pursuant to 5 C.F.R. § 2423.24(d) that a prehearing conference be held at least seven days before the August 14, 2007 scheduled hearing date and within a reasonable time after the prehearing disclosure mandated in section 2423.23.

Respectfully submitted;



Greg Weddle
Counsel for the General Counsel
Federal Labor Relations Authority
Chicago Regional Office
55 W. Monroe, Suite 1150
Chicago, IL 60603-9729
312-886-3465, ext. 4018, Fax 312-886-5977

Dated: June 26, 2007

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BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
CHICAGO REGION

U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.
Respondent

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AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, COUNCIL 238, AFL-CIO
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CASE NO. CH-CA-07-0425

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 U.S. Environmental Protection Agency, Washington, D.C., (Respondent or EPA) is an agency within the meaning of 5 U.S.C. § 7103(a)(3).
3. The American Federation of Government Employees, Council 238, AFL-CIO (the Union) is a labor organization within the meaning of 5 U.S.C. § 7103(a)(4) and is the exclusive representative of a unit of Respondent's employees appropriate for collective bargaining.
4. The charge was filed by the Union with the Chicago Regional Director on February 5, 2007.
5. A copy of the charge was served on the Respondent.
6. At all material times, the following individuals held the position set forth opposite their respective names at the Respondent and have been agents of Respondent acting on its behalf:

Mike Hamlin Acting Director, Office of Labor Relations

David B. Mick Labor/Employee Relations Officer

7. At all material times, the individuals named in paragraph 6 were supervisors and/or management officials within the meaning of 5 U.S.C. § 7103(a)(10) and (11).
8. On August 16, 2006, the Union filed a grievance under the parties' collective bargaining agreement concerning a reorganization of the EPA's Headquarters and Regional libraries (the library grievance).
9. On October 17, 2006, the Union invoked arbitration over the library grievance.
10. The Union requested a list of arbitrators from the Federal Mediation and Conciliation Service (FMCS) and the FMCS submitted a list of seven prospective arbitrators to the Union and the Respondent on October 26, 2006.
11. At all material times, the Union and the Respondent have been parties to a collective bargaining agreement, which includes procedures for arbitration and which requires that the parties either agree on an arbitrator from a list of arbitrators provided by the FMCS or each strike three names from the list.
12. Since on or about October 26, 2006, Respondent has failed and refused to participate in selection of an arbitrator to hear the library grievance in accordance with the provision of the parties' collective bargaining agreement described in paragraph 11.
13. By the conduct described in paragraph 12, the Respondent has failed and refused to participate in an arbitration proceeding pursuant to a negotiated grievance procedure as required by 5 U.S.C. § 7121.
14. By the conduct described in paragraphs 12 and 13, Respondent has committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1) and (8).

PLEASE TAKE NOTICE that commencing at 9:00 a.m. on the 14th day of August 2007 a hearing on this complaint will be held before an Administrative Law Judge of the Federal Labor Relations Authority at a place to be determined in Chicago, Illinois. The Respondent has the right to appear and present testimony and evidence at the hearing.

Respondent is further notified that, pursuant to 5 C.F.R. § 2423.20(b), Respondent must file with the Office of Administrative Law Judges, FLRA, 1400 K St., NW, Washington, DC 20424-0001 an answer to the complaint within 20 days after service of the complaint. The answer must admit, deny, or explain each allegation of the complaint. A failure to file an answer or respond to any allegation of the complaint will constitute an admission. The answer must be filed no later than July 23, 2007. Respondent must also serve a copy of its answer on the

undersigned and the Union.

A handwritten signature in black ink, appearing to read "Peter A. Sutton", with a long horizontal flourish extending to the right.

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

Dated: June 26, 2007