

UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY  <b>CHARGE AGAINST AN AGENCY</b>	FOR FLRA USE ONLY
	Case No.
	Date Filed

Complete instructions are on the back of this form.

<p><b>1. Charged activity or agency.</b>          Name: U.S. Department of Labor</p> <p>Address: 200 Constitution Ave., NW #N-2018          Washington, D.C. 20210          Tel #: (202 ) 693-6000</p> <p>Fax #: ( 202) 693-6001</p>	<p><b>2. Charging Party (labor organization or individual)</b>          Name: AFGE Local 12</p> <p>Address: 200 Constitution Ave., NW #N-1503          Washington, D.C. 20210          Tel #: (202) 693-6430</p> <p>Fax #: (202) 693-6431</p>
<p><b>3. Charged Activity or agency contact information</b></p> <p>Name: Sydney Rose</p> <p>Title: Director, Human Resources Center</p> <p>Address: 200 Constitution Ave., NW #N-5464          Washington, D.C. 20210</p> <p>Tel #: (202 ) 693-7679</p> <p>Fax #: ( 202) 693-7604</p>	<p><b>4. Charging Party contact information</b></p> <p>Name: Eleanor Lauderdale</p> <p>Title: Executive Vice President</p> <p>Address: 200 Constitution Ave., NW #N-1503          Washington, D.C. 20210          Tel #: (202) 693-6430</p> <p>Fax #: (202) 693-6431</p>

5. Which subsection(s) of 5 U.S.C. 7116 (a) do you believe have been violated? [See Reverse] (1) , (3) and (8)

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

*See the attached "CHARGE"*

7. Have you or anyone else raised this matter in any other procedure?  No  Yes If yes, where? [See reverse]  
**No.**

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 ON THIS CHARGE 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

Eleanor Lauderdale Vice President  
 Type or print your name

\_\_\_\_\_  
 Your signature

10/11/2017  
 Date

## CHARGE

The displaced officers of the American Federation of Government Employees Local 12 (Alex Bastani, Eleanor Lauderdale, Scott Paris, and Kevin McCarron) assert that the U.S. Department of Labor committed an unfair labor practice by violating Section 7116(a)(1), (3), and (8) of the Federal Service Labor-Management Relations Statute (the Statute or the FSLMRS), 5 U.S.C. §7101 *et seq.* The petitioners object to the Agency's participation in AFGE National's imposition of trusteeship on AFGE Local 12. Factually, the Agency assisted AFGE National by performing the following actions:

1. Without knowledge of any disruptive action on the part of the displaced officers, the Agency authorized its security force to assist AFGE National by escorting the officers from the AFGE Local 12 office. The officers were not simply asked by AFGE National to vacate the premises. Instead, on the morning of Thursday, October 5, 2017, the AFGE trustee representatives came to the office accompanied by DOL security and management officials. The treasurer, Kevin McCarron, was escorted from DOL headquarters (the Frances Perkins Building -- FPB) by uniformed security guards. The trustee representatives never asked Mr. McCarron to leave in compliance with the imposition of trusteeship. The Head Steward, Scott Paris, was approached by management official Shawn Hooper. Mr. Hooper asked Mr. Paris to vacate the FPB. At all times, management was accompanied by Timothy W. Deane, DOL Supervisory Security Specialist. Indisputably, DOL assisted AFGE National in imposing the trusteeship. This is a clear violation of Section 7116(a)(3).
2. Mr. McCarron and Mr. Paris were told by Mr. Hooper to return to the Bureau of Labor Statistics (BLS), where both are employed as economists. Within an hour of their return to their work stations, their DOL laptops were confiscated by BLS's Office of Administration. When questioned about these confiscations, Mr. Hooper correctly noted that the laptops are government property and can be confiscated at any point. This fact is not being challenged. However, the fact that the computers of two displaced union officials were confiscated on the same day and at approximately the same time, within an hour after the imposition of trusteeship, obviates the notion that DOL was randomly searching computers. Clearly, the computers were confiscated at the behest of AFGE National. Again, DOL violated the Statute by assisting AFGE National. [To date, the computers have not been returned to Mr. McCarron and Mr. Paris.]
3. The Department further assisted AFGE National by coming into the Local 12 offices and ordering its building maintenance staff to change all of the locks to the union office. The officers and staff of Local 12 were never asked to surrender their keys in compliance with the imposition of trusteeship. Instead, under the watchful eye of security, a la Timothy W. Deane, the door locks were immediately changed at DOL expense. DOL did not *sua sponte* decide to change the locks. DOL did so to accommodate AFGE National. This was yet another violation of the Statute.
4. The displaced Executive Vice President of Local 12, Eleanor Lauderdale, was authorized by the trustee to continue to work on her ongoing cases, in her Local 12 office, until Friday, October 20<sup>th</sup>. Despite the fact that she was causing no disruption to the office or acting out in any manner on the morning of October 5, 2017, Timothy W. Deane, DOL

Supervisory Security Specialist, demanded to stay in her office while she worked. She requested that he seat his imposing body, but he declined to do so. He did not leave her office until he was instructed to do so (presumably) by the trustee. His commanding posture threatened the displaced Executive Vice President. This is a clear violation of Section 7116(a)(1).

Of course, the displaced officers will be challenging the imposition of trusteeship via the proper channels. However, the propriety of the trusteeship is not at issue in this filing. What is at issue is the fact that DOL violated the FSLMRS by actively assisting AFGE National in effectuating the trusteeship. Had the officers of Local 12 resisted the order imposing trusteeship, or had they displayed any acts of hostility or aggression, then AFGE National would have been justified in seeking the assistance of DOL security. We recognize that the FPB is a federal building, and that order and decorum must be maintained in federal buildings. However, to commence the trusteeship process by utilizing DOL security indicates teamwork between DOL and AFGE National. Further, the confiscation of computers by DOL clearly indicates the agency's cooperation with AFGE National.

### **Conclusion**

The Department has committed an unfair labor practice by assisting AFGE National in its imposition of trusteeship. Inasmuch as the Department still has possession of the computers of the former head steward and the former treasurer (impacting their abilities to do BLS work), it is clearly working on behalf of AFGE National.

### **Remedy**

The Department of Labor should be ordered to comply with the terms of the FSLMRS as well as with the terms of the parties' CBA. It should cease and desist from assisting AFGE National, in any respect, in effectuating and maintaining the trusteeship. Finally, the Department of Labor should be ordered to post a notice expressing that inasmuch as it assisted AFGE with the imposition of the trusteeship, it recognizes that it committed unfair labor practices within the meaning of Section 7116 of the FSLMRS. Further, the notice should attest that DOL will cease and desist from future violations of the FSLMRS.