

(corrected copy)
UNITED STATES OF AMERICA
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
SAN FRANCISCO REGION

NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C.

-Respondent

-and-

CASE NO. WA-CA-07-0501

NATIONAL LABOR RELATIONS BOARD UNION
-Charging Party

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 National Labor Relations Board, Washington, D.C. (Respondent) is an agency under 5 U.S.C. §7103(a)(3).
3. The National Labor Relations Board Union (Charging Party) is a labor organization under 5 U.S.C. §7103(a)(4),
4. The charge was filed by Charging Party with the Washington Regional Director on June 27, 2007, and transferred to the San Francisco Region on July 27, 2007.
5. A copy of the charge was served on Respondent.
6. During the time period covered by this complaint, the following individuals occupied the positions set opposite their names;

John E. Higgins, Jr.

Deputy General Counsel

Ronald Meisburg

General Counsel

7. During the time period covered by this complaint, the above named persons were supervisors or management officials under 5 U.S.C. §7103(a)(10)(11).

8. During the time period covered by this complaint, the above individuals were acting on behalf of the Respondent.

9. On June 8, 2007, the Charging Party was certified as the exclusive representative of a nationwide consolidated unit of employees of Respondent described as follows:

Included: All nonprofessional employees of the National labor Relations Board and Office of the General Counsel; and all professional employees of the Office of the General Counsel in the Regional, Subregional and Resident Offices.

Excluded: All other professional employees, management officials, supervisors and employees described in 5 U.S.C. 7112(b)(2), (3), (4), (6) and (7).

10. On or about June 14, 2007, Charging Party, by its President Eric Brooks, requested to bargain with Respondent on matters related to the consolidated bargaining unit described in paragraph 9.

11. On or about June 25, 2007, Respondent, by Higgins, notified the Charging Party that it would not bargain with the Charging Party over matters involving the consolidated unit described in paragraph 9.

12. Since June 25, 2007 and continuing to date, Respondent, by Meisburg, Higgins and others, has refused to recognize and bargain with Charging Party as the exclusive representative of employees in the bargaining unit described in paragraph 9.

13. By the conduct described in paragraphs 10 and 11, Respondent has committed unfair labor practices in violation of 5 U.S.C. §7116(a)(1), (5) and (8).

A HEARING ON THIS COMPLAINT WILL BE HELD before an Administrative Law Judge of the Federal Labor Relations Authority on **October 9, 2007** at a location to be determined. 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 any answer with the:


Chief Administrative Law Judge
Office of the Administrative Law Judges
Federal Labor Relations Authority
1400 K Street, NW, Suite 300
Washington, D.C. 20424-0001

The answer shall admit, deny, or explain each allegation of this complaint. If the Respondent has no knowledge of an allegation or insufficient information as to its truthfulness, the answer shall so state. Absent a showing of good cause to the contrary, a failure to file an answer or respond to any allegation in this complaint shall constitute an admission. See 5 C.F.R. §2423.20(b).

The Respondent must serve any answer on the Chief Administrative Law Judge, the FLRA San Francisco Regional Director, the Charging Party and all other parties at the addresses on the attached Certificate of Service. An answer filed in person must be received by the Office of the Administrative Law Judges no later than **September 10, 2007**. An answer filed by mail must be mailed and postmarked by **September 10, 2007**. The date of filing shall be determined by the postmark date.

If no postmark date is evident on the mailing, it shall be presumed to have been mailed 5 days prior to receipt. See 5 C.F.R. §2429.21(b).

Dated: August 15, 2007



Gerald M. Cole, Regional Director
Federal Labor Relations Authority
San Francisco Region
901 Market Street, Suite 220
San Francisco, California 94103

Certificate of Service

In the Matter of

CASE NO. WA-CA-07-0501

NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C.

-Respondent

-and-

NATIONAL LABOR RELATIONS BOARD UNION
-Charging Party

I certify that on August 17, 2007, the foregoing COMPLAINT AND NOTICE OF HEARING was served upon the interested parties by placing a true copy thereof, postage prepaid, in the U.S. Post Office mail box at San Francisco, California, addressed as indicated below.

Certified Mail

Barry F. Smith, Special Counsel
to the General Counsel
National Labor Relations Board
Office of Special Counsel
1099 14th Street, NW, Room 10214
Washington, D.C. 20570
202-273-2898; Fax 202-273-0864

Eric Brooks, President
National Labor Relations Board Union
26 Federal Plaza, Room 3614
New York, NY 10278-0104
212-264-0319; Fax 212-264-2450

Regular Mail

Charles Center, Chief Administrative Law Judge
Federal Labor Relations Authority
1400 K Street, NW, Suite 300
Washington, D.C. 20424-0001

Colleen Duffy Kiko, General Counsel
Office of General Counsel
Federal Labor Relations Authority
1400 K Street, NW, 2nd Floor
Washington, D.C. 20424-0001

Personal Delivery:

Stefanie Arthur, Counsel for the General Counsel
Federal Labor Relations Authority
901 Market Street, Suite 220
San Francisco, CA 94103
(415) 356-5000, Ext. 2014; Fax (415) 356-5017

