

NTEU

The National Treasury Employees Union

August 13, 2009

Alfonzo ("Al") Hilliard, Director
Director, Labor & Employee Relations
HHS/RHRC
5600 Fishers Lane
Room 9-64
Rockville, MD 20857

Re: Notice of NTEU's Intent to File an Unfair Labor Practice Charge Over
HHS/FDA's unilateral implementation of changes in agency policies
and/or past practices concerning the Foreign Inspections Program

Dear Al:

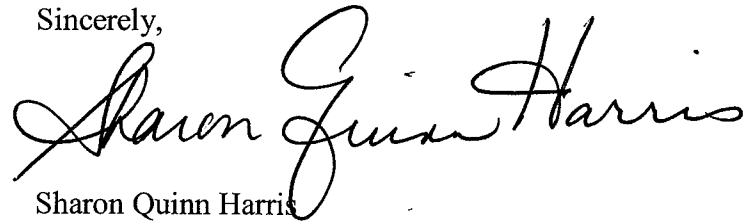
Consistent with Article 60 of the Collective Bargaining Agreement between the Food and Drug Administration (FDA) and the National Treasury Employees Union (NTEU), NTEU hereby gives FDA thirty days notice of its intent to file an unfair labor practice charge over the agency's unilateral implementation of changes in policies and/or past practices concerning the Foreign Inspections Program. It is my understanding that currently the Employers' Labor Management Partnership Office is non-operational and, therefore, I am serving this notice on you. If you are not the proper individual to receive this notice, please forward it to the appropriate individual and provide me that individual's name.

The following is a statement of the conduct complained of, the reason NTEU believes it constitutes an unfair labor practice, and the requested relief. On or about April 20, 2009, HHS/FDA unilaterally implemented changes in policies and/or past practices regarding the Foreign Inspection Program without giving NTEU notice or an opportunity to bargain. For instance, prior to April 2009, it was agency policy and established past practice that membership on the Foreign Inspection Cadre was voluntary. Since April 2009, it is now mandatory. Indeed, management is instructing all GS-12 and 13 analysts and investigators, as well as qualified GS-11s and possibly other employees, that they must submit applications to become members of the Foreign Inspection Cadre. To apply they are required to complete form A, the form attached to the ORA Field Management Directive No. 13A. In addition, all GS-12 and 13 investigators, as well as qualified GS-11s, are now being instructed to obtain official government passports. These new requirements also constitute changes in agency policy and/or established past practice. The agency's unilateral implementation of changes in agency policies and/or past practices violates 5 U.S.C. Sections 7116(a)(1) and (5) of the Statute.

NTEU hereby requests that the Agency immediately cease and desist from further implementing any changes in policy and/or past practice; bargain with NTEU in accordance with law; return to the status quo ante until bargaining is complete; make whole those employees who have been harmed by the agency's illegal/improper actions; post a notice informing bargaining unit employees that the agency has violated the parties' CBA and law; issue an all-hands bulletin to bargaining unit employees stating the agency is committed to abide by the law; and any other appropriate remedies.

I may be reached at (202) 572-5500, extension 7029 or at sharonquinn.harris@nteu.org to discuss this matter.

Sincerely,

A handwritten signature in black ink that reads "Sharon Quinn Harris". The signature is written in a cursive, flowing style.

Sharon Quinn Harris
Assistant Counsel for Negotiations