



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: Dept. of Health and Human Servs.  
Address: Division Bethesda Operations Center  
7700 Wisconsin Avenue. Rm. 8330A  
Tel.#: (301)492-4689 Ext.  
Fax#: (301) 492-4784

2. Charging Party (Labor Organization or Individual)

Name: NTEU  
Address: 1750 H Street NW Washington, DC 20006  
Tel.#: 202-572-5620 Ext.  
Fax#: ( )

3. Charged Activity or Agency Contact Information

Name: Christine Youssef  
Title: Labor Relations Specialist  
Address: DHHS Division Bethesda Operations Center  
Tel.#: (301)492-4689 Ext.  
Fax#: ( )

4. Charging Party Contact Information

Name: Timothy B. Hannapel  
Title: National Counsel  
Address: NTEU 1750 H Street NW Washington, DC 20006  
Tel.#: ((202) 572-5620 Ext.  
Fax#: (202) 572-5640

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

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

In November 2010, NTEU Chapter 282 and Dept. of Health and Human Services, Food and Drug Administration, were bargaining an office move. NTEU's bargaining team consisted of Marsha Hayden, Michael Theodorakis, and Sherunda Lister. Management's team included Bob Gates, Mark Meredith, and Jacquita Johnson House. The parties resolved all issues except at what level management could determine functional groupings in order to establish the priority of office selection. NTEU proposed that management determine functional groupings at the Division level. Management would not bargain over this proposal.

Because the parties seemed to be at impasse on this issue, Theodorakis, on November 23, 2010, suggested that the parties seek assistance from the Federal Mediation and Conciliation Service. Management was not receptive to the request.

On December 1, at 6:37 p.m., Gates sent Hayden an e-mail, inviting her as the Chapter President, to attend a formal meeting on December 3, 2010 at 11:00 a.m., where employees would select their offices for the move the parties had not finished negotiating over.

On December 2, 2010, Sarah Riger, NTEU Assistant Counsel, formally requested mediation services from FMCS, and informed Gates of the request, asking him to refrain from implementing the move the following day. Gates never responded. Donna DiTullio from FMCS contacted NTEU and the Agency. The Agency indicated to Ms. DiTullio that it believed NTEU's proposal to be nonnegotiable.

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

Colleen M. Kelley  
Type or Print Your Name

Colleen M. Kelley  
Your Signature

2/24/11  
Date

Timothy B. Hannapel