

	FOR FLRA USE ONLY	
	Case No.	
	Date Filed	
<p style="text-align: center;">UNITED STATES OF AMERICA FEDERAL LABOR RELATIONS AUTHORITY CHARGE AGAINST AN AGENCY</p>		
Complete Instructions are on the back of this form.		
1. Name and address of charged activity or agency Bureau of Prisons-FCC Butner P. O. Box 5000 Butner, NC. 27509	2. Name and address of charging labor organization or individual A.F.G.E. Local 408 P. O. Box 5000 Butner, NC. 27509	
3. Activity or agency contact information Name: Craig Apker Title: Complex Warden Phone: (919) 575-3900	4. Labor organization or individual contact information Name: Larry Nelson Title: Local 408 Phone: (919) 575-3900 Home: (804) 721-0844	
5. Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? <u>1, 2, 7, 8</u>		
<p>6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles.</p> <p>On October 5, 2012 Capt Ivy Manning, Director of Nursing notified the nursing department staff of the upcoming annual leave bidding as defined in Article 19, Section (e) of the Master Agreement. In this bidding arrangement nurses from the bargaining unit have to compete with nurses from the United States Public Health Service.</p> <p>The Master Agreement covers only workers specified in 5 USC Chapter 71. Article 19 Section (e) specifically calls for seniority bidding only “in the event of a conflict between unit members”. Article 19 refers to “employees”. Federal law prohibits inclusion of PHS nurses in this term.</p> <p>Permitting PHS nurses to bid with bargaining unit nurses is a clear violation of Article 19, because it includes employees who are not covered by the Master Agreement.</p>		

REQUESTED REMEDY

1. Management at each Institution will post the following notice on group wise and on all staff accessible bulletin boards for 90 days the notice will be signed and dated by all three Warden's at the Federal Correctional Complex Butner.
2. A copy of this posting will be provided to AFGE Local 408. WE HEREBY NOTIFY OUR EMPLOYEES.
 THAT MANAGEMENT WILL NOT violates the rights of the employees or of Local 408 by committing prohibited personal practices which are inconsistent with the collective bargaining agreement, law and regulation.
 WE WILL NOT in any like or related manner, interfere with, restrain or coerce our employees in the exercise of their rights assured by the Federal Service Labor-Management Relations Statue or Master Agreement.
 WE WLL, meet with members of the Executive Broad of Local 408 to discuss any matter of concern that a bargaining unit member may have.
3. Issue an order compelling Management Officials at FCC Butner honor the United States Code of Law and the Labor Contract.
4. That Management Officials comply within the Administrative Law of USC Title 5, 7102. Issue a cease and desist order to the management at FCC Butner with respect to this type of violation.
5. Conduct an Annual Leave bid process that does not require Bargaining Staff to compete against PHS nurses.
6. Any other remedy's the Administrative Law Judge determines. And to be made whole.

7. Have you or anyone else raised this matter in any other procedure? X 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 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 X Commercial Delivery Certified Mail

8. Larry Nelson, Local 408 _____ October 12, 2012

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