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|  <p> <b>Federal<br/>Labor<br/>Relations<br/>Authority</b><br/>           UNITED STATES OF AMERICA<br/> <b>FEDERAL LABOR RELATIONS AUTHORITY</b><br/> <b>CHARGE AGAINST AN AGENCY</b> </p>   |   | <b>FOR FLRA USE ONLY</b> |
|   |   | Case No.                 |
|   |   | Date Filed               |
| Complete Instructions are on the back of this form.   |   |                          |
| <b>1. Name and address of charged activity or agency</b><br>Bureau of Prisons-FCC Butner<br>P. O. Box 5000<br>Butner, NC. 27509   | <b>2. Name and address of charging labor organization or individual</b><br>A.F.G.E. Local 408<br>P. O. Box 5000<br>Butner, NC. 27509                                |                          |
| <b>3. Activity or agency contact information</b><br>Name: Craig Apker<br>Title: Complex Warden<br>Phone: ( 919 ) 575-3900   | <b>4. Labor organization or individual contact information</b><br>Name: Larry Nelson<br>Title: Steward, Local 408<br>Phone: ( 919 ) 575-3900<br>Home: (434)294-1337 |                          |
| <b>5. Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? <u>1, 2, 7, 8</u></b>  |   |                          |
| <b>6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles.</b><br>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 for annual leave days.<br>Commissioned officers of the uniformed Public Health Service are excluded from the rights to collectively bargain with the federal government pursuant to 5 U.S.C Section 7103.<br>The Master Agreement covers only employees 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”. Pursuant to 5 U.S.C 7103 uniformed officers of the PHS cannot be members of the bargaining unit. These two points, lack of legal right to collectively bargain and the lack of coverage under the Master Agreement prove that the PHS staff should not be permitted to participate in bidding for annual leave against bargaining unit staff pursuant to the negotiated contract. |   |                          |

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. Steward, Local 408 \_\_\_\_\_ November 29, 2012