



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
Washington Regional Office
1400 K Street, NW, Second Floor • Washington, DC 20424-0001
(202) 357-6029 FAX: (202) 482-6724

November 26, 2014

Marie Clarke, Assistant General Counsel
U.S. Department of Justice
Federal Bureau of Prisons, Office of General Counsel
Employment Law Branch, Central Office
320 First Street NW, Suite 252
Washington, DC 20534
M1Clarke@bop.gov

Re: U.S. Department of Justice, Federal Bureau of Prisons,
FCI Morgantown, West Virginia and American
Federation of Government Employees, Local 2441, AFL-
CIO;
Case No. WA-CA-14-0546

Dear Ms. Clarke:

The Settlement Agreement entered into by the parties in the subject case has been approved and the Agency should now begin to comply with the terms of the Agreement.

Please notify the Region in writing within ten days and again after sixty days of the steps taken to comply with the requirements of the Agreement. The Charging Party should be served with copies of your compliance correspondence to the Region.

If you require any assistance or further information concerning compliance in this matter, please contact Attorney Melissa K. Owens at (202) 357-6024.

Sincerely,

A handwritten signature in black ink that reads "Barbara Kraft".

Barbara Kraft
Regional Director

Enclosure: Settlement Agreement
Notice to Employees Posting

cc: Greg Livengood, President
AFGE, Local 2441, AFL-CIO
446 Greenbag Road
Morgantown, WV 26507
glivengood@bop.gov



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
FCI MORGANTOWN, WEST VIRGINIA
-Respondent

-and-

Case No. WA-CA-14-0546

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 2441, AFL-CIO
-Charging Party

SETTLEMENT AGREEMENT

The undersigned Agency and the undersigned Charging Party in settlement of the above matter, and subject to the approval of the Regional Director on behalf of the Federal Labor Relations Authority, **HEREBY AGREE AS FOLLOWS:**

POSTING OF NOTICE - The attached Notice to All Employees will be signed by Anne Mary Carter, Warden, FCI Morgantown. The Agency will post copies of the Notice in conspicuous places, including all bulletin boards and other places where notices to FCI Morgantown Food Services employees are customarily posted for a period of at least sixty (60) days from the date of posting. The Notice will also be sent electronically to all employees of the FCI Morgantown Food Services staff who are represented by AFGE, Local 2441, AFL-CIO. The email transmitting the Notice will contain the following language: We are distributing the attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Washington Regional Director of the Federal Labor Relations Authority in Case No. WA-CA-14-0546

COMPLIANCE WITH NOTICE - The Agency will comply with all the terms and provisions of the Notice.

REFUSAL TO ISSUE COMPLAINT - In the event the Charging Party fails or refuses to become a party to this Agreement, and if the Regional Director concludes that it will effectuate the policies of Chapter 71 of Title 5 of the U.S.C., she shall decline to issue a Complaint herein and this Agreement shall be between the Agency and the undersigned Regional Director. A review of such action may be obtained pursuant to Section 2423.12(b)(2) of the Regulations of the Federal Labor Relations Authority if an appeal is filed within twenty-five (25) days thereof. This Agreement is contingent upon the General Counsel sustaining the Regional Director's action in the event of an appeal. Approval of this Agreement by the Regional Director shall constitute withdrawal of any Complaint(s) and Notice of Hearing heretofore issued in this case.

PERFORMANCE - Performance by the Agency of the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director or, in the event the Charging Party does not enter into this Agreement, performance shall commence

immediately upon receipt by the Agency of advice that no appeal has been filed or that the General Counsel has sustained the Regional Director.

NOTIFICATION OF COMPLIANCE - The undersigned parties to this Agreement will notify the Regional Director in writing what steps the Agency has taken to comply herewith. Such notification shall be made within ten (10) days, and again after sixty (60) days, from the date of the approval of this Agreement, or, in the event the Charging Party does not enter into this Agreement, after the receipt of advice that no appeal has been filed or that the General Counsel has sustained the Regional Director.

COMPLIANCE WITH SETTLEMENT AGREEMENT - Contingent upon compliance with the terms and provisions hereof, no further action shall be taken in the above case.

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
FCI MORGANTOWN, WEST VIRGINIA
Respondent

By: Anne Mary Carter, Warden

Date: 11/25/14


Signature

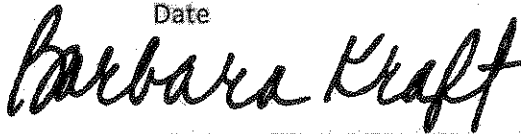
AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 2441, AFL-CIO
Charging Party

By: GREG LIVENGOOD

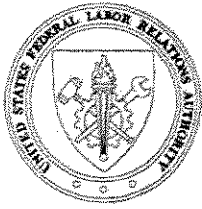
Date: 11-26-2014


Signature

Approved: 11/26/14
Date



Barbara Kraft, Regional Director
FLRA Washington Region



NOTICE TO ALL EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE FEDERAL LABOR RELATIONS AUTHORITY

In Case No. WA-CA-14-0546, the FLRA Washington Region found merit to AFGE Local 2441's charge that FCI Morgantown bypassed the Union when, after the Union had begun discussions with management about work schedules during Ramadan, management met with employees and solicited their views on that issue. Work schedules are a condition of employment of employees the Union represents.

To resolve this charge, FCI Morgantown has agreed as follows:

We will not bypass the Union by communicating directly with employees the Union represents about work schedules during Ramadan and other conditions of employment. We will deal directly with the Union as the employees' exclusive representative on such issues.

We will not in any like or related manner interfere with, restrain, or coerce employees in their exercise of rights assured by the Federal Service Labor-Management Relations Statute.

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
FCI MORGANTOWN, WEST VIRGINIA
(Agency or Activity)

By AMC
Agency Representative

Dated _____

THIS IS AN OFFICIAL NOTICE BY THE FEDERAL LABOR RELATIONS AUTHORITY

If employees have any question concerning this Notice or compliance with its provisions, they may communicate directly with the Regional Director for the Federal Labor Relations Authority whose address is:

Federal Labor Relations Authority
Washington Regional Office
1400 K Street, NW, Second Floor
Washington, DC 20424-0001
Phone: 202-357-6029
Fax: 202-482-6724
WA-CA-14-0546