



**UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY**

FOR FLRA USE ONLY

Case No.

Date Filed

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

U.S. Department of Education
400 Maryland Ave. SW
Washington, D.C. 20202-4500

b. Agency Representative (include name, title, address)

Samantha Cutler
Workforce Relations Division Director
400 Maryland Ave. SW
Washington, D.C. 20202

tel. 202 453-6953 fax

e-mail Samantha.Cutler@ED.gov

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

American Federation of Government Employees
80 F St. NW
Washington, D.C. 20001
AFGE Counsel of Department of Education Locals, Council 252
500 West Madison St. Suite 146, Chicago IL 60661

b. Charging Party Representative (include name, title, address)

Judith Galat
Assistant General Counsel
American Federation of Government Employees
80 F. St. NW
Washington, D.C. 20001

tel. 202 639-6424

fax 202 379-2928

e-mail

galatj@afge.org

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

See attached.

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) (2) (3) (4) (5) (6) (7) (8)

c. Have you or anyone else raised this matter in any other procedure? No Yes If yes, where?

- | | | |
|--|---|---|
| <input type="checkbox"/> Grievance Procedure | <input type="checkbox"/> Federal Mediation and Conciliation Service | <input type="checkbox"/> Federal Service Impasses Panel |
| <input type="checkbox"/> Equal Employment Opportunity Commission | <input type="checkbox"/> Merit Systems Protection Board | <input type="checkbox"/> Office of Special Counsel |
| <input type="checkbox"/> Other Administrative or Judicial Proceeding | <input type="checkbox"/> Negotiability Appeal to FLRA | <input type="checkbox"/> Other _____ |

4. DECLARATION

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 1b BY [check all appropriate boxes]

- In Person 1st Class Mail Fax Commercial Delivery Certified Mail e-mail (see reverse)

Judith Galat

Judith Galat

March 12, 2018

Type or Print Your Name

Your Signature

Date

ATTACHMENT TO UNFAIR LABOR PRACTICE CHARGE AGAINST
DEPARTMENT OF EDUCATION FILED BY
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES AND AFGE COUNCIL 252

Section 3a:

Between December, 2017, and March, 2018, the Department of Education (Agency) has failed to negotiate and bargain in good faith with the American Federation of Government Employees, Council 252 (the Union) in negotiations over ground rules and substantive contract proposals. At all times relevant to this charge the Union was ready and willing to negotiate over ground rules as well as engage in substantive contract negotiations. The Agency has **taken the** following actions which violate 5 U.S.C. 7116(a)(1) and (5):

1. On or around February 8, 2018, while the parties were in the midst of negotiating ground rules, the Agency notified the Union that it would not participate in further ground rules negotiations and was moving forward with notice of its proposed collective bargaining agreement. The Agency ignored all attempts by the Union to continue the negotiations of ground rules. The Agency did not comply with the Union's request that the parties continue negotiations on ground rules because the parties were not at impasse.
2. In February of 2018, the Agency sent its proposal for a collective bargaining agreement to the Union. The Agency refused the Union's requests to negotiate over the proposed collective bargaining agreement. The Agency informed the Union of its plan to implement the proposal on March 12, 2018. The Agency did not comply with the Union's request that the parties continue negotiations on the proposed collective bargaining agreement because the parties were not at impasse.
3. On or around March 5, 2018, the Union membership conducted a ratification vote on the Agency's proposed agreement and voted to reject the contract. The Agency continued with its plan to impose its proposed collective bargaining agreement despite the fact that the Union membership had rejected the agreement.
4. On or around March 9, 2018, Samantha Cutler, Director of the Workforce Relations Division, Office of Human Resources of the Agency, sent a memorandum to Claudette Young, President of AFGE Council 252 informing her that the Agency was implementing its proposed collective bargaining agreement.
5. The Agency's proposed collective bargaining agreement has stripped out most of the content of the parties previous collective bargaining agreement and essentially removes all union rights.

The Charging Parties request that Agency be ordered to comply with the terms of the prior collective bargaining agreement until the parties have completed negotiations on ground rules and a successor collective bargaining agreement and until the new collective bargaining agreement has been ratified by the Union membership. The Charging Parties request that the FLRA petition the United States district court pursuant to 5 U.S.C. Section 7123(d) and 5 CFR Section 2423.10, for temporary relief requiring the Agency to comply with the provisions of the previous collective bargaining agreement.