

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY  
ATLANTA REGION**

U.S. Equal Employment Opportunity Commission  
Miami District, Tampa Field Office,  
Tampa, Florida  
Charged Party

and

Case No. AT-CA-21-0477  
AT-CA-21-0478

American Federation of Government  
Employees, AFL-CIO, Local 3599  
Charging Party

**CONSOLIDATED COMPLAINT  
AND NOTICE OF HEARING**

This Consolidated Complaint and Notice of Hearing is based on charges filed by the American Federation of Government Employees, AFL-CIO, Local 3599 (Union or Charging Party). It is issued pursuant to Section 7118 of the Federal Service Labor-Management Relations Statute (Statute) and Section 2423.20(a) of the Rules and Regulations of the Federal Labor Relations Authority (the Authority) and alleges that the U.S. Equal Employment Opportunity Commission (EEOC), Miami District, Tampa Field Office (TFO), Tampa, Florida (the Respondent), has violated the Statute as described below:

1. The Union filed the charge in Case No. AT-CA-21-0477 on August 30, 2021 and AT-CA-21-0478 on August 31, 2021, and copies were served on Respondent.
2. These cases are consolidated because it is necessary to effectuate the purposes of 5 U.S.C. §§ 7101-7135 and to avoid unnecessary costs or delay pursuant to Section 2429.2 of the Rules and Regulations of the Federal Labor Relations Authority (the Authority).
3. The Respondent is an agency within the meaning of Section 7103(a)(3) of the Statute.
4. The American Federation of Government Employees, AFL-CIO (AFGE), is a labor organization within the meaning of Section 7103(a)(4) of the Statute and is the certified exclusive representative of nationwide consolidated units of EEOC employees, which includes employees of the Respondent (the unit).
4. The Union is an agent of AFGE for the purpose of representing the unit employees employed at the Respondent.

5. At all material times, the following individual held the position opposite his name and has been a supervisor or management official of Respondent within the meaning of Section 7103(a)(10) and (11) of the Statute and an agent of Respondent acting upon its behalf:

Evangeline Hawthorne

Tampa Field Office Director

6. On or about July 13, 2021, Respondent, through Evangeline Hawthorne (Hawthorne) directed Senior Mediator and Union Steward David Hamilton (Hamilton) to move from his current office in the TFO and bid on another office.
7. On or about August 25, 2021, Respondent, through Hawthorne, advised other employees in the TFO by e-mail that they, like Hamilton, would need to move out of their current offices and bid on other offices.
8. On August 26, 2021, Respondent, through Hawthorne, published by e-mail to the TFO employees a chart showing the offices the employees had formerly occupied and the offices they were to move into based on the bids she had received when the employees returned from COVID-related teleworking.
9. By the conduct described in paragraphs 6, 7, and 8, Respondent bypassed the Union and dealt directly with the Tampa Field Office unit employees on matters affecting their conditions of employment in violation of Sections 7116(a)(1) and (5) of the Statute.
10. The actions of Respondent, through Hawthorne, described in paragraphs 6, 7 and 8 represented changes in conditions of employment for the Tampa Field Office unit employees, and the impact of these changes is *substantial*.
11. Respondent implemented the changes in conditions of employment described in paragraphs 6, 7, 8 and 10 without providing the Union with an opportunity to negotiate over the procedures and appropriate arrangements for the changes.
12. By the conduct described in paragraphs 10, and 11, Respondent has been refusing to negotiate in good faith with the Union and violating Section 7116(a)(1) and (5) of the Statute.
13. By the conduct described in paragraphs 6, 7 and 8, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed under Section 7102 of the Statute and violating Section 7116(a)(1) of the Statute.

#### **Answer Requirement**

Respondent is notified that, pursuant to Section 2423.20(b) of the Authority's Regulations, it must file an answer to the complaint. Respondent must file an original and four (4) copies of the answer with the Office of Administrative Law Judges, FLRA, 1400 K St., NW, Washington, DC 20424-0001 by **Monday, September 12, 2022**. See Sections

2429.24(d) and 2429.25(a) of the Authority's Regulations. Respondent must also serve a copy of the answer on the Region and Charging Party. See Section 2429.27 of the Authority's Regulations.

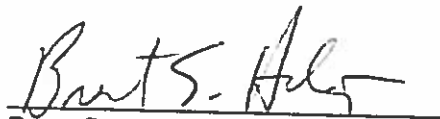
An answer may also be filed electronically through the Authority's web site. See Section 2429.24(f) of the Authority's Regulations. To file an answer electronically, go to [www.flra.gov](http://www.flra.gov), select eFile under the Filing a Case tab and follow the instructions.

The answer must admit, deny, or explain each allegation of the complaint. A failure to file an answer or respond to any allegation will, absent a showing of good cause, constitute an admission.

### **Notice of Hearing**

PLEASE TAKE NOTICE that on **Thursday, November 17, 2022**, in a manner to be determined, a hearing on this complaint will be conducted before an Administrative Law Judge of the Federal Labor Relations Authority. This is one of several cases scheduled for a calendar call. The calendar call procedures are attached. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The hearing procedures are described in Sections 2423.30 to 2423.34 of the Authority's Regulations. The prehearing procedures are described in Sections 2423.20 to 2423.28 of the Authority's Regulations.

Dated: August 18, 2022

  
Brent S. Hudspeth  
Acting Regional Director  
Federal Labor Relations Authority  
Atlanta Region  
225 Peachtree St. N.E., Suite 1950  
Atlanta, GA 30303

**Notice of Procedure for Calendar Call Before an  
Administrative Law Judge of the Federal Labor Relations Authority**

The case in which you are a party shall be considered at a calendar call on the hearing date specified, above. The following information is provided to assist you in preparing for that procedure.

1. A number of unfair labor practice cases set for hearing are scheduled for calendar call on the same day.
2. An Administrative Law Judge will be present on the specified date and at the specified hour to consider all cases scheduled for that date.
3. All parties to the proceeding must appear in person or by designated representative and be fully authorized and prepared to discuss all elements of the case, to enter settlement agreements, to enter stipulations and to otherwise consider relevant matters raised by the Administrative Law Judge, including the presentation of witnesses, documentary evidence and other procedural matters.
4. After consideration of a case, absent settlement, the Administrative Law Judge will assign a specific starting time and date for each hearing, which may be the date of the calendar call or other appropriate date. For this reason, all anticipated witnesses should be in a posture where they can be made available for hearing upon designation of a hearing date and time by the Judge.

You are urged to continue settlement discussions with the attorney assigned to represent the General Counsel of the Authority in each case and to consummate a settlement agreement prior to the date of the calendar call. If you believe that the case is capable of settlement or informal resolution, please do not wait until the date of the calendar call since doing will necessarily result in prolonging that day's activities.

**CERTIFICATE OF SERVICE**  
**CASE NOs. AT-CA-21-0477 and AT-CA-21-0478**

I hereby certify that on August 18, 2022, I caused to be served the foregoing **CONSOLIDATED COMPLAINT AND NOTICE OF HEARING** and **NOTICE OF PROCEDURE FOR CALENDAR CALL** upon the interested parties in this action through the methods described below:

**BY FACSIMILE**

The Honorable David L. Welch  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
Federal Labor Relations Authority  
1400 K Street, N.W., Third Floor  
Washington, D.C. 20424-0001  
Fax: 202-482-6629

**BY REGULAR U.S. MAIL**

Maximilian Feige, Regional Steward  
AFGE Local 3599  
100 S. E. 2nd Street, Suite 1500  
Miami FL 33131  
mobile: [REDACTED] fax: (305)808-1758  
[REDACTED]

Steven H. Schuster, Senior Attorney,  
EEOC, Office of the Chief Human Capital Officer (OCHCO)  
131 M Street, NE, Washington, DC 20507  
(202) 663-4310; fax (202)747-6621  
[REDACTED]

Charlotte A. Dye, Acting, General Counsel  
Office of the General Counsel  
Federal Labor Relations Authority  
1400 K Street, Second Floor  
Washington, D.C. 20424-0001

