

**BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
ATLANTA REGION**

Equal Employment Opportunity Commission
Respondent

and

Case No. AT-CA-22-0366

American Federation of Government
Employees, Council 216, AFL-CIO
Charging Party

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by the American Federation of Government Employees, Council 216, AFL-CIO (the Union). 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 Equal Employment Opportunity Commission (Respondent) has violated the Statute as described below:

1. The Union filed the charge in this proceeding on May 16, 2022, and a copy was served on the Respondent.
2. Respondent is an agency within the meaning of Section 7103(a)(3) of the Statute.
3. The American Federation of Government Employees, Council 216, 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 a nationwide consolidated unit of employees, which includes employees of Respondent (the unit).
4. At all times material, the following individuals held the positions opposite their name and have been supervisors or management officials of Respondent within the meaning of Section 7103(a)(1) and (11) of the Statute and/or agents of Respondent acting upon its behalf:

Maurice Hawthorne	Director of Employee and Labor Relations
-------------------	--
5. On March 4, 2022, Respondent, through Hawthorne, notified the Union that it intended to require employees to return to the office.
6. On March 7, 2022, the Union demanded to bargain over the change described in paragraph 5. The parties exchanged proposals.

7. On May 16, 2022, Respondent implemented the change described in paragraph 5 even though the parties had not completed negotiations over negotiable proposals concerning mandatory subjects of bargaining.
8. The impact of the change described in paragraphs 5 and 7 is substantial.
9. Respondent implemented the change in unit employees' conditions of employment described in paragraphs 5 and 7 without providing the Union with an opportunity to negotiate over the procedures and appropriate arrangements of the change.
10. By the conduct described in paragraphs 7 and 9, Respondent has been refusing to negotiate in good faith with the Union and violating Section 7116(a)(1) and (5) 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 **August 22, 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, 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 **February 2, 2023** in a manner and at a location to be determined, a hearing on this complaint will be conducted before an Administrative Law Judge of the Federal Labor Relations Authority. 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: July 28, 2022



Brent S. Hudspeth, Acting Regional Director
Federal Labor Relations Authority
229 Peachtree Street, NE
International Tower, Suite 900
Atlanta, GA 30303

**CERTIFICATE OF SERVICE
CASE NO. AT-CA-22-0366**

I hereby certify that on July 28, 2022, I served the foregoing **COMPLAINT AND NOTICE OF HEARING** upon the interested parties in this action through the method described below:

BY FACSIMILE

The Honorable David 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 MAIL

Jadhira Rivera, 2nd Vice-President
AFGE, Council 216
17 Van Cleve Ave.
Clifton, NJ 07011
Phone: 917-617-2815
Fax: 813-993-1737
E-mail: jadhira.rivera@gmail.com

Christina Quashie, Attorney Advisor
131 M Street NE
Washington, DC 20507
Phone: 202-921-3106
Fax: 202-688-3683
E-mail: Christina.quashie@eoc.gov

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

