

FLRA Files Complaints Against EPA Region 6 for Violating Federal Labor-Management Statutes

Dallas, Texas, June 17, 2004 - On May 27, 2004, Mr. James E. Petrucci, the Regional Director of the Dallas Office of the Federal Labor Relations Authority (FLRA) filed two letters of complaint against EPA Region 6 in Dallas, Texas. The FLRA letters of complaint were the result of three separate Unfair Labor Practice (ULP) charges against EPA Region 6 that were filed by the American Federation of Government Employees (AFGE) Local 1003 President Merrit Nicewander. Information regarding FLRA can be found at www.flra.gov.

In the FLRA complaint letter regarding ULP Case DA-CA-04-0250, FLRA determined that on or about October 14, 2003, Merrit Nicewander, Union Local 1003 President, filed an informal grievance, on a bargaining unit member's behalf, regarding a conflict with Ben Banipal, Chief, RCRA Corrective Action & Waste Minimization Section, by meeting with Steve Gilrein, RCRA Associate Division Director. On or about October 20, 2003, Ben Banipal issued the employee a written letter of reprimand (LOR). FLRA found that EPA Region 6 took the action of issuing the LOR because AFGE Local 1003 filed the informal grievance on behalf of the bargaining unit employee. FLRA stated that by this conduct, EPA Region 6 committed an unfair labor practice in violation of the Federal Statute, 5 U.S.C. § 7116(a)(1) and (2).

In the FLRA complaint letter regarding ULP Cases DA-CA-04-0251 and DA-CA-04-0252 FLRA determined that on or about September 25, 2003, Merrit Nicewander, Union Local 1003 President, began representing a bargaining unit member in an informal grievance by notifying Ron Lancaster, Labor Relations Specialist, to arrange for a settlement meeting in early October 2003. On or about September 26, 2003, outside the presence of Nicewander, Carl Young, Supervisor and Steve Vargo, Associate Division Director, met with the employee concerning the informal grievance. FLRA stated that by this conduct, EPA Region 6 committed an unfair labor practice in violation of the Federal Statute, 5 U.S.C. § 7116(a)(1) and (5).

On or about October 20, 2003, EPA Region 6, by Ron Lancaster, Labor Relations Specialist, said to Merrit Nicewander, AFGE Local 1003 President, words to the effect that Nicewander could be disciplined or terminated for having provided information relevant to the informal grievance. FLRA stated that by this conduct, EPA Region 6 by Lancaster committed an unfair labor practice in violation of the Federal Statute, 5 U.S.C. § 7116(a)(1).

FLRA urged EPA Region 6 and AFGE Local 1003 to continue settlement discussions with the attorney assigned to represent the General Counsel of FLRA. FLRA requested the assistance of a settlement judge to assist the parties in resolving the issues in the complaint. Counsel for the FLRA General Counsel has moved that a prehearing conference be held at least seven days prior to the scheduled hearing date. The FLRA letters of complaint each contained a Notice of Hearing scheduled for August 3, 2004 in Dallas, Texas to be presided over by a FLRA Administrative Law Judge.