



UNITED STATES OF AMERICA
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
BOSTON REGION

U. S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT
WASHINGTON, D.C.

-Respondent

-and-

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, NATIONAL COUNCIL OF HUD
LOCALS 222

-Charging Party

Case No. BN-CA-10-0271

COMPLAINT AND NOTICE OF HEARING

1. This unfair labor practice complaint and notice of hearing is issued under 5 U.S.C. §§ 7101-7135 and 5 C.F.R. Chapter XIV.
2. The U. S. Department of Housing and Urban Development, Washington, D.C. (Respondent), is an agency under 5 U.S.C. § 7103(a)(3).
3. The American Federation of Government Employees, AFL-CIO (AFGE) is a labor organization under 5 U.S.C. § 7103(a)(4).
4. The AFGE is the exclusive representative of a unit of employees appropriate for collective bargaining at the Respondent.
5. The American Federation of Government Employees, National Council of HUD Locals 222 (Charging Party) is the agent of AFGE for the purpose of representing the employees in the bargaining unit described in paragraph 4.
6. The charge in this proceeding was filed by the Charging Party with the Boston Acting Regional Director on May 3, 2010, and a copy of the charge was served on the Respondent.
7. During the time period covered by this complaint, the following persons occupied the positions set opposite their names:

Janie L. Payne

Chief Human Resources Officer

George H. Corsoro Director of Labor and Employee Relations

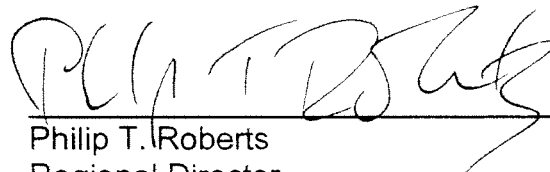
Norman Mesewicz Deputy Director of Labor and Employee Relations

8. During the time period covered by this complaint, the persons named in paragraph 7 were supervisors and/or management officials under 5 U.S.C. § 7103(a)(10) and (11).
9. During the time period covered by this complaint, the persons named in paragraph 7 were acting on behalf of the Respondent.
10. On October 18, 2006, Arbitrator Roger P. Kaplan issued an Award in a matter between the Respondent and the Charging Party that granted the grievance of the Charging Party and stated, in relevant part, *Employees who were not paid awards timely, going back to 2003, shall be paid interest pursuant to and consistent with the provisions of the Back Pay Act.*
11. On November 3, 2009, the Federal Labor Relations Authority denied exceptions to the Award of Arbitrator Roger P. Kaplan filed by the Respondent.
12. On November 3, 2009, the Award of Arbitrator Roger P. Kaplan became final and binding under 5 U.S.C. § 7122.
13. On November 5, 2009, the Charging Party requested the Respondent comply with the final and binding Award of Arbitrator Roger P. Kaplan.
14. Since November 5, 2009, the Respondent has failed and refused to comply timely with the final and binding Award of Arbitrator Roger P. Kaplan, by engaging in unreasonable delay in implementing the payment of interest as described in paragraph 10.
15. By the conduct described in paragraphs 14 and 15, the Respondent has committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1) and (8).

PLEASE TAKE NOTICE that commencing at 9:00 a.m. on November 18, 2011, a hearing on this complaint will be held before an Administrative Law Judge of the Federal Labor Relations Authority at U.S. Department of Labor, Courtroom #403, 10 Causeway Street, Suite 411, Thomas P. O'Neill, Jr., Federal Building, Boston, Massachusetts. The Respondent has the right to appear and present testimony and evidence at the hearing.

Respondent is further notified that, pursuant to 5 C.F.R. § 2423.20(b), Respondent must file with the Office of Administrative Law Judges, FLRA, 1400 K St., NW, Washington, DC 20424-0001 an answer to the complaint within 20 days after service of the complaint. The answer must admit, deny, or explain each allegation of the

complaint. A failure to file an answer or respond to any allegation of the complaint will constitute an admission. The answer must be filed no later than October 25, 2011. Respondent must also serve a copy of its answer on this office and the Union.

A handwritten signature in black ink, appearing to read "Philip T. Roberts", written over a horizontal line.

Philip T. Roberts
Regional Director
Boston Region
Federal Labor Relations Authority
10 Causeway Street, Suite 472
Boston, Massachusetts 02222

Date: September 30, 2011

CERTIFICATE OF SERVICE

I certify that a copy of the **COMPLAINT AND NOTICE OF HEARING** in Case No. BN-CA-10-0271 was sent this date to the following parties:

CERTIFIED MAIL

Honorable Charles R. Center
Chief Administrative Law Judge
Federal Labor Relations Authority
1400 K Street, N.W., 3rd Floor
Washington, DC 20424-0001
Tel: 202 482 6630
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Carolyn Federoff
Council Representative
AFGE National Council of HUD
Local 222
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REGULAR MAIL

Julia Akins Clark, General Counsel
Federal Labor Relations Authority
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BY HAND

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Administrative Assistant

9/30/11

Date