

## **MEMORANDUM**

To: Linda Goodrich  
RBAs

Fr: Mike Derby, PASS Counsel



Dt: 12/6/02

Re: ***FLRA Complaint Re: AVR PRIB #11 (Case No. WA-CA-02-0481)***

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Please find enclosed a copy of the FLRA's Complaint and Notice of Hearing regarding the FAA's unilateral implementation of AVR PRIB #11 without completing the bargaining process. A hearing is scheduled for March 10, 2003 in Washington, DC.

PASS's unfair labor practice charge alleged the Agency violated the Statute by implementing AVR PRIB's 1 - (Setting up PRIB System), 5 - (Highest Previous Rate), 9 - (Incentives for Hiring and Retaining), 11 - (First 40/First 80), 16 - (AVR PMS), 18 - (External Hiring Options) and 19 - (Interview Policy) without completing the bargaining process. During the FLRA's investigation, there was insufficient evidence that the FAA had implemented any AVR PRIB, other than PRIB 11. Thus, the Complaint is limited to PRIB 11. PASS was able to provide evidence that management in some areas is using PRIB 11 and has stopped applying the standards for First 40 set forth in Order 3600.6, Chapter 53. This has resulted in employees being placed on First 40 work schedules who otherwise would not have qualified for such schedules under 3600.6.

You will be advised of the status of this matter as it progresses through the hearing process. Please let me know if you have any questions.

Encl.

cc: Owen Dullaghan, Nat. Asst.

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

Case No. WA-CA-02-0481

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, D.C.

(RESPONDENT)

and

PROFESSIONAL AIRWAYS SYSTEMS SPECIALISTS

(CHARGING PARTY)

**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 Transportation, Federal Aviation Administration, Washington, D.C. (Respondent) is an agency under 5 U.S.C. § 7103(a)(3).
3. The Professional Airways Systems Specialists (Charging Party) is a labor organization under 5 U.S.C. § 7103(a)(4) and is the exclusive representative of a unit of employees appropriate for collective bargaining at the Respondent.
4. The charge in Case No. WA-CA-02-0481 was filed by the Charging Party with the Washington Regional Director on April 23, 2002.
5. A copy of the charge described in paragraph 4 was served on the Respondent.

6. During the period covered by this complaint, the following persons occupied the positions opposite their names:

Lionel R. Driscoll      Special Assistant to the Director, Labor-Management Relations

Michael S. Herlihy      Team Leader, Labor-Management Relations

Michael McCafferty      Advisor to the Director, Flight Standards

7. During the period covered by this complaint, the persons named in paragraph 6 were supervisors and/or management officials under 5 U.S.C. §§ 7103(a)(10) and (11) and/or agents of the Respondent.
8. During the period covered by this complaint, the persons named in paragraph 6 were acting on behalf of the Respondent.
9. The Charging Party and the Respondent are parties to a collective bargaining agreement covering employees in the unit described in paragraph 3.
11. On or about January 21, 1997, the Respondent submitted proposals on certain Personnel Reform Implementation Bulletins (AVRPRIB's), including AVRPRIB #011, entitled "Use of First 40 or First 80-Hour Work Tours of Duty."
12. On or about April 3, 2002, the Respondent informed the Charging Party that AVRPRIB #011 had been implemented on December 7, 1998.

13. The Respondent implemented the change described in paragraph 12 without completing bargaining with the Charging Party to the extent required by the Statute.
14. By the conduct described in paragraphs 12 and 13, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1) and (5).

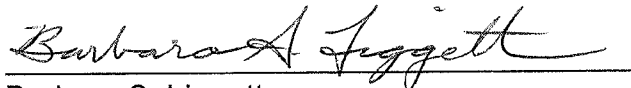
A HEARING ON THIS COMPLAINT WILL BE HELD before an Administrative Law Judge of the Federal Labor Relations Authority on **March 10, 2003** at 9:00 a.m. at the Federal Labor Relations Authority, Washington Regional Office, 800 K Street North, N.W., Suite 910, Washington, D.C.. This is one of several cases scheduled as a calendar call. The calendar call procedures are attached. The Respondent has the right to appear and present testimony and evidence at the hearing.

To answer this complaint, the Respondent must comply with the filing and service requirements set forth at 5 C.F.R. Part 2429 and file an original and 4 copies of its answer with the:

Chief Administrative Law Judge  
Office of the Administrative Law Judges  
Federal Labor Relations Authority  
607 14<sup>th</sup> Street, N.W., Room 440  
Washington, D.C. 20424-0001

The answer shall admit, deny, or explain each allegation of this complaint. If the Respondent has no knowledge of an allegation or insufficient information as to its truthfulness, the answer shall so state. Absent a showing of good cause to the contrary, a failure to answer or respond to any allegation in this complaint shall constitute an admission. See 5 C.F.R. § 2423.20(b).

The Respondent must serve any answer on the Chief Administrative Law Judge, the FLRA Washington Regional Director, the Charging Party, and all other parties at the addresses on the attached Certificate of Service. An answer filed in person must be received by the Office of Administrative Law Judges no later than **December 23, 2002**. An answer filed by mail must be mailed and postmarked by **December 23, 2002**. The date of filing shall be determined by the postmark date. If no postmark date is evident on the mailing, it shall be presumed to have been mailed 5 days prior to receipt. See 5 C.F.R. § 2429.21(b).



Barbara S. Liggett  
Acting Regional Director  
Federal Labor Relations Authority  
Washington Regional  
Tech World Plaza North  
800 K Street, NW, Suite 910  
Washington, D.C. 20001-8000

Dated: November 27, 2002

**CERTIFICATE OF SERVICE  
CASE NO. WA-CA-02-0481**

I hereby certify that on November 27, 2002, I served the foregoing COMPLAINT AND NOTICE OF HEARING upon the interested parties in this action as follows:

The Honorable Eli Nash, Jr.  
Chief Administrative Law Judge  
Federal Labor Relations Authority  
607 14th Street, NW, Suite 440  
Washington, DC 20424-0001  
Telephone: 202-482-6630  
FAX: 202-482-6629

**Certified No. 7000 1670 0000 1168 2980**

Michael Derby, Counsel  
Professional Airways Systems Specialists  
1150 17<sup>th</sup> Street, NW, Suite 702  
Washington, DC 20036  
Telephone: (202) 293-7277  
FAX: (202) 293-7727

**Certified No. 7000 1670 0000 1168 4663**

Howard A. Abrahams, Labor Relations Specialist  
Federal Aviation Administration, AHL-200  
800 Independence Avenue, SW  
Washington, DC 20591  
Telephone: (202) 493-4044  
FAX: (202) 267-5914

**Certified No. 7000 1670 0000 1168 4656**

David L. Feder  
Acting General Counsel  
Federal Labor Relations Authority  
607 14<sup>th</sup> Street, NW, Suite 210  
Washington, DC 20424-0001

**Hand-Delivery**

Director  
Center for Partnership and  
Labor-Management Relations  
1900 E Street, N.W.  
Washington, D.C. 20415

**Regular Mail**

  
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