



**UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY**

FOR FLRA USE ONLY

Case No.

Date Filed

1. AGENCY AGAINST WHICH CHARGE IS BROUGHT

a. Name of Charged Agency (include address, city, state, & ZIP)

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

2. CHARGING PARTY

a. Name of Charging Party (include address, city, state, & ZIP)

National Council of EPA Locals #238
American Federation of Government Employees (AFL-CIO)
P.O. Box 2546
Chicago, IL 60690

b. Agency Representative (include name, title, address)

Krysti Corbett
Division Director
Labor & Employee Relations (OARM/OHR/LERD)

tel. (202) 564-6295

fax (202) 564-8121

e-mail

b. Charging Party Representative (include name, title, address)

Thomas F. Muther, Jr.
Minahan Muther Klinger, PC
5132 W 26 Ave
Denver, CO 80212

tel. (303)986-0054

fax (303)986-1137

e-mail

josh@cofedlaw.com

3. BASIS OF THE CHARGE

a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular acts.

On June 25, 2019, the Agency notified the Union of its intention to repudiate the 2007 Master Collective Bargaining Agreement along with the 2013 Groundrules and Addendum that were entered into by the parties to govern contract negotiations. Additionally, the Agency notified the Union of its intention to engage in bad faith bargaining by implementing a unilaterally imposed replacement "collective bargaining agreement" on July 8, 2019.

The Union specifically requests the FLRA to take steps to have the Agency's repudiation and bad faith bargaining attempts enjoined.

19-0606

b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) (2) (3) (4) (5) (6) (7) (8)

c. Have you or anyone else raised this matter in any other procedure? No Yes If yes, where?

- | | | |
|--|---|---|
| <input type="checkbox"/> Grievance Procedure | <input type="checkbox"/> Federal Mediation and Conciliation Service | <input type="checkbox"/> Federal Service Impasses Panel |
| <input type="checkbox"/> Equal Employment Opportunity Commission | <input type="checkbox"/> Merit Systems Protection Board | <input type="checkbox"/> Office of Special Counsel |
| <input type="checkbox"/> Other Administrative or Judicial Proceeding | <input type="checkbox"/> Negotiability Appeal to FLRA | <input type="checkbox"/> Other _____ |

4. DECLARATION

I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001.

THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX 1b BY [check all appropriate boxes]

In Person 1st Class Mail Fax Commercial Delivery Certified Mail e-mail (see reverse)

Thomas F. Muther

Joshua D. for T. Muther

June 25, 2019

Type or Print Your Name

Your Signature

Date


* * * Communication Result Report (Jun. 25. 2019 11:21AM) * * *

11
21

Date/Time: Jun. 25. 2019 11:18AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
0885	Memory TX	FLRA DENVER	P. 1	OK	

Reason for error
 E. 1) Hang up or line fail
 E. 2) Busy
 E. 3) No answer
 E. 4) No facsimile connection
 E. 5) Exceeded max. E-mail size
 E. 6) Destination does not support IP-Fax

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a. Name of Charged Agency (include address, city, state, & ZIP) U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460		a. Name of Charging Party (include address, city, state, & ZIP) National Council of EPA Locals #238 American Federation of Government Employees (AF-CIO) P.O. Box 2546 Chicago, IL 60680	
b. Agency Representative (include name, title, address) Kyrell Corbett Division Director Labor & Employee Relations (OARM/OHR/LERD) tel: (202) 564-6295 fax: (202) 564-8121 e-mail:		b. Charging Party Representative (include name, title, address) Thomas F. Muther, Jr. Mahan Muther Klingler, PC 3132 W 26 Ave Denver, CO 80212 tel: (303) 986-0054 fax: (303) 986-1137 e-mail: josh@corfedaw.com	
3. BASIS OF THE CHARGE			
a. Set forth a clear and concise statement of the facts constituting the alleged unfair labor practice, including date and location of the particular act. On June 25, 2019, the Agency notified the Union of its intention to repudiate the 2007 Master Collective Bargaining Agreement along with the 2013 Memorandum and Addendum that were entered into by the parties to govern contract negotiations. Additionally, the Agency notified the Union of its intention to engage in bad faith bargaining by implementing a unilaterally imposed replacement "collective bargaining agreement" on July 8, 2019. The Union specifically requests the FLRA to take steps to have the Agency's repudiation and bad faith bargaining attempts enjoined. 19-0606			
b. Which subsection(s) of 5 U.S.C. 7116(a) do you believe the Agency has violated? (1) (2) (3) (4) (5) (6) (7) (8)			
c. Have you or anyone else raised this matter in any other procedure? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, where? 1) Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel 1) Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel 1) Other Administrative or Judicial Proceeding <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other			
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Thomas F. Muther Type or Print Your Name		 Your Signature	
		June 25, 2019 Date	

Date/Time: Jun. 25. 2019 11:19AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
0886	Memory TX	12025648121	P. 1	OK	

Reason for error

E. 1) Hang up or line fail	E. 2) Busy
E. 3) No answer	E. 4) No facsimile connection
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a. Name of Charged Agency (include address, city, state, & ZIP) U.S. Environmental Protection Agency 1200 Perimeter Avenue, N.W. Washington, DC 20460	a. Name of Charging Party (include address, city, state, & ZIP) National Council of EPA Locals #238 American Federation of Government Employees (AFL-CIO) P.O. Box 2546 Chicago, IL 60690		
b. Agency Representative (include name, title, address) Koyul Corbett Division Director Labor & Employee Relations (DARM/OHR/IERD) tel. (202) 564-6295 fax (202) 564-8121 e-mail	b. Charging Party Representative (include name, title, address) Thomas F. Muther, Jr. Mishan Mishra-Klinger, PC 5132 W 76 Ave Denver, CO 80212 tel. (303) 986-0034 fax (303) 986-1137 e-mail tmuth@cofedlaw.com		
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b. Which section(s) of 5 U.S.C. 7216(a) do you believe the Agency has violated? (1) (2) (3) (4) (5) (6) (7) (8)			
c. Have you or anyone else raised this matter in any other procedure? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, where? <input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Federal Mediation and Conciliation Service <input type="checkbox"/> Federal Service Impasses Panel <input type="checkbox"/> Equal Employment Opportunity Commission <input type="checkbox"/> Merit Systems Protection Board <input type="checkbox"/> Office of Special Counsel <input type="checkbox"/> Other Administrative or Judicial Proceedings <input type="checkbox"/> Negotiability Appeal to FLRA <input type="checkbox"/> Other			
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