

ATTACHMENT 1A1

OGC PLEADING MANUAL

I. GENERAL PLEADING

A. JURISDICTION

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.

B. CONSOLIDATING CASES

Add When Consolidating Cases at Time of Issuance

1. These cases are consolidated under 5 C.F.R. § 2429.2 because it is necessary to effectuate the purposes of 5 U.S.C. §§ 7101-7135 and to avoid unnecessary costs or delay.

Add When Consolidating With a Previously Issued Complaint

2. This case is consolidated under 5 C.F.R. § 2429.2 with the complaint in [**case number**] which issued on [**date**] because it is necessary to effectuate the purposes of 5 U.S.C. §§ 7101-7135 and to avoid unnecessary costs or delay. [Do not reissue the allegations in the first complaint].

C. IDENTIFYING THE PARTIES, PLEADING UNITS, CONTRACTS AND SERVICE OF THE CHARGE

- In both CA and CO cases, the respondent is the entity where the violation occurred. If a charge is filed against an entity above or below the level where the violation occurred, any complaint should list the respondent as the entity where the violation occurred. (For example, if the charge is filed against SSA, Baltimore, but the violation occurred at a local district office, the complaint names the local district office in the caption and complaint as the respondent).
- In both CA and CO cases, if the Region determines to seek a remedy against an entity above the respondent (such as a unit wide/nationwide posting beyond the local entity where the location violation occurred), that higher level must receive notice. There is no need, however, to seek an amended charge or name an additional respondent, since the local entity is the agent of the national entity. (For example, if the violation occurred at one prison, but the Region seeks a nationwide posting, notice must be given to the headquarters. Similarly, if the CO violation occurred at a local union but the Region seeks a unit wide posting or payment by the council or national exclusive representatives, notice must be given to that entity.)
- The caption in a CA case starts with the highest Department or agency level and, unless the violation occurred at that level, works down to the local facility where the violation occurred and its location, using commas to separate the various management entities, and identifies that captioned party as the respondent. [If the charge names a local facility as the charged party, the Region determines if an amended charge is required to name the higher-level Department or agency]. [The Department of Defense is not listed in the caption or name of the Respondent when the Departments of the Air Force, Army or Navy are listed in the caption].

- The caption in a CO case starts with the level of exclusive recognition and, unless the violation occurred at that level, works down to the local union where the violation occurred and its location, using commas to separate the various union entities and identifies that captioned party as the respondent. [If the charge names a local below the level of exclusive recognition as the charged party, the Region determines if an amended charge is required to name the union at the level of exclusive recognition as the respondent in the complaint.]
- The caption in both CA or CO cases identifies the party filing the charge as the charging party; whether a union at or below the level of exclusive recognition, an activity or an agency at or below the level of exclusive recognition, or an individual.
- Any management entity identified in the caption of a CA complaint as the respondent is plead to be an agency under 5 U.S.C. § 7103(a)(3). Thus, every CA complaint names at least one management entity as a § 7103(a)(3) agency. The union at the level of recognition involved in a CA case is identified as a labor organization under 5 U.S.C. § 7103(a)(4). Any union entity identified in the complaint below the level of recognition is plead as an **agent** of the union entity at the level of recognition.
- Any union entity that is an exclusive representative and that is identified in the caption of the CO complaint as the respondent is plead to be a union under 5 U.S.C. § 7103(a)(4). Any union entity that is below the level of exclusive recognition and that is identified in the caption of the CO complaint as the respondent is plead to be an agent of the exclusive representative for the purpose of representing the involved employees. The exclusive representative is plead to be a union under 5 U.S.C. § 7103(a)(4).

- Service of the charge may be on the level of recognition or the level below recognition as an agent of the entity at the level of recognition.
- An individual should be identified as an agent of the Respondent if the individual is not a supervisor or management official.

Model 1 - examples of violation occurring at a facility below the level of exclusive recognition:

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
ATLANTA REGION**

DEPARTMENT OF THE AIR FORCE,)	
AIR FORCE MATERIEL COMMAND,)	
WARNER ROBINS AIR LOGISTICS CENTER,)	
ROBINS AIR FORCE BASE, GEORGIA))	
)	Case Nos. AT-CA-99999
(Respondent))	
)	
and)	
)	
)	
AMERICAN FEDERATION OF GOVERNMENT))	
EMPLOYEES, LOCAL 987, AFL-CIO)	
)	
(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 Department of the Air Force, Air Force Materiel Command (AFMC), Warner Robins Air Logistics Center (WRALC), Warner Robins Air Force Base, Warner Robins, Georgia (Respondent) is an agency under 5 U.S.C. § 7103(a)(3).

3. The American Federation of Government Employees, Council 214 (Council) 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 AFMC.

4. The American Federation of Government Employees, Local 987, AFL-CIO (Local 987 or Charging Party), is an agent of the Council for the purpose of representing employees at the Respondent within the unit described in paragraph 3.

5. The charge in Case No. AT-CA-99999 was filed by Local 987 with the Atlanta Regional Director on March 13, 2000.

6. A copy of the charge described in paragraph 5 was served on the Respondent.

7. During the time period covered by this complaint, the persons listed below occupied the positions opposite their names:

Henry Jones	Director, Aircraft Directorate
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Nancy Drew	Chief, 13C Weapons Support Center
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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) at the Respondent.

9. During the time period covered by this complaint, the persons named in paragraph 7 were acting on behalf of the Respondent.

10. The Council and the AFMC are parties to a collective bargaining agreement covering employees in the bargaining unit described in paragraph 3.

These are other examples where the violation is below the level of recognition:

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
ATLANTA REGION**

DEPARTMENT OF VETERANS AFFAIRS,)	
VETERANS ADMINISTRATION HOSPITAL,)	
BIRMINGHAM ALABAMA)	
)	
(Respondent))	
)	
and)	Case Nos. AT-CA-99998
)	
)	
AMERICAN FEDERATION OF GOVERNMENT)	
EMPLOYEES, LOCAL 2207, AFL-CIO)	
(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 Department of Veterans Affairs (DVA), Veterans Administration Hospital, Birmingham, Alabama (Respondent) is an agency under 5 U.S.C. § 7103(a)(3).

3. The American Federation of Government Employees (AFGE) 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 DVA.

4. The American Federation of Government, Employees, Local 2207, AFL-CIO (Local 2207 or Charging Party), is an agent of the AFGE for the purpose of representing employees of the Respondent within the unit described in paragraph 3.

5. The charge in Case No. AT-CA-99998 was filed by Local 2207 with the Atlanta Regional Director on March 13, 2000.

6. A copy of the charge described in paragraph 5 was served on the Respondent.

7. During the time period covered by this complaint, the persons listed below occupied the positions opposite their names:

Henry Jones	Director, Aircraft Directorate
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Nancy Drew	Chief, 13C Weapons Support Center
------------	-----------------------------------

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) at the Respondent.

9. During the time period covered by this complaint, the persons named in paragraph 7 were acting on behalf of the Respondent.

10. The Council and the DVA are parties to a collective bargaining agreement covering employees in the bargaining unit described in paragraph 3.

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UNITED STATES OF AMERICA

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

**SOCIAL SECURITY ADMINISTRATION,)
REGIONAL OFFICE OF QUALITY ASSURANCE,)
RICHMOND, CALIFORNIA)**

(Respondent))

and)

Case Nos. SF-CA-99998

**AMERICAN FEDERATION OF GOVERNMENT)
EMPLOYEES, LOCAL 1122, AFL-CIO)**

(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 Social Security Administration (SSA), Regional Office of Quality Assurance, Richmond, California (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) and is the exclusive representative of a unit of employees appropriate for collective bargaining at the SSA.

4. The American Federation of Government Employees, Local 1122, AFL-CIO (Local 1122 or Charging Party) is an agent of the AFGE for the purpose of representing employees at the Respondent within the unit described in paragraph 3.

5. The charge in Case No. SF-CA-99998 was filed by Local 1122 with the San Francisco Regional Director on March 13, 2000.

6. A copy of the charge described in paragraph 5 was served on the Respondent.

7. During the time period

8. During the time period

9. During the time period

10. AFGE and SSA are parties to a collective bargaining agreement covering employees in the bargaining unit described in paragraph 3.

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Model 2 - violation occurred at a facility where exclusive recognition lies:

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
SAN FRANCISCO REGION**

DEPARTMENT OF THE AIR FORCE,)	
MARCH AIR FORCE BASE,)	
RIVERSIDE, CALIFORNIA)	
)	
(Respondent))	Case Nos. SF-CA-99999
)	
and)	
)	
)	
)	
AMERICAN FEDERATION OF GOVERNMENT)	
EMPLOYEES, LOCAL 1953, AFL-CIO)	
)	
(Charging Party))	
<hr/>)	

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 Department of the Air Force, March Air Force Base, Riverside, California (MAFB or Respondent), is an agency under 5 U.S.C. § 7103(a)(3).

3. The American Federation of Government Employees, Local 1953 (AFL-CIO) (Local 1953 or Charging Party), is a labor organization under 5 U.S.C. § 7103(a)(4).

4. Local 1953 is the exclusive representative of a unit of employees appropriate for collective bargaining at the Respondent.

5. The charge in Case No. SF-AT-99999 was filed by Local 1953 with the San Francisco Regional Director on March 13, 2000.

6. A copy of the charge described in paragraph 5 was served on the Respondent.

7. During the time period covered by the complaint,

8. During the time period covered by the complaint,

9. During the time period covered by the complaint,

10. Local 1953 and the Respondent are parties to a collective bargaining agreement covering employees in the unit described in paragraph 4.

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**UNITED STATES OF AMERICA
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
ATLANTA REGION**

AMERICAN FEDERATION OF GOVERNMENT)

EMPLOYEES, LOCAL 987, AFL-CIO)

(Respondent))

and)

JOHN Q. PUBLIC)

(Charging Party))

Case Nos. AT-CO-99999

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 American Federation of Government Employees, Council 214 (Council) 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 Department of the Air Force, Air Force Materiel Command (AFMC), Wright Patterson Air Force Base, Ohio, an agency under 5 U.S.C. § 7103(a)(3).

3. The American Federation of Government Employees, Local 987, AFL-CIO (Local 987 or Respondent), is an agent of the Council for the purpose of representing employees at the AFMC, Warner Robins Air Logistics Center, Warner Robins Air Force Base, Warner Robins, Georgia, within the unit described in paragraph 2.

4. The charge in Case No. AT-CO-99999 was filed by an individual, John Q. Public (Charging Party), with the Atlanta Regional Director on March 13, 2000.

5. During all times pertinent to this complaint, John Q. Public was an employee under 5 U.S.C. § 7103(a)(2), and was in the bargaining unit described in paragraph 2.

6. A copy of the charge described in paragraph 4 was served on the Respondent.

7. During the time period covered by this complaint, the person listed below occupied the position opposite his name.

8. During the time period covered by this complaint, the person named in paragraph 7 was an agent of, and acting on behalf of the Respondent.

9. The Council and the AFMC are parties to a collective bargaining agreement covering employees in the bargaining unit described in paragraph 2.

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D. VIOLATIONS BY THE MANAGEMENT ENTITY AT THE LEVEL OF EXCLUSIVE RECOGNITION AND/OR BY THE MANAGEMENT ENTITY ABOVE THE LEVEL OF EXCLUSIVE RECOGNITION

11. On [date], [higher-level management entity] prohibited [lower-level management entity] [describe the conduct that constitutes the interference]

12. On [date], [lower-level management entity] [describe the conduct that constitutes the violation, add additional paragraphs as needed]

13. By the conduct described in paragraphs 11 and 12, [higher-level management entity] interfered with the bargaining relationship between [lower-level management entity] and [union].

14. By the conduct described in paragraphs 13, [higher-level management entity] committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) and (5).

and/or

15. By the conduct described in paragraph 12, [lower-level management entity] committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) and (5).

E. REVOCATION OF SETTLEMENT AGREEMENTS

Preceding paragraphs describe the agency's violative activity

11. On [date], the undersigned approved an FLRA Settlement Agreement in this case in which [agency] agreed that [describe agreement].

12. As of [date], and continuing to date, [agency] has failed to [describe activity agency agreed to do as required by the Settlement Agreement].

13. Because of the [agency's] failure to comply with the Settlement Agreement described in paragraph 12, the Settlement Agreement in this case is withdrawn and this complaint is being reissued.

14. By the conduct described in paragraphs . . . Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1).

15. By the conduct described in paragraphs . . . Respondent committed an unfair labor practice in violation of § 7116(a)(1) and (2).

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F. ALTERNATIVE PLEADING

11. On [date], the Respondent, by [person], and the Charging Party, by [person], entered into a written agreement which provides [describe agreement].

12. On [date], the Respondent, by [person] [describe activity that results in repudiation of agreement or unilateral change].

13. By the conduct described in paragraph 13, the Respondent repudiated the agreement described in paragraph 12.

14. By the conduct described in paragraphs 13 and 14, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1) and (5).

OR IN THE ALTERNATIVE

15. By the conduct described in paragraph 13, the Respondent unilaterally implemented a change in conditions of employment for employees described in paragraph [insert number].

16. The Respondent unilaterally implemented the change described in paragraph 13 without first providing the Charging Party with prior notice and an opportunity to bargain to the extent required by the Statute.

17. By the conduct described in paragraphs 13, 16 and 17, the Respondent committed unfair labor practices in violation of 5 U.S.C. § 7116(a)(1) and (5).

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II. BARGAINING VIOLATIONS

A. UNILATERAL CHANGE AND/OR PROCEDURES AND APPROPRIATE ARRANGEMENTS

11. On [date], the Respondent, by [management official/supervisor/other agent], notified the [union] that it intended to [describe change].
12. On [date], the [union], by [union official], requested to negotiate the change described in paragraph 11. [The particular pleading will vary depending upon whether, for example, notice was given, a request to bargain was made, the parties engaged in any negotiations, implementation occurred while a determinative negotiable proposal was on the table, etc.]
13. On [date], the Respondent implemented the change described in paragraph 11 without providing the [union] with notice and an opportunity to negotiate over this change to the extent required by the Statute.
14. By the conduct described in paragraphs 11 and 13, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) and (5).

B. REPUDIATION OF AN AGREEMENT

11. The [union] and the Respondent are parties to a collective bargaining agreement covering employees in the bargaining unit described in paragraph [x].
12. The agreement described in paragraph 11 contains the following provision:
[identify and quote the specific provision of the contract, supplemental agreement, MOU or other agreement that has been repudiated]
13. Since [date] [or] On [date], the Respondent repudiated the agreement described in paragraph 12.
14. By the conduct described in paragraph 13, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) and (5).

C. BYPASS

13. On [date], the Respondent, by [management official/supervisor/other agent], [describe the conduct which constitutes the bypass of the exclusive representative].

14. By the conduct described in paragraph 11, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) and (5).

D. BAD FAITH BARGAINING

11. Since [date], the Respondent, by [management official/supervisor/other agent], refused to bargain in good faith by [describe the conduct which constitutes the bad faith bargaining].

12. By the conduct described in paragraph 11, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) and (5).

E. UNION-INITIATED MIDTERM BARGAINING

11. On [date], the [union], by [union official], requested to negotiate with the Respondent [describe subject of the request to bargain] for employees in the bargaining unit described in paragraph [x].
12. Since [date], the Respondent refused to negotiate with the [union] over the matter described in paragraph 11 to the extent required by the Statute.
13. By the conduct described in paragraphs 11 and 12, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) and (5).

III. 7116 (a)(1), (2), (3) and (4)

A. INDEPENDENT SECTION 7116 (a)(1) VIOLATIONS

11. On [date], the Respondent, by [management official/supervisor/other agent], [describe violative conduct, and date and location of conduct].
12. By the conduct described in paragraph 11, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) .

B. SECTION 7116(a)(2) DISCRIMINATION FOR PROTECTED ACTIVITY

11. [employee] is an employee under 5 U.S.C. § 7103 (a)(2) and is in the bargaining unit described in paragraph [x].
12. [describe protected activity and date or time period of activity].
13. [describe discriminatory conduct and date or time period of conduct].
14. The Respondent took the action in paragraph 13 because [employee] engaged in the activity described in paragraph 12.
15. By the conduct described in paragraphs 13 and 14, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) and (2).

C. SECTION 7116(a)(3) ASSISTANCE

11. On [date], the Respondent, by [management official/supervisor/other agent], [describe conduct that constitutes sponsorship, control or assistance].
12. By the conduct described in paragraph 11, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) and (3).

D. SECTION 7116(a)(4) DISCRIMINATION

11. [employee] is an employee under 5 U.S.C. § 7103(a)(2) and is in the bargaining unit described in paragraph [x].
12. [describe section 7116(a)(4) protected activity and date or time period of activity].
13. [describe discriminatory conduct and date or time period of conduct].
14. The Respondent took the action in paragraph 13 because [employee] engaged in the activity described in paragraph 12.
15. By the conduct described in paragraphs 13 and 14, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1) and (4).

IV. INSTITUTIONAL SECTION 7116(a)(8) RIGHTS

A. SECTION 7114(b)(4) - REFUSAL TO RESPOND OR FURNISH DATA

11. On [date], the [union], by [union official], requested the Respondent to furnish [described information that is the subject of the complaint].
12. The information described in paragraph 11 is normally maintained by the Respondent in the regular course of business.
13. The information described in paragraph 11 is reasonably available.
14. The information described in paragraph 11 is necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of bargaining.
15. The information described in paragraph 11 does not constitute guidance, advice, counsel, or training provided for management officials or supervisors, relating to collective bargaining.
16. The information described in paragraph 11 is not prohibited from disclosure by law.
17. On [date], the Respondent, by [management official/supervisor/other agent], denied the [union's] request for the information described in paragraphs 11 through 16.*
18. Since [date], the Respondent refused to furnish the [union] with the information described in paragraphs 10 through 16. [A refusal to respond allegation should be pled separately.]

19. By the conduct described in paragraphs 17 and 18, the Respondent refused to comply with 5 U.S.C. § 7114(b)(4).
20. By the conduct described in paragraphs 17, 18 and 19, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1) and (5).
21. By the conduct described in paragraphs 17, 18, 19, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1) and (8).

B. SECTION 7114(a)(2)(A) - FORMAL DISCUSSION

13. On [date], the Respondent, by [management official/supervisor/other agent], held a meeting with employees in the bargaining unit described in paragraph [x] at [location].
14. The Respondent discussed [describe topics of discussion] for bargaining unit employees at [facility, location] at the meeting described in paragraph 11.
15. The meeting described in paragraph 11 was formal in nature [specific facts establishing formality also should be pled].
16. The meeting described in paragraphs 11, 12 and 13 was held without affording the [union] an opportunity to be represented.
17. By the conduct described in paragraphs 11, 12, 13 and 14, the Respondent failed to comply with 5 U.S.C. § 7114 (a)(2)(A) .
18. By the conduct described in paragraphs 11 through 15, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) and (8).

C. SECTION 7114(a)(2)(B) - INVESTIGATORY EXAMINATION

11. [Employee] is an employee under 5 U.S.C. § 7103(a)(2) and is in the bargaining unit described in paragraph [x].
12. On [date], the Respondent, by [management official/supervisor/other agent], conducted an examination of [employee] for the purpose of [describe examination].
13. The examination described in paragraph 12 was in connection with an investigation.
14. [Employee] reasonably believed that the examination described in paragraph 12 could result in disciplinary action.
15. [Employee] requested representation at the examination described in paragraph 12.
16. The Respondent denied [employee's] request for representation at the examination described in paragraph 12.
17. By the conduct described in paragraphs 12 through 16, the Respondent failed to comply with 5 U.S.C. § 7114 (a)(2)(B).
18. By the conduct described in paragraphs 12 through 17, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (a)(1) and (8).

D. SECTION 7115 - DUES CHECKOFF

11. On [date], [union] submitted a completed SF-1187 to the Respondent for [employee], an employee in the bargaining unit described in paragraph [x].

or, if more than one employee

11. On [date], [union] submitted a completed SF-1187 to the Respondent for the following employees in the bargaining unit described in paragraph [x]:

a. [employee]

b. [employee]

...

12. Since [date], the Respondent refused to process the SF-1187 described in paragraph 11.

13. By the conduct described in paragraph 12, the Respondent refused to comply with 5 U.S.C. § 7115(a).

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 (8).

E. SECTION 7121 - FAILURE TO COMPLY WITH AN ARBITRATION AWARD

11. [the union] and the Respondent are parties to a collective bargaining agreement covering employees in the bargaining unit described in paragraph [x].
12. On [date], Arbitrator [name] issued a decision and award in [arbitration case name and number] finding that the Respondent violated the parties' collective bargaining agreement described in paragraph 11.
13. Arbitrator [name] directed in [his/her] award that [describe action that was ordered by arbitrator but not complied with].
14. No exceptions to the award described in paragraphs 12 and 13 were filed with the Authority.

or

14. On [date], the Authority denied exceptions to the arbitration award described in paragraphs 12 and 13 in [Authority case name and citation].
15. On [date], the [union] requested the Respondent to comply with the arbitration award described in paragraphs 12 and 13.
16. Since [date], the Respondent failed to perform the acts ordered by Arbitrator [name] described in paragraph 13.
17. By the conduct in paragraph 16, the Respondent refused to comply with the Arbitrator's award described in paragraphs 12 and 13 as required by 5 U.S.C. §§ 7121 and 7122.
18. By the conduct described in paragraphs 16 and 17, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116(a)(1) and (8).

V. SECTION 7116(b) VIOLATIONS

A. INDEPENDENT SECTION 7116(b)(1) VIOLATIONS

11. On [date], the Respondent, by [union official], [describe violative conduct, and date and location of conduct].

12. By the conduct described in paragraphs 11, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (b)(1) .

B. DUTY OF FAIR REPRESENTATION - UNION MEMBERSHIP (DFR I)

11. [employee] is an employee under 5 U.S.C. § 7103(a)(2) and is in the bargaining unit described in paragraph 9.
12. On [date], the Respondent, by [union official], [describe conduct that constitutes a duty of fair representation violation].
13. The Respondent took the action described in paragraph 12 because [employee] was not a member of the Respondent.
14. By the conduct described in paragraphs 12 and 13, the Respondent failed to comply with 5 U.S.C. § 7114 (a)(1).
15. By the conduct described in paragraphs 12, 13 and 14, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (b)(1) and (8).

C. DUTY OF FAIR REPRESENTATION - DISCRIMINATION (DFR II - CLAIM OF INEFFECTIVE REPRESENTATION)

11. [employee] is an employee under 5 U.S.C. § 7103(a)(2) and is in the bargaining unit described in paragraph 9.
12. On [date], the Respondent, by [union official], [describe conduct that constitutes duty of fair representation violation].
13. By the conduct described in paragraph 11, the Respondent failed to comply with 5 U.S.C. § 7114 (a)(1).
14. By the conduct described in paragraphs 11 and 12, the Respondent committed an unfair labor practice in violation of 5 U.S.C. § 7116 (b)(1) and (8).

VI. CONCLUDING PARAGRAPH

A HEARING ON THIS COMPLAINT WILL BE HELD before an Administrative Law Judge of the Federal Labor Relations Authority on **[date]** at **[time]** at **[either a specific address, city and state or “a place to be determined in” a specific city and state.]** 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 in 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 14th 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 file an 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 [region] 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 the Administrative Law Judges no later than **[date]**. An answer filed by mail must be mailed and postmarked by **[date]**. 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).

[regional director]
Regional Director, [name] Region
Federal Labor Relations Authority
[address]

Date: [date]

CERTIFICATE OF SERVICE

CASE NO.

I hereby certify that on [date], I served the foregoing COMPLAINT and MOTION FOR PREHEARING CONFERENCE upon the interested parties in this action by placing a true copy, postage prepaid, in the United States Post Office Mailbox at [city, state], addressed as follows:

[name]
Chief Administrative Law Judge
Office of Administrative Law Judges
Federal Labor Relations Authority
607 14th Street, NW
Washington, D.C. 20424-0001
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.....

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