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ONE HUNDRED EIGHTH CONGRESS

Congress of the United States

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January 7, 2004

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INDEPENDENT

The Honorable Kenneth M. Donohue
Inspector General
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410

Dear Mr. Donohue:

I am writing regarding allegations made by one of my constituents, R. Scott Reed, against Acting Secretary Alphonso Jackson. These allegations involve anti-union statements made by Mr. Jackson at an October 2003 meeting of HUD employees in Los Angeles. Given the serious nature of these allegations and the fact that Mr. Jackson was recently nominated to be the next HUD secretary, I request that your office conduct a full investigation.

I have learned that in December, the Federal Labor Relations Authority determined that there is sufficient evidence to charge Mr. Jackson with violating federal law by committing an unfair labor practice. The FLRA concluded that "sufficient evidence existed to issue a complaint" that Mr. Jackson violated section 7116(a)(1) of the Federal Service Labor-Management Relations Statute. That provision makes it an unfair labor practice for an agency "to interfere with, restrain, or coerce any employee in the exercise by the employee of" collective bargaining rights.¹ Specifically, the FLRA found that "Mr. Jackson's statements interfered with the statutory rights of employees to join or assist the Union and seek the Union's assistance, free of restraint or coercion."

These findings are set out in a December 29, 2003, letter from the Regional Director of the FLRA to the National Federation of Federal Employees (NFFE), Local 1450.² That letter informs the union that the FLRA entered into a settlement of the violation with HUD. Under the terms of this settlement, HUD has agreed to post a notice in offices where Local 1450 is the exclusive representative. The notice will state that Mr. Jackson's "remarks may have created the

¹ 5 U.S.C. § 7116(a)(1).

² Letter from Gerald M. Cole, FLRA Regional Director, to Jan Thompson, NFFE (Dec. 29, 2003) (a copy is enclosed).

impression that union activity in the Los Angeles Field Office would not be tolerated” and committing HUD and Mr. Jackson to “promoting and maintaining a positive and effective labor-management relationship.”³ The union apparently has not agreed to the terms of this settlement.

The facts surrounding Mr. Jackson’s anti-union statements, as they have been communicated to me, are set forth below.

On October 20, 2003, Mr. Jackson held a mandatory meeting for all employees at the HUD Los Angeles field office. Most of the 110 employees at the meeting were members of Local 1450. According to employees who attended the meeting, Mr. Jackson angrily told them that the union’s activities were “nonsense” and “asinine.”⁴ According to these employees, Mr. Jackson “launched a verbal assault against the union”⁵ and made comments aimed at “intimidating [employees] and at discouraging employee participation in the union.”⁶ According to one union member at the meeting, Mr. Jackson said: “When I was a child it took my father three whippings to get the message through to me and that’s what I am prepared to do — I do not want any more problems from this field office!”⁷

According to the allegations filed by the union with the FLRA, Mr. Jackson proceeded to single out Mr. Reed, a thirty-year career civil servant at the Los Angeles field office and the principal office representative of Local 1450. The document states that Mr. Jackson made derogatory statements about Mr. Reed’s union activities and suggested that Mr. Reed’s HUD supervisor needed to better monitor his work performance.⁸ Mr. Jackson further “warned that if there were to be a conflict, his opponent would lose, because he, not the Union, runs the office.”⁹ According to the document filed with the FLRA, when pressed by Mr. Reed to provide examples of objectionable union activity, Mr. Jackson refused to provide any examples.¹⁰

³ *Notice to All Employees* (attached to Letter from Gerald M. Cole, *supra* note 2).

⁴ *Union, HUD Await Decision on Complaint over Nominee’s Comments*, Washington Post (Dec. 17, 2003); *Union Complaint Puts HUD Deputy under Fire*, Federal Times (Nov. 10, 2003).

⁵ *Union Complaint Puts HUD Deputy under Fire*, *supra* note 4.

⁶ *Union, HUD Await Decision on Complaint over Nominee’s Comments*, *supra* note 4.

⁷ *Id.*

⁸ FLRA, *Charge against an Agency (FLRA Form 22), Charging Party: NFFE-IAM Local 1450* (Oct. 27, 2003) (a copy is enclosed).

⁹ *Id.*

¹⁰ *Id.*

Many employees who witnessed Mr. Jackson's tirade were left with the impression that Mr. Jackson was attempting to intimidate, harass, and threaten Mr. Reed and the union membership.¹¹ According to these employees, Mr. Jackson's remarks also created the impression that HUD management would not tolerate the union exercising its rights on behalf of its members.¹²

If these accounts are accurate — and the FLRA's investigation has found them to have merit — Mr. Jackson may have violated several internal HUD policies in addition to federal labor law. One HUD policy that appears to have been violated is the Department's Workplace Violence Policy Statement issued on October 7, 1997. This policy states that employees are expected "to act in a manner which is respectful and courteous to . . . other employees with whom we work" and that "[i]f an employee intimidates, harasses, threatens, verbally or physically abuses or otherwise displays violent behavior against HUD employees . . . he or she will be subject to disciplinary action."

Mr. Jackson's behavior also may have violated the "Workplace Violence Policy" issued by the Los Angeles Field Office Director on May 9, 2002. That policy, which addresses "ominous threats" and "intimidation of others," states:

Every employee in the Department of Housing and Urban Development deserves to be treated with respect, dignity, and fairness. Violence or threats of violence by or against any HUD employee at any organizational level will not be tolerated.

* * *

Violent outbursts, intimidation, threats, harassment, bullying, or other forms of abusive, aggressive or disruptive behavior will not be excused or tolerated.

* * *

Employees are expected to act in a manner which is respectful and courteous to . . . their fellow employees. . . . Individuals who intimidate, harass, threaten, assault, or use any other violent behavior will be subject to disciplinary action.

In addition to the FLRA action, the union filed a formal grievance on November 14, 2003, with then-Secretary Mel Martinez alleging that Mr. Jackson had violated HUD policy. The grievance further alleged that HUD violated its own policies by not initiating an

¹¹ Letter from Jan Thompson, Business Representative, NFFE Federal District 1, to President Bush (Oct. 29, 2003); House Government Reform Committee minority staff investigation.

¹² *Id.*

The Honorable Kenneth M. Donohue
January 7, 2004
Page 4

investigation of the incident or taking appropriate disciplinary action against Mr. Jackson. The Department returned the grievance to the union on the grounds that the grievance needed to be filed with the director of the Los Angeles field office. This would appear to create an inherent conflict of interest since one of Mr. Jackson's subordinates would be responsible for determining whether disciplinary action should be taken against him.

These allegations are serious and deserve a thorough investigation by the Inspector General's office. Because of Mr. Jackson's upcoming confirmation hearings, a prompt investigation is important. I request that you respond by January 14, 2004, as to whether your office will look into this matter. If an investigation is to be conducted, I request that you provide my office with a copy of any findings.

If you have any questions, you may contact Chris Lu on my staff at (202) 225-5420.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive, slightly slanted style.

Henry A. Waxman
Ranking Minority Member

Enclosures (2)



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

SAN FRANCISCO REGION
901 Market Street, Suite 220
San Francisco, California 94103-1791
(415) 356-5000 Fax:(415) 356-5017

December 29, 2003

Jan Thompson, Business Representative
National Federation of Federal Employees
1654 Astaire Court
Santa Rosa, CA 95403-8628

Re: Department of Housing and Urban Development
Case No. SF-CA-04-0055

Dear Ms. Thompson:

Enclosed is a copy of the Settlement Agreement and Notice To All Employees which I approved in this case on December 19, 2003. A copy of my letter to the Charged Party regarding compliance with the terms of the Settlement Agreement is also enclosed for your information.

This Region concluded that sufficient evidence existed to issue a complaint on the allegation that the Charging Party violated section 7116(a)(1) of the Federal Service Labor-Management Relations Statute (Statute), when Mr. Alphonso Jackson, the Deputy Secretary of the Department of Housing and Urban Development, made certain statements that were extremely critical of the National Federation of Federal Employees, Local 1450 (Union) and its representatives at a mandatory meeting of all employees of the Los Angeles Field Office on or about October 20, 2003. Specifically, as a result of the investigation, the Region concluded that Mr. Jackson's statements interfered with the statutory rights of employees to join or assist the Union and seek the Union's assistance, free of restraint or coercion.

On December 1, 2003 all parties were informed of the Region's decision to issue a complaint. This Region attempts settlement of all cases in which complaint is authorized, prior to issuance of complaint. In furtherance of this practice, the Region attempted to arrange a conference to discuss possible resolution. However, the Union's representatives stated they would not be available to discuss resolution for an extended period of time.

Meanwhile, the Charged Party did discuss a settlement with this office and on December 9, 2003, you were provided a copy of a Settlement Agreement and Notice to All Employees acceptable to the Charged Party. The Union was given until December 16, 2003 to provide any response to this proposed settlement. On December 16, 2003, you provided a response requesting additional remedies, including the following: providing a

hard copy of the Notice to every employee in the Los Angeles Field Office; providing the Notice to the Union in an electronic format; requiring a meeting between Mr. Jackson and the Los Angeles Field Office employees at which time he was to read the Notice, apologize for his behavior and promise that it will not be repeated. Additionally, you proposed substantial revisions to the content of the Notice, including admissions that the Charged Party had violated the Statute.

The Charged Party was given an opportunity to respond to your request for additional remedies, and did so on December 18, 2003. On December 19, 2003 the Charged Party also agreed to a revision on the Settlement Agreement; this change did not alter your earlier position on the Settlement Agreement and Notice To All Employees. Having considered the Settlement Agreement and Notice To All Employees signed by the Charged Party's representative and your request for addition remedies, I approved the revised Settlement Agreement on December 19, 2003.

Section 7118(a)(7) of the Statute provides that the Authority may issue a cease and desist order or take whatever remedial actions it feels are appropriate to carry out the policies of the Statute. This broad range of remedial powers is not unlimited; for example, the Authority is not able to order a remedy which is contrary to law. See *Portsmouth Naval Shipyard, Portsmouth, New Hampshire*, 49 FLRA 15622, 1532 (1994) (Authority will not order *status quo ante* where prior practice was unlawful). The Authority will not order a remedy which is punitive. *United States Department of Justice, Bureau of Prisons, Safford, Arizona*, 35 FLRA 431, 445 (1990) (*Safford*). Within these parameters the Authority has defined the broad objective that an unfair labor practice remedy should serve – to recreate conditions and relationships that would have existed in the absence of an unfair labor practice, while effectuating the purposes and policies of the Statute. *Safford*, at 444-445. Also see discussion in *F. E. Warren Air Force Base, Cheyenne, Wyoming*, 52 FLRA 149 (1996) at pp. 160-162.

It is within this framework that the Authority has developed several "traditional" remedies. In cases such as the instant case, a traditional remedy would be the posting of a Notice in the bargaining unit, signed by a responsible representative or agent of the charged party. The Notice would be posted for 60 days and would include language that the charged party will not make statements which interfere with employees' statutory rights. See e.g. *Department of Agriculture, U.S. Forest Service, Frenchburg Job Corps Center, Mariba, Kentucky*, 49 FLRA 1020, 1036 (1994).

The Settlement Agreement and Notice To All Employees which I have approved is consistent with this traditional remedy. The Notice not only provides that the Charged Party will not make statements which interfere with employees' statutory rights but also reaffirms the Charged Party's commitment to promote and maintain a positive labor management relationship with employees and their Union. The Notice will be signed by

Mr. Jackson, a responsible agent of the Charged Party, and will be posted for 60 days throughout the Union's bargaining unit, not just in the Los Angeles Office, where the remarks had been made. Thus the Settlement Agreement and Notice recreate the conditions that would have existed in the absence of an unfair labor practice and effectuate the purposes and policies of the Statute.

You have asked for what would be considered extraordinary remedies – for example, the meeting of employees during which Mr. Jackson is to read the Notice and apologize; the distribution of a copy of the Notice to each employees in the Los Angeles Office; providing the Union an electronic copy of the Notice; admissions of unlawful conduct in the Notice. You argue that the strong language used by Mr. Jackson, its serious impact on unit employees and his elevated position in the agency require such measures. What you have proposed is similar to and goes beyond what the Authority ordered in *U.S. Penitentiary, Leavenworth, Kansas*, 55 FLRA 704, 717-719 (1999) (*Leavenworth*). In that case the Authority found it appropriate for the warden to convene a meeting of all employees to read the contents of the Notice. However, in *Leavenworth*, the Authority concluded that the warden had been found to have engaged in a pattern of egregious unfair labor practice violations over the course of a 7-month period and was likely to commit future violations. Given those facts, the Authority concluded that the meeting and reading of the Notice was necessary to recreate conditions and relationships that would have existed in the absence of an unfair labor practice and effectuated the purposes and policies of the Statute. In the instant case, there is lacking a pattern of protracted, egregious conduct.

Since the instant Settlement Agreement and Notice To All Employees provide a remedy that effectuates the purposes and policies of the Statute and is the remedy which would have been attained through successful litigation, I have approved it unilaterally. The Charged Party will not implement the terms of this Settlement Agreement until after either the time for filing an appeal of my approval of this Settlement Agreement has expired, or the General Counsel has denied such appeal. At that time, I will instruct the Charged Party to implement to implement the terms of the Settlement Agreement.

You may file an appeal from the Region's decision in this case. Include the Case Number in your appeal (SF-CA-04-0055) and address it to:

Federal Labor Relations Authority
Office of the General Counsel
1400 K Street NW, 2nd Floor
Attention: Appeals
Washington, D.C. 20424-0001

You can file your appeal by mail or by hand delivery. Whichever method you choose, please note that the last day for filing an appeal of this Settlement Agreement is

January 28, 2004. This means that an appeal that is mailed must be postmarked, or an appeal must be hand delivered, no later than **January 28, 2004.** Please send a copy of your appeal to the Regional Director.

If you need more time to prepare your appeal, you may ask for an extension of time. Mail or hand deliver you request for an extension of time to the Office of the General Counsel at the address listed above. Because requests for an extension of time must be **received** at least five days before the date the appeal is due, any request for an extension of time in this case must be **received** at the above address no later than **January 23, 2004.**

The procedures, time limits, and grounds for filing an appeal are set forth in the Authority's Regulations at section 2423.11(c) through (e) (Volume 5 of the Code of Regulations). 5 C.F.R. § 2423.11(c)-(e). The regulations may be found at any Authority Regional Office, public law library, some large general purpose libraries, Federal Personnel Offices and the FLRA's Home Page internet site — www.FLRA.gov. I have also enclosed a document which summarizes commonly-asked questions and answers regarding the Office of the General Counsel's unfair labor practice appeals process.

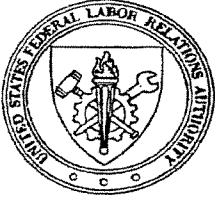
Sincerely,



Gerald M. Cole
Regional Director

Enclosures: As stated

Attachment: Certificate of Service



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

SAN FRANCISCO REGION
901 Market Street, Suite 220
San Francisco, California 94103-1791
(415) 356-5000 Fax:(415) 356-5017

December 29, 2003

Peter J. Constantine, Deputy Assistant General Counsel
U.S. Department of Housing and Urban Development
Office of the General Counsel
451 7th Street, SW, Room 10170
Washington, DC 20410

Re: Department of Housing and Urban Development
Los Angeles Field Office
Case No. SF-CA-04-0055

Dear Mr. Constantine:

Enclosed is a copy of a Settlement Agreement and Notice to All Employees the Region approved in this case on December 19, 2003.

Because the National Federation of Federal Employees, Local 1450 is not a party to the Settlement Agreement, the Respondent does **not** commence performance of the terms and provisions of the agreement until you have been notified that no appeal has been filed or that the General Counsel has sustained the Regional Director's approval of the agreement. Upon such notification, you should promptly take the actions described in the Settlement Agreement.

Please direct all other communications and any requests for assistance or information to Robert Bodnar, Regional Representation Specialist at (415) 356-5002 x19.

Sincerely,

Gerald M. Cole
Regional Director

Enclosures: As stated

cc: Jan Thompson, Business Representative
National Federation of Federal Employees
1654 Astaire Court
Santa Rosa, CA 95403-8628

CERTIFICATE OF SERVICE

In the Matter of

Case No. SF-CA-04-0055

Department of Housing and Urban Development
-Charged Party

-and-

National Federation of Federal Employees, Local 1450
-Charging Party


This is to certify that on December 29, 2003 the foregoing UNILATERAL SETTLEMENT LETTER was served upon the interested parties in this action in the manner described below:

Regular Mail:

Peter J. Constantine, Deputy Assistant General Counsel
U.S. Department of Housing and Urban Development
Office of the General Counsel
451 7th Street, SW, Room 10170
Washington, DC 20410

Jan Thompson, Business Representative
National Federation of Federal Employees
1654 Astaire Court
Santa Rosa, CA 95403-8628

William Persina, Acting Deputy General Counsel
Federal Labor Relations Authority
Office of the General Counsel
1400 K Street NW, Second Floor
Washington DC 20424-0001





UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

Department of Housing and Urban Development
-Respondent

-and-

Case No. SF-CA-04-0055

National Federation of Federal Employees, Local 1450
-Charging Party

SETTLEMENT AGREEMENT

The undersigned Agency and the undersigned Charging Party in settlement of the above matter, and subject to the approval of the Regional Director on behalf of the Federal Labor Relations Authority, **HEREBY AGREE AS FOLLOWS:**

POSTING OF NOTICE - The Agency will post copies of the Notice to All Employees, attached hereto and made a part hereof, in conspicuous places, including all bulletin boards and other places where notices to employees are customarily posted for a period of at least sixty (60) days from the date of posting. The Notice will be signed by Alphonso Jackson (who currently holds the position of Deputy Secretary of the Department of Housing and Urban Development) and posted throughout the San Francisco Regional Office bargaining unit, in every location where NFFE Local 1450 is the exclusive representative (including those duty stations/field offices in Sacramento, Fresno, Reno, Las Vegas, Los Angeles, Santa Ana, San Diego, Phoenix and Tucson).

OTHER ACTION TO BE TAKEN - none.

COMPLIANCE WITH NOTICE - The Agency will comply with all the terms and provisions of the Notice.

REFUSAL TO ISSUE COMPLAINT - In the event the Charging Party fails or refuses to become a party to this Agreement, and if the Regional Director concludes that it will effectuate the policies of Chapter 71 of Title 5 of the U.S.C., he shall decline to issue a Complaint herein and this Agreement shall be between the Agency and the undersigned Regional Director. A review of such action may be obtained pursuant to Section 2423.12(b) of the Regulations of the Federal Labor Relations Authority if an appeal is filed within twenty-five (25) days thereof. This Agreement is contingent upon the General Counsel sustaining the Regional Director's action in the event of an appeal. Approval of this Agreement by the Regional Director shall constitute withdrawal of any Complaint(s) and Notice of Hearing heretofore issued in this case.

PERFORMANCE - Performance by the Agency of the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director or, in the event the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Agency of advice that no appeal has been filed or that the General Counsel has sustained the Regional Director.

NOTIFICATION OF COMPLIANCE - The undersigned parties to this Agreement will notify the Regional Director in writing what steps the Agency has taken to comply herewith. Such notification shall be made within five (5) days, and again after sixty (60) days, from the date of the approval of this Agreement, or, in the event the Charging Party does not enter into this Agreement, after the receipt of advice that no appeal has been filed or that the General Counsel has sustained the Regional Director.

COMPLIANCE WITH SETTLEMENT AGREEMENT - Contingent upon compliance with the terms and provisions hereof, no further action shall be taken in the above case

Department of Housing and Urban
Development
-Respondent

By: Peter J. Constantine
Deputy Assistant General Counsel

Date: December 19, 2003

S/Peter J. Constantine
Signature

National Federation of Federal
Employees, Local 1450,
-Charging Party

By:

Date:

Signature

Approved: December 19, 2003 Date

S/Gerald M. Cole
Gerald M. Cole, Regional Director



NOTICE TO ALL EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE FEDERAL LABOR RELATIONS AUTHORITY

On October 20, 2003, at a mandatory meeting of all employees at the Los Angeles Field Office, the Deputy Secretary made certain remarks concerning the National Federation of Federal Employees, Local 1450, the exclusive representative of our employees in the Los Angeles Field Office. These remarks may have created the impression that union activity in the Los Angeles Field Office would not be tolerated. In response to any such concerns, the Department of Housing and Urban Development, including the undersigned, reaffirms its commitment to promoting and maintaining a positive and effective labor-management relationship with bargaining unit employees and their representatives in order to enable the Department and its employees to deliver the highest quality services and to enhance the quality of work life and the well-being of employees and managers.

WE HEREBY NOTIFY BARGAINING UNIT EMPLOYEES THAT:

WE WILL NOT make any statements which interfere with the rights of employees to form, join or assist a labor organization, as guaranteed by the Federal Service Labor-Management Relations Statute (Statute).

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in the exercise of their rights assured by the Statute.

Department of Housing and Urban Development
(Agency or Activity)

Date: _____

By _____
(Signature) *(Title)*

THIS IS AN OFFICIAL NOTICE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING, AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL.

If employees have any question concerning this Notice or compliance with its provisions, they may communicate directly with the Regional Director for the Federal Labor Relations Authority whose address is:

Federal Labor Relations Authority
San Francisco Region
901 Market Street, Suite 220
San Francisco, CA 94103
Telephone: (415) 356-5000
Case No. SF-CA-04-0055



**UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY**

CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No. _____

Date Filed _____

Complete instructions are on the back of this form.

1. Charged Activity or Agency

Name: HUD
Address: 450 Golden Gate Avenue
San Francisco, CA 94102
Tel.#: (415) 436-8239 Ext.
Fax#: (415) 436-8522

2. Charging Party (Labor Organization or Individual)

Name: NFFE-IAM Local 1450
Address: 450 Golden Gate Avenue
San Francisco, CA 94102
Tel.#: 415 436-8410 Ext.
Fax#: ()

3. Charged Activity or Agency Contact Information

Name: Marcia Dontje
Title: Human Resources Coordinator
Address: 450 Golden Gate Avenue
San Francisco, CA 94102
Tel.#: (415) 436-8239 Ext.
Fax#: (415) 436-8522

4. Charging Party Contact Information

Name: Jan Thompson
Title: Business Representative
Address: 1654 Astaire Court
Santa Rosa, CA 95403
Tel.#: ((202) 257-2686 Ext.
Fax#: (707) 578-0509

5. Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? [See reverse] (1) and _____

6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles.
During a shocking "All Employees' meeting" on October 20, 2003, Deputy Secretary Alphonso Jackson threatened, restrained, interfered with and coerced Union Representative Scott Reed. Approximately 110 HUD personnel, of whom at least 90 were bargaining unit employees, were present during the 45-50 minute meeting held in the 42nd floor conference room in the Los Angeles HUD Office at 1:30 pm.

Deputy Secretary Jackson announced the purpose for the "All Employees' meeting" at the outset: "The asinine" activity of the Union (led by Principal Office Representative Scott Reed) at the Los Angeles office would end. Mr. Jackson threatened Mr. Reed, that Mr. Jackson would be "dealing" with him, and that this "asinine" union activity will end. Not only did Mr. Jackson verbally threaten Mr. Reed in a meeting with 110 people present, Mr. Jackson physically threatened Mr. Reed by threatening to give Mr. Reed a "whupping" as Mr. Jackson's father had given him as a child.

During the meeting in question, Mr. Jackson stated that he was "sick and tired," of reading memos on the topic amounting to a pile a foot high or more. The Union activity, he added, is making the climate "hostile" and keeping people from doing their work. He made it clear that the source of this activity is the lead Union representative (Mr. Scott Reed), who has 50% of his HUD-paid time for Union work. Mr. Jackson said that the Union leader's supervisor needs to deal with him from the viewpoint of productivity for the other 50% of the employee's time. The troublesome activity "will not continue," said Mr. Jackson. He warned that if there were to be a conflict, his opponent would lose, because he, not the Union, runs the office.

When asked by Scott Reed, the Union lead representative for the past 5 years, to cite examples of activity Mr. Jackson found objectionable, the Deputy Secretary refused to provide even one example. Mr. Jackson maintained he is not against Unions or the needs of the rank and file, but he repeated his demand for immediate change of the Union's operations.

Mr. Reed is known for a highly professional and formal style, and for robust advocacy. The Union has prevailed in all arbitrations for the past several years. The FLRA has repeatedly found violations against the LA HUD management during the past several years.

Mr. Jackson's tirade against Union Representative Reed has served to intimidate bargaining unit employees against requesting union representation, joining the union, and from volunteering to serve as steward or in other union official capacity.

7. Have you or anyone else raised this matter in any other procedure? No Yes If yes, where? [see reverse] _____

8. 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 #3 BY [check "x" box] Fax 1st Class Mail In Person
 Commercial Delivery Certified Mail

Jan Thompson

Type or Print Your Name

Your Signature

10/27/2003

Date