

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

U.S. Department of Commerce
Respondent

and

Case No. WA-CA-22-0279

National Weather Service Employees Organization
Charging Party

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by the National Weather Service Employees Organization (Union). It is issued pursuant to Section 7118 of the Federal Service Labor-Management Relations Statute (Statute) and Section 2423.20(a) of the Rules and Regulations of the Federal Labor Relations Authority (the Authority) and alleges that the U.S. Department of Commerce (Respondent) has violated the Statute as described below:

1. The Union filed the charge in this proceeding on March 26, 2022 and a copy was served on the Respondent.
2. Respondent is an agency within the meaning of Section 7103(a)(3) of the Statute.
3. The Union is a labor organization within the meaning of Section 7103(a)(4) of the Statute.
4. The Union is the exclusive representative of a substantial number of employees employed by Respondent, as determined in accordance with criteria prescribed by the Authority, and thus is entitled to National Consultation Rights pursuant to Section 7113 of the Statute.
5. At all times material, the following individuals held the position opposite their names and have been supervisors or management officials of Respondent within the meaning of Section 7103(a)(1) and (11) of the Statute and agents of Respondent acting upon its behalf:

Gina Raimondo

Secretary of Commerce

6. On or about March 25, 2022, Respondent, through Secretary Raimondo, notified all employees that they would be returning to in-person work effective April 25, 2022, and that upon return, employees would be subject to new changes to the Respondent's telework policy.
7. The changes referenced in paragraph 6 are substantive changes in the conditions of employment affecting employees that the Union represents.
8. The Respondent did not inform the Union of the policy changes referenced in paragraph 6 prior to their implementation.
9. The Respondent did not permit the Union a reasonable time to present its views and recommendations regarding the policy changes referenced in paragraph 6 prior to their implementation.
10. By the conduct described in paragraphs 6, 8 and 9, Respondent has been failing to honor the Union's National Consultation Rights under Section 7113 of the Statute.
11. By the conduct described in paragraphs 6, 8, 9 and 10, Respondent has been failing and refusing to negotiate in good faith with the Union in violation of Sections 7116(a)(1) and (5) of the Statute.

Answer Requirement

Respondent is notified that, pursuant to Section 2423.20(b) of the Authority's Regulations, it must file an answer to the complaint. Respondent must file an original and four (4) copies of the answer with the Office of Administrative Law Judges, FLRA, 1400 K St., NW, Washington, D.C. 20424-0001 by **April 3, 2023**. See Sections 2429.24(d) and 2429.25(a) of the Authority's Regulations. Respondent must also serve a copy of the answer on the Region and Charging Party. See Section 2429.27 of the Authority's Regulations.

An answer may also be filed electronically through the Authority's web site. See Section 2429.24(f) of the Authority's Regulations. To file an answer electronically, go to www.flra.gov, select **eFile** under the **Filing a Case** tab and follow the instructions.

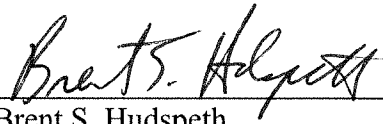
The answer must admit, deny, or explain each allegation of the complaint. A failure to file an answer or respond to any allegation will, absent a showing of good cause, constitute an admission.

Notice of Hearing

PLEASE TAKE NOTICE that on May 31, 2023 in a manner and at a location to be determined, a hearing on this complaint will be conducted before an Administrative Law Judge of the Federal Labor Relations Authority. This is one of several cases scheduled for a calendar call. The calendar call procedures are attached. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The hearing procedures are described in Sections 2423.30 to

2423.34 of the Authority's Regulations. The prehearing procedures are described in Sections 2423.20 to 2423.28 of the Authority's Regulations.

Dated: March 8, 2023

A handwritten signature in black ink, reading "Brent S. Hudspeth", written over a horizontal line.

Brent S. Hudspeth
Acting Regional Director
Federal Labor Relations Authority
Atlanta Region
229 Peachtree Street NE, Suite 900
Atlanta, GA 30303

NOTICE OF PROCEDURE FOR CALENDAR CALL BEFORE AN
ADMINISTRATIVE LAW JUDGE OF THE FEDERAL LABOR RELATIONS
AUTHORITY

The case in which you are a party shall be considered at a calendar call on the date specified. The following information is provided to assist you in preparing for that procedure.

1. A number of unfair labor practice cases set for hearing are scheduled for calendar call on the same day.
2. An Administrative Law Judge will be present on the specified date and at the specified hour to consider all cases scheduled for that date.
3. All parties to the proceeding must appear in person or by designated representative and be fully authorized and prepared to discuss all elements of the case, to enter settlement agreements, to enter stipulations and to otherwise consider relevant matters raised by the Administrative Law Judge, including the presentation of witnesses, documentary evidence and other procedural matters.
4. After consideration of a case, absent settlement, the Administrative Law Judge will assign a specific starting time and date for each hearing, which may be the date of the calendar call or ensuing days immediately thereafter. For this reason, all anticipated witnesses should be in a posture where they can be made available for hearing upon designation of a hearing date and time by the Judge.

You are urged to continue settlement discussions with the attorney assigned to represent the General Counsel of the Authority in each case and to consummate a settlement agreement prior to the date of the calendar call. If you believe that the case is capable of settlement or informal resolution, please do not wait until the date of the calendar call since doing will necessarily result in prolonging that day's activities.

CERTIFICATE OF SERVICE
CASE NO. WA-CA-22-0279

I hereby certify that on March 8, 2023, I served the foregoing **COMPLAINT AND NOTICE OF HEARING** upon the interested parties in this action through the method described below:

BY FACSIMILE

The Honorable David Welch
Chief Administrative Law Judge
Office of Administrative Law Judges
Federal Labor Relations Authority
1400 K Street, N.W., Third Floor
Washington, D.C. 20424-0001
Fax: 202-482-6629

BY REGULAR MAIL

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Charlotte A. Dye, Acting General Counsel
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