



FEDERAL LABOR RELATIONS AUTHORITY
Office of Administrative Law Judges
WASHINGTON, D.C.

OALJ 15- 22

DEPARTMENT OF THE AIR FORCE
JOINT BASE LANGLEY-EUSTIS, VIRGINIA

RESPONDENT

Case No. WA-CA-14-0160

AND

NATIONAL ASSOCIATION OF GOVERNMENT
EMPLOYEES, LOCAL R4-106

CHARGING PARTY

Douglas J. Guerrin
Jessica S. Bartlett
For the General Counsel

Eyana J. Esters
For the Respondent

Janice Blackwell
For the Charging Party

Before: RICHARD A. PEARSON
Administrative Law Judge

DECISION AND ORDER APPROVING FORMAL SETTLEMENT AGREEMENT

On November 22, 2013, the National Association of Government Employees, Local R4-106 (the Union), filed an unfair labor practice charge against the Department of the Air Force, Joint Base Langley-Eustis, Virginia (the Respondent). On September 9, 2014, the Union filed an amended charge against the Respondent. On September 26, 2014, the Regional Director of the Boston Region of the Federal Labor Relations Authority (the FLRA or Authority), on behalf of the FLRA's General Counsel (the General Counsel), issued a Complaint and Notice of Hearing alleging that the Respondent violated § 7116(a)(1) of the Federal Service Labor-Management Relations Statute (the Statute), by making coercive statements to employee Lynelle Cosson. On October 21, 2014, the Respondent filed an Answer in which it denied violating the Statute as alleged.

A hearing in the matter was held on February 3, 2015, in Newport News, Virginia, at which all parties were represented and afforded an opportunity to be heard, to introduce evidence, and to examine witnesses.

Prior to the submission of post-hearing briefs, Counsel for the General Counsel filed a Motion to Withdraw the Complaint and Approve Formal Settlement Agreement on March 11, 2015. In the motion, the General Counsel indicated that the parties have entered into a formal settlement agreement to resolve their underlying dispute, and that the Regional Director of the Washington Region of the FLRA has approved the settlement. Therefore, pursuant to § 2423.31(e)(2) of the Authority's Regulations, the General Counsel now requests that I approve the Settlement Agreement, which is attached hereto.

In addition to Case No. WA-CA-14-0160, which is currently before me, the same parties are involved in Case No. WA-CA-14-0674, where Ms. Cosson (rather than the Union) is the Charging Party. The Union, as the Charging Party in WA-CA-14-0160, has signed and agreed to the Settlement Agreement, as has the Respondent; however, Ms. Cosson, the Charging Party in WA-CA-14-0674, has not signed the Settlement Agreement for that case. The Regional Director of the FLRA's Washington Region has approved and signed the Settlement Agreement with regard to both WA-CA-14-0160 and WA-CA-14-0674. As the Charging Party in Case No. WA-CA-14-0674, Ms. Cosson will have the opportunity, if she chooses, to appeal the unilateral settlement agreement in that case to the FLRA's General Counsel. My disposition in the instant case only addresses Case No. WA-CA-14-0160.

I conclude that the attached Settlement Agreement, insofar as it applies to Case No. WA-CA-14-0160, effectuates the purposes and policies of the Statute, and that it should be approved. The Charging Party, the Respondent, and the Regional Director are satisfied with the terms of the formal settlement of WA-CA-14-0160, and I conclude that settlement of this case on terms that are mutually satisfactory to the parties effectuates the purposes and policies of the Statute.*

* It is not necessary or appropriate, however, for the Regional Director to withdraw the Complaint.

ORDER

Pursuant to § 2423.31(e)(2) of the Authority's Regulations, 5 C.F.R. § 2423.31(e)(2), the motion to approve the formal Settlement Agreement in Case No. WA-CA-14-0160 is hereby GRANTED.

Issued, Washington, D.C., March 18, 2015 .



RICHARD A. PEARSON
Administrative Law Judge



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

DEPARTMENT OF AIR FORCE,
JOINT BASE LANGLEY-EUSTIS

Charged Party

and

NATIONAL ASSOCIATION OF GOVERNMENT
EMPLOYEES, LOCAL R4-106

and

LYNELL COSSON, AN INDIVIDUAL

Charging Parties

Case Nos. WA-CA-14-0160 and
WA-CA-14-0674

SETTLEMENT AGREEMENT

Subject to the approval of the Regional Director for the Federal Labor Relations Authority, the Charged Party and the Charging Parties agree to settle the above-captioned case as follows:

POSTING OF NOTICE – After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notices to the Charged Party. The Notices will be signed and dated by the Director of the Air Combat Command, Acquisition Management and Integration Center (ACC/AMIC), and then immediately posted in conspicuous places, including bulletin boards and all other places where notices to employees are customarily posted at AMIC's offices located in Newport News, VA and Hampton, VA. The Charged Party will keep the Notices posted and maintained for 60 consecutive days from the date of posting.

ELECTRONIC DISTRIBUTION OF NOTICE – The Charged Party will email a copy of the signed and dated Notice to all Employees represented by the Charging Party who work at the AMIC. The message of the e-mail transmitted with the Notice will state: "We are distributing the attached Notice to you pursuant to a Settlement Agreement approved by the Regional Director of the Federal Labor Relations Authority's Washington Regional Office in Case No. WA-CA-14-0160 and WA-CA-14-0674."

COMPLIANCE WITH NOTICE – The Charged Party will comply with all the terms and provisions of the Notice.

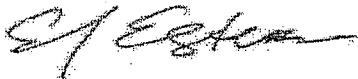

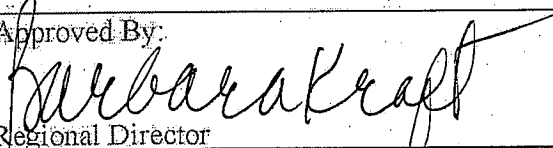
SCOPE OF THE AGREEMENT – This Agreement settles only the allegations in the above-captioned cases, and does not settle any other pending cases or matters.

PARTIES TO THE AGREEMENT – If either of the Charging Parties decline to become a party to this Agreement and the Regional Director determines that it will effectuate the policies of the Statute, the Regional Director may approve this Agreement, decline to prosecute the Complaint and withdraw the Complaint pending before the Office of Administrative Law Judges. In that event, this Agreement will be between the Charged Party and the Regional Director. In that case, the Charging Parties may request review of the Regional Director's decision to approve the Agreement by filing an appeal with the General Counsel. If the General Counsel

does not sustain the Regional Director's approval, this Agreement will be null and void. Approval of this Agreement by the Regional Director constitutes withdrawal of any Complaint and Notice of Hearing issued in these cases.

PERFORMANCE – Performance by the Charged Party of the terms and provisions of this Agreement will commence immediately after the Agreement is approved by the Regional Director or, in the event the Charging Parties do not enter into this Agreement, performance will commence immediately upon receipt by the Charged Party of notice that no appeal has been filed or that the General Counsel has sustained the Regional Director.

NOTIFICATION OF COMPLIANCE – The Charged Party will notify the Regional Director in writing of the steps it has taken to comply with the Agreement. The Charged Party's compliance notification will be made within fourteen (14) days, and again after sixty (60) days, from the date of the approval of this Agreement, or, in the event the Charging Parties do not enter into this Agreement, after the receipt of notice that no appeal has been filed or that the General Counsel has sustained the Regional Director. No further action will be taken in the above case provided the Charged Party complies with the terms and provisions of the Agreement and the Notice.

Charged Party Department of the Air Force, Joint Base Langley-Eustis	Charging Party (WA-CA-14-0160) NAGE, Local R4-106
Signature and Date: 5 March 2015 	Signature and Date:  06 MAR 2015
Name and Title: Eyana J. Esters Agency Representative Joint Base Langley-Eustis ACC/AMIC	Name and Title: JANICE H. BLACKWELL NATIONAL REPRESENTATIVE, NAGE
	Charging Party (WA-CA-14-0674) Lynell Cosson
	Signature and Date:
Approved By:  Regional Director	Date: 3/11/15



NOTICE TO ALL EMPLOYEES



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

The FLRA Washington Regional Director has investigated the unfair labor practice charges in Case Nos. WA-CA-14-0160 and WA-CA-14-0674 that allege interference with an employee's right to seek assistance from NAGE, Local R4-106, a right that is protected under the Federal Service Labor-Management Relations Statute. The charges also alleged retaliation against the employee because she had exercised this right, and because she had participated in proceedings at the FLRA. The Department of the Air Force, Joint Base Langley-Eustis, has agreed to take the following steps in settlement of these charges:

WE acknowledge our obligation not to make statements or engage in conduct that threatens, interferes with or coerces employees in the exercise of their rights under the Statute, including their right to seek help from the Union.

WE acknowledge our obligation to not discriminate or retaliate against bargaining unit employees because they have exercised their rights under the Statute to seek help from the Union and to participate in proceedings before the Federal Labor Relations Authority.

WE acknowledge our obligation to not interfere with, restrain, or coerce our employees in the exercise of their rights assured by the Federal Service Labor-Management Relations Statute.

Department of the Air Force, Joint Base Langley-Eustis

(Agency or Activity)

Dated _____

By _____

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
Washington Regional Office
1400 K. Street, NW, Second Floor
Washington, DC 20424-0001
Phone: 202-357-6029
Fax: 202-482-6724
Case No. WA-CA-14-0160 and WA-CA-14-0674

FLRA Form 55
(Rev. 7/89)