



INTERNATIONAL FEDERATION OF
PROFESSIONAL & TECHNICAL ENGINEERS
AFL-CIO & CLC

8630 Fenton Street, Suite 400, Silver Spring, MD 20910
301-565-9016 • FAX 301-565-0018 • www.ifpte.org

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By Hand

June 21, 2007

The Honorable David M. Walker
Comptroller General
U.S. Government Accountability Office
441 G Street NW
Washington DC 20548

Dear Mr. Walker:

Enclosed is an unfair labor practice charge against you. Accept this letter and enclosure as your 30 day advance copy of the charge pursuant to GAO Order 2711.1§15(b). We request that you review the allegations, and to prevent any future violations we urge you to cease any activity related to those described herein. Further, we trust that you will instruct all other Agency officials that such improper conduct will not be permitted.

We anticipate an informal resolution of this charge pursuant to GAO Order 2711.1§15(b). However, if this matter cannot be resolved informally within the next 30 days, the charge will be filed with the GAO Personnel Appeals Board Office of General Counsel and further action will result.

Sincerely,

Gregory J. Junemann
President

GJJ/pjc
Opeiu#2

Personnel Appeals Board/Office of General Counsel U.S. Government Accountability Office UNFAIR LABOR PRACTICE CHARGE AGAINST THE GOVERNMENT ACCOUNTABILITY OFFICE	FOR PAB/OGC USE ONLY
	Case No.
	Date filed

See instructions on the back of this form and the PAB regulations governing unfair labor practices at 4 CFR §28.120 *et seq.* Attach additional sheets if needed, numbered according to the item to which they pertain.

1. Charging Party (Individual or Labor Organization)

<i>Name/Contact</i>	<i>Address</i>	<i>Phone and Fax</i>	<i>Email</i>
Julia Akins Clark International Federation of Professional & Technical Engineers	8630 Fenton St, Suite 400 Silver Spring, MD 20910	Phone: (301) 565-9016 Fax: (301) 565-0018	<i>jclark@ifpte.org</i>

2. Charged GAO Component or Agent

<i>Name/Contact</i>	<i>Address</i>	<i>Phone and Fax</i>	<i>Email</i>
Hon. David M. Walker Comptroller General of the United States	Government Accountability Office 441 G Street, NW Washington, DC 20548-0001	Phone: (202) 512-5500 Fax: (202) 512-5507	

3. Identify any subsection(s) of GAO Order 2711.1, §12(a) that you believe that GAO and/or its agent(s) has violated.

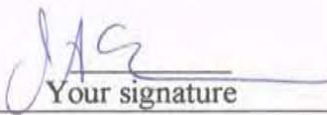
GAO Order 2711.1 § 12(a)(1) and (8)

4. Describe precisely the actions taken by GAO and/or its agent(s) that you believe violated the provisions identified in #3. Identify the date, location and individuals (with titles) involved in the alleged unfair labor practice.

See Attachment 1

5. Have you or anyone else raised this matter in any other procedure? No Yes If yes, explain in detail how, when and where this matter was raised.

6. 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 WILLFULLY MAKING FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT PURSUANT TO 18 U.S.C. §1001.

<i>Julia Akins Clark</i>		6/20/07
Type or print your name	Your signature	Date

INSTRUCTIONS FOR FILING AN UNFAIR LABOR PRACTICE CHARGE AGAINST THE GOVERNMENT ACCOUNTABILITY OFFICE

Use this form if you are charging that the U.S. Government Accountability Office (GAO) or its agents committed an unfair labor practice under GAO Order 2711.1, §12(a). File an original signed copy of the charge with the Personnel Appeals Board, Office of General Counsel (PAB/OGC) at 820 1st St. NE, Suite 580, Washington, D.C. 20002. If filing a charge by fax (202.512.7522), you must promptly submit the signed original to the PAB/OGC. You may, but are not required to, submit evidence or documents supporting the charge. If you choose to do so, these materials must be delivered, not faxed, to the PAB/OGC.

Line by Line Instructions:

1. Give the full name, mailing address, phone and fax numbers, as well as email address, of the Charging Party. If a union, give both national affiliation (if any) and local designation. If an employee, identify the component of GAO at which you are employed.

2. Identify the GAO official alleged to have committed the unfair labor practice(s) by full name, mailing address, phone and fax numbers as well as email address (if known). Provide the name of a contact person if the charged party is GAO or a component of GAO.

3. Identify which of the following provisions of GAO Order 2711.1, §12(a) that you allege was violated:

(a) It shall be an unfair labor practice for the GAO to

(1) interfere with, restrain, or coerce any employee in the exercise by the employee of any right under GAO Order 2711.1;

(2) encourage or discourage membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other conditions of employment;

(3) sponsor, control, or otherwise assist any labor organization, other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;

(4) discipline or otherwise discriminate against an employee because the employee has filed a charge, complaint, affidavit, or petition, or has given any information or testimony under GAO Order 2711.1;

(5) refuse to negotiate in good faith with a labor organization as required by GAO Order 2711.1;

(6) fail or refuse to cooperate in impasse procedures and decisions as required by GAO Order 2711.1;

(7) enforce any rule or order, other than a rule or order implementing 31 U.S.C. §732(b)(2), which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or order was prescribed; or

(8) otherwise fail or refuse to comply with any provision of GAO Order 2711.1.

4. Be concise, complete and factual. Tell what happened in chronological order.

5. State whether this same matter has already been raised as all or part of a claim brought elsewhere, *e.g.*, the GAO Office of Opportunity and Inclusiveness or grievance procedure.

6. Type or print your name. Date and sign the statement attesting to the truth of the statements contained therein.

**UNFAIR LABOR PRACTICE CHARGE
AGAINST THE
GOVERNMENT ACCOUNTABILITY OFFICE**

ATTACHMENT 1

Item (4):

Comptroller General David M. Walker has made remarks regarding the International Federation of Professional and Technical Engineers (“IFPTE”) and its efforts to assist employees of the Government Accountability Office (“GAO”) in their organizing activities, which violate the requirement that management, especially the Comptroller General as head of the Agency, maintain strict neutrality during a union organizing campaign. GAO Order 2711.1 (defining a management action which interferes with protected Union activities as an Unfair Labor Practice). See GAO Order 2711.1 § 12(a) (requiring management not to “interfere with, restrain, or coerce any employee in the exercise by the employee of any right”).

It is well established pursuant to Federal Labor Relations Authority (“FLRA”) precedent that the prohibition on interference with protected Union activities means that an Agency must remain neutral during a Union organizing campaign. See also 5 U.S.C. § 7116(e) (providing that management can only make expressions of personal view, argument, opinion or statements relating to representation elections that: (1) publicize the fact of a representational election and encourage employees to vote; (2) correct the record with respect to any false or misleading statement made by any person; or (3) inform employees of the Government’s policy relating to labor-management relations and representation as long as these statements do not contain threat or reprisal or promise of benefit and are not made under coercive conditions).

The objectionable remarks are summarized below:

In a January 23, 2007 article on www.govexec.com, (See Rutzick, Karen, “GAO Employees Move Toward Vote on Union Representation”) Comptroller General Walker:

- (1) Characterized the union movement as coming from a “handful” of employees.
- (2) Stated that, “a few employees are trying to do something.”
- (3) Stated that, “there are pros and cons” of the organizing effort that “[he] would have to present to [his] employees.”

During the May 9, 2007 quarterly Health Care Team meeting at GAO, held the day after the representation petition was filed Comptroller General Walker:

- (1) Stated that having a union can seriously impact the decision-making process within an agency, and could “dramatically” slow things down.
- (2) Stated that he wanted employees to “have all the information” before deciding on whether or not to bring such a change to GAO.
- (3) Stated that some employees are concerned that the workplace is “not fair” and “those that think it is not fair do not understand the situation.”

Similarly during the June 6, 2007 IT Team staff meeting at GAO, Comptroller General Walker:

- (1) Stated that, "[t]he people who want a union are the vocal minority in GAO."
- (2) Stated that, "[d]ue to union organizing efforts, labor law prevents [him] from helping employees unilaterally. Both of [my] hands are tied due to the union organizing efforts."

Comptroller General Walker's above-referenced statements to the media and in his addresses to GAO staff meetings are a breach of his obligation to remain neutral regarding the employees' union organizing effort, and constitute a violation of GAO Order 2711.1 § 12(a) (1) and (8).

On June 19, 2007 the agency circulated a memorandum to GAO employees. The document:

- (1) Is titled "Union Update." The title of the document is confusing and implies that it is from the Union rather than the Agency.
- (2) Stated that IFPTE filed the representation petition when in fact the name of the petitioner is GAO Employees Organization, IFPTE.
- (3) Withholds the fact that in its May 16, 2007 letter to the PAB the employer agreed to the exclusion of PDP employees, and changed its stance during the meeting between the parties on June 13, 2007.
- (4) Withholds the fact that GAO's offer required the union to waive the right of Band IIB employees to be union represented, in consideration for GAO's agreement to hold the union election in July. Further, GAO withheld the fact that the union offered to hold the election during the summer, and resolve GAO's IIB supervisory challenge post-election, in order to expedite the election.
- (5) States that a hearing will be held this summer. The agency has no basis for that assertion, since no hearing date has been set.

These statements contained within the memorandum are inaccurate and misleading. As noted above, the June 19, 2007, "Union Update" contains numerous factual errors and omissions which, in and of themselves constitute violations of Section 2711.1 § 12(a) (1) and (8). In addition, however, section 2711.1 § 12(e) specifies the conditions in which the Agency may provide information about the organizing/election process. The information in the Agency's "Union Update" goes well beyond the matters specified. The Agency is not permitted to provide periodic self-serving, spinning of facts related to the ongoing procedures of the union organizing process, and then send these to a captive audience via intranet. Accordingly, the contents of the "Union Update" itself constitute a ULP in violation of 2711.1 (a) (1) and (8). Moreover, the inaccuracies in the document interfere with employees' free choice and are impermissible pursuant to GAO Order 2711.1 § 12(e) and inconsistent with 5 U.S.C. § 7116 (e). Thus, the document constitutes a violation of GAO Order 2711.1 § 12(a) (1) and (8).

**PERSONNEL APPEALS BOARD/OFFICE OF GENERAL COUNSEL
U.S. GOVERNMENT ACCOUNTABILITY OFFICE
WASHINGTON, D.C.**

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)
GAO Employees Organization, IFPTE)
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and)
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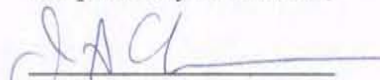
United States Government)
Accountability Office,)
)
)
_____)

June 21, 2007

Request to Proceed

The undersigned requests the Personnel Appeals Board to proceed with the above-captioned representation case notwithstanding the alleged violation(s) of GAO Order 2711.1, §12(a) filed directly with the charged party pursuant to GAO Order 2711.1, §15(b) on June 21, 2007.

Respectfully submitted,



Julia Akins Clark

IFPTE
8630 Fenton Street
Suite 400
Silver Spring, MD 20910
301/565-9016
jclark@ifpte.org