



UNITED STATES OF AMERICA  
 FEDERAL LABOR RELATIONS AUTHORITY  
**CHARGE AGAINST AN AGENCY**

Form exempt under 44 U.S.C. 3512

FOR FLRA USE ONLY

Case No.: **BN-CA-05-0044**

Date Filed: **10-26-04**

Complete instructions are on the back of this form.

<p>1. Charged Activity or Agency          Name: USDOL – OSHA Area Director Harvey Shapiro          Address: 1400 Old Country Road, Suite 208          Westbury, NY 11590</p> <p>Tel #: (516) 334-3344                      Ext.:          Fax # (516) 334-3326</p>	<p>2. Charging party (Labor Organization or Individual)          Name: AFGE/National Council of Field Labor Local          Shop Steward Allan Corrado          Address: 1400 Old Country Road, Suite 208          Westbury, NY 11590</p> <p>Tel # (516) 334-3344                      Ext.:          Fax # (516) 334-3326</p>
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<p>3. Charged Activity or Agency Contact Information          Name: Same as above          Title:          Address:</p> <p>Tel #: ( )                      Ext.:          Fax # ( )</p>	<p>4. Charging Party Contact Information          Name: Same as above          Title:          Address:</p> <p>Tel #: ( )                      Ext.:          Fax # ( )</p>
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Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? [See reverse] (1) and (2) and (4) and (5) and (8)

6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles.

**Instance One:** On or about the third week of September 2004, Bargaining Unit Employee Joanna Peanna was removed from her workstation. Management replaced Peanna with a Manager, Supervisory Secretary Ivonne Torres. The Union was never notified and the move was completed while NCFLL Shop Steward Allan Corrado was on leave. Peanna moved to a cubicle occupied by Bargaining Unit Employee Ray Tomich. (Note: A cubicle is a semi-enclosed space that accommodates two workstations). Peanna's removal and subsequent relocation occurred while Tomich was on leave. Peanna and Tomich are dues paying members of AFGE Local 2513.

**Instance Two:** Recently OSHA Management determined Bargaining Unit Employee Joanne Tartaro occupied a workstation in violation of a safety regulation. Ironically, OSHA enforces the same regulation and Tartaro's workstation has been in violation for several years. The condition was visually obvious and Local Management chose to ignore it.

In June, 2004 Shop Steward Corrado rearranged his workstation. As a result, Area Director Harvey Shapiro determined the workstation was in violation of the same safety regulation as Tartaro's workstation. Shapiro demanded the Shop Steward modify his workstation accordingly and Corrado agreed. In the meantime, Tartaro was never asked by Management to rearrange her workstation and it remains in violation today. Tartaro is a former OSHA manager and does not pay dues to AFGE Local 2513. Shop Steward Corrado is also the Executive Vice President of AFGE Local 2513 and a member of the Regional Collective Bargaining Committee.

**Instance Three:** On September 20 and/or 21, OSHA Assistant Area Directors Anthony Ciuffo and Kevin Sullivan rearranged the cubicle and workstation of Shop Steward Allan Corrado. This was done to move of Bargaining Unit Employee Joanne Tartaro into Corrado's cubicle. Three workstations were available yet Management chose to rearrange the Shop Steward's cubicle while he was on leave. The Union was never notified. Tartaro is a former OSHA Manager and does not pay dues to AFGE Local 2513

**Instance Four:** When OSHA moved to 1400 Old Country Rd., an MOU was negotiated between the DOL and the NCFLL. It states, "seating arrangements for bargaining unit employees will be determined by the steward." As documented in the instances above, Management acted unilaterally and failed to adhere to the past practice.

**Instance Five:** Management acted while the affected parties, Tomich and Corrado, were both on leave. The Union was never notified of the changes. Management clearly intended to circumvent the Union's ability to consult with and represent dues paying members by acting while the affected members were absent from the office for an extended period of time. On the other hand, Management ensured space was secured and rearranged for Supervisory Secretary Torres and former OSHA Manager Joanne Tartaro.

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

I DECLARE THAT I HAVE READ THE 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  
 1<sup>st</sup> Class Mail  In Person  commercial Delivery  Certified Mail

Allan Carrado  
Type or Print Your Name

Allan Carrado  
Your Signature

10/26/04  
Date

FLRA Form 22 (Rev. 1/99)


## Memorandum of Understanding

On October 26, 2004, the American Federation of Government Employees, National Council of Field Labor Locals, AFL-CIO (the Union) filed an unfair labor practice charge with the Federal Labor Relations Authority, Boston Regional Office, Case No. BN-CA-05-0044 alleging the Department of Labor, Region II, Occupational Safety and Health Administration (the Activity), violated section 7116 (a) (1), (2), (4), (5) and (8) of the Federal Labor-Management Relations Statute (the Statute) by unilaterally relocating two Bargaining Unit Employees within the Long Island Area Office without notifying the Union thus preventing the office Shop Steward from determining seating arrangements, as was past practice.

In the interest of promoting labor-management relations and to resolve the unfair labor practice charge, the parties agree to the following:

1. The Activity will return Joanne Tartaro's workstation to the cubicle she occupied prior to being moved to Shop Steward Corrado's cubicle. This will be accomplished by COB February 11.
2. The Activity agrees to notify the Shop Steward and discuss proposed changes in seating arrangements of Bargaining Unit Employees so appropriate seating arrangements can be made as they were in the past.
3. The Department enters into this Agreement without admission and this settlement constitutes an informal resolution to the charge cited above without regards to the merits of the case.
4. By Execution of the Agreement, the Union requests that the Regional Director of Boston Region of the Federal Labor Relations Authority approve the withdrawal of the charge in Case No. BN-CA-05-0044.

For the Activity:



Peter Beil  
Labor Relations Officer  
DOL-OASAM

For the Union:



Allan Corrado  
RCBC Member  
AFGE-NCFL Shop Steward