

UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
Office of Administrative Law Judges
WASHINGTON, D.C. 20424-0001

MEMORANDUM
1998

DATE: January 15,

TO: The Federal Labor Relations Authority

FROM: GARVIN LEE OLIVER
Administrative Law Judge

SUBJECT: ARMY AND AIR FORCE EXCHANGE SERVICE
WACO DISTRIBUTION CENTER
WACO, TEXAS

Respondent

CA-30990

and

Case No. DA-

66]

[53 FLRA No.

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 4042

Charging Party

Pursuant to your remand of this case to this Office on November 7, 1997, I am enclosing for your information copies of my Decision and Order Remanding Case and the service sheet form sent to the parties. I am also returning to the Authority the official record which was sent to this office together with an order of the Chief Administrative Law Judge dated November 13, 1997 and a motion of Counsel for the General Counsel requesting a remand of this case dated January 14, 1998. These items, together with my decision, bring the official record up to date.

Enclosures

UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
Office of Administrative Law Judges
WASHINGTON, D.C. 20424-0001

ARMY AND AIR FORCE EXCHANGE SERVICE, WACO DISTRIBUTION CENTER, WACO, TEXAS	
Respondent	
and	Case No. DA-CA-30990 [53 FLRA No. 66]
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 4042	
Charging Party	

Peter A. Campagna
Counsel for the Respondent

Alice Long
Representative of the Charging Party

John M. Bates
Counsel for the General Counsel, FLRA

DECISION AND ORDER REMANDING CASE

This case was initiated by an unfair labor practice charge filed on July 26, 1993 and an amended charge filed on November 23, 1993. The Complaint and Notice of Hearing issued on June 9, 1994, alleging that the Respondent violated section 7116(a)(1), (5) and (8) of the Federal Service Labor-Management Relations Statute (the Statute) by (1) implementing a reduction in force (RIF) before it completed bargaining with the Union, and (2) refusing the Union's request for certain information under section 7114 (b) (4) of the Statute.

Following a hearing on the complaint held on November 29, 1994 in Waco, Texas, Administrative Law Judge Salvatore J. Arrigo issued his decision on September 14, 1995. Exceptions to the decision were filed by both the Respondent and the General Counsel.

On November 7, 1997, the Authority remanded the case to the Chief Administrative Law Judge for the purpose of obtaining additional evidence to determine (1) whether the Respondent violated the Statute by refusing to furnish the Charging Party with the portions of the RIF roster other than

the employees' performance ratings and (2) whether a status quo remedy would be disruptive to the Respondent's operations. The Chief Administrative Law Judge issued an Order and Notice of Hearing on November 13, 1997 setting the case for further hearing on January 29, 1998 in Waco, Texas, and requiring the parties to file prehearing submissions. The Chief Administrative Law Judge designated the undersigned to conduct such hearing.

Thereafter, on January 14, 1998, Counsel for the General Counsel filed a motion to remand the case to the Dallas Regional Office pursuant to section 2423.31(e)(1) of the Rules and Regulations of the Authority. Counsel for the General Counsel attached a memorandum of agreement between the Respondent and the Charging Party, entered into on January 13, 1998, which resolves the remaining issues in the case and, as part of the agreement, the Charging Party submitted a withdrawal of the unfair labor practice charge. Counsel for the General Counsel requests that the case be remanded so that the Regional Director may approve the Charging Party's withdrawal of the charge.

The agreement constitutes an adequate resolution of the Authority's remand and the remaining issues in the case. It appears to the undersigned that the policies and purposes of the Statute would be effectuated by remanding the case to the Dallas Region for disposition. It is, therefore,

ORDERED

Pursuant to section 2423.31(e)(1) of the Rules and Regulations, 5 C.F.R. § 2423.31(e)(1), that this case be, and is hereby, REMANDED to the Regional Director, Dallas Region, for further action consistent herewith.

Issued, Washington, DC, January 15, 1998

GARVIN LEE OLIVER
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of this DECISION AND ORDER REMANDING CASE issued by GARVIN LEE OLIVER, Administrative Law Judge, in Case No. DA-CA-30990 [53 FLRA No. 66], were sent to the following parties in the manner indicated:

CERTIFIED MAIL, RETURN RECEIPT

CERTIFIED NO.

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Dated: January 15, 1998
Washington, DC