

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

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 4000 Respondent	
and	Case No. DE-CO-80520
ERIC ARVID KRUPP Charging Party	

NOTICE OF TRANSMITTAL OF DECISION

The above-entitled case having been heard before the undersigned Administrative Law Judge pursuant to the Statute and the Rules and Regulations of the Authority, the undersigned herein serves his Decision, a copy of which is attached hereto, on all parties to the proceeding on this date and this case is hereby transferred to the Federal Labor Relations Authority pursuant to 5 C.F.R. § 2423.34(b).

PLEASE BE ADVISED that the filing of exceptions to the attached Decision is governed by 5 C.F.R. §§ 2423.40-2423.41, 2429.12, 2429.21-2429.22, 2429.24-2429.25, and 2429.27.

Any such exceptions must be filed on or before **JUNE 7, 1999**, and addressed to:

Federal Labor Relations Authority
Office of Case Control
607 14th Street, NW., Suite 415
Washington, DC 20424-0001

ELI NASH, JR.
Administrative Law Judge

Dated: May 6, 1999
Washington, DC

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

MEMORANDUM

DATE: May 6, 1999

TO: THE FEDERAL LABOR RELATIONS AUTHORITY

FROM: ELI NASH, JR.
ADMINISTRATIVE LAW JUDGE

SUBJECT: AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
LOCAL 4000

Respondent

and

Case No. DE-

CO-80520

ERIC ARVID KRUPP

Charging Party

Pursuant to section 2423.34(b) of the Rules and Regulations, 5 C.F.R. § 2423.34(b), I am hereby transferring the above case to the Authority. Enclosed are copies of my Decision, the transmittal sheet sent to the parties and the service sheet. Also enclosed are the transcript, exhibits and briefs filed by the parties.

Enclosures

FEDERAL LABOR RELATIONS AUTHORITY
Office of Administrative Law Judges

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WASHINGTON, D.C.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 4000 Respondent	Case No. DE-CO-80520
and ERIC ARVID KRUPP Charging Party	

Matthew L. Jarvinen
For the General Counsel

Randy Greer
For the Respondent

Before: Eli Nash, Jr.
Administrative Law Judge

SUPPLEMENTAL DECISION AND ORDER

Pursuant to section 2423.31(d) of the Authority's Rules and Regulations the parties jointly moved for a bench decision in the above-captioned case. On April 27, 1999, the undersigned granted the parties motion and found that the Respondent violated section 7116(b) (1) and (8) of the Federal Service Labor-Management Relations Statute (the Statute). (Trs. at 56-57).

REMEDY

In order to complete the Decision in this matter it is necessary for the undersigned to recommend a remedy. (Trs. at 57). Therefore, I supplement the instant Decision by recommending that the Authority adopt the following:

ORDER

Pursuant to section 2423.41(c) of the Authority's Rules and Regulations and section 7118 of the Federal Service Labor-Management Relations Statute, the American Federation of Government Employees, Local 4000, shall:

1. Cease and desist from:

(a) Failing or refusing to fairly represent Eric Arvid Krupp or any other unit employee, through Audwin Whitmore, as required by section 7114(a)(1) of the Statute.

(b) In any like or related manner, interfering with, restraining, or coercing unit employees in the exercise of their rights assured by the Statute.

2. Take the following affirmative action in order to effectuate the purposes and policies of the Statute:

(a) Fairly represent all employees in its unit of exclusive recognition, as required by section 7114(a)(1) of the Statute.

(b) Seek permission from the Federal Prison Camp Nellis, Nellis Air Force Base, to file late grievances concerning Eric Arvid Krupp's request dated March 3, 1998, and if such permission is granted, pursue those grievances with good faith and all due diligence.

(c) If the Federal Prison Camp Nellis, Nellis Air Force Base refuses permission to file any late grievances concerning Eric Arvid Krupp's request dated March 3, 1998, make Eric Arvid Krupp whole by paying an amount equal to the benefits or pay that he would have received had a grievance been timely filed.

(d) Post at its business offices where bargaining unit employees are represented by the American Federation of Government Employees, Local 4000, are located, copies of the attached Notice on forms to be furnished by the Federal Labor Relations Authority. Upon receipt of such forms, they shall be signed by the President, American Federation of Government Employees, Local 4000, and shall be posted and maintained for 60 consecutive days thereafter, in conspicuous places, including all bulletin boards and other places where notices to employees are customarily posted. Reasonable steps shall be taken to ensure that such notices are not altered, defaced, or covered by any other material.

(e) Pursuant to section 2423.30 of the Authority's

Rules and Regulations, notify the Regional Director, Denver Regional Office, Federal Labor Relations Authority, in writing, within 30 days from the date of this Order as to what steps have been taken to comply.

Issued, Washington, DC, May 6, 1999.

Eli Nash, Jr.
Administrative Law Judge

NOTICE TO ALL EMPLOYEES

POSTED BY ORDER OF THE

FEDERAL LABOR RELATIONS AUTHORITY

The Federal Labor Relations Authority has found that the American Federation of Government Employees, Local 4000, has violated the Federal Service Labor-Management Relations Statute, and has ordered us to post and abide by this Notice.

WE HEREBY NOTIFY EMPLOYEES THAT:

WE WILL Not fail or refuse to fairly represent Eric Arvid Krupp or any other unit employee, through Audwin Whitmore or any other American Federation of Government Employees, Local 4000, official as required by section 7114(a)(1) of the Federal Service Labor-Management Relations Statute.

WE WILL NOT in any like or related manner, interfere with, restrain, or coerce employees in the exercise of their rights assured by the Statute.

WE WILL fairly represent all employees in our unit of exclusive recognition, as required by section 7114(a)(1) of the Statute.

WE WILL seek permission from the Federal Prison Camp Nellis, Nellis Air Force Base, to file late grievances concerning Eric Arvid Krupp's request for assistance dated March 3, 1998, and if such permission is granted, pursue those grievances with good faith and all due diligence.

WE WILL if the Federal Prison Camp Nellis, Nellis Air Force Base, refuses to grant permission to file any late grievances concerning Eric Arvid Krupp's request dated March 3, 1998, make Eric Arvid Krupp whole by paying an amount equal to the benefits or pay he would have received had a grievance been timely filed.

(Agency)

Dated: _____ By: _____

(Title) (Signature)

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 questions concerning this Notice or compliance with its provisions, they may communicate directly with the Regional Director, Denver Regional Office, Federal Labor Relations Authority, whose address is: 1244 Speer Boulevard, Suite 100, Denver, CO 80204, and whose telephone number is: (303)844-5226.

CERTIFICATE OF SERVICE

I hereby certify that copies of this **DECISION** issued by ELI NASH, JR., Administrative Law Judge, in Case No. DE-CO-80520, were sent to the following parties:

CERTIFIED MAIL & RETURN RECEIPT

CERTIFIED NOS:

Matthew Jarvinen, Esquire
Federal Labor Relations Authority
1244 Speer Blvd, Suite 100
Denver, CO 80204

P168-059-624

Eric Krupp
7308 Lattimore Drive
Las Vegas, NV 89108

P168-059-625

Randy Greer, Esquire
c/o AFGE, Local 4000
C.S. 4500
Las Vegas, NV 89037

P168-059-626

REGULAR MAIL:

Bobby Harnage, President
AFGE, AFL-CIO
80 F Street, NW.
Washington, DC 20001

CATHERINE L. TURNER, LEGAL TECHNICIAN

DATED: MAY 6, 1999

WASHINGTON, DC