

UNITED STATES OF AMERICA  
FEDERAL LABOR RELATIONS AUTHORITY  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
WASHINGTON, D.C. 20424

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DEPARTMENT OF THE NAVY  
U.S. NAVAL ORDNANCE STATION  
LOUISVILLE, KENTUCKY

Respondent

and

Case No. 4-CA-70797

LOCAL LODGE 830, INTERNATIONAL  
ASSOCIATION OF MACHINISTS AND  
AEROSPACE WORKERS, AFL-CIO

Charging Party

Nona J. Jordan  
For the Respondent

Linda J. Norwood, Esq.  
For the General Counsel

Before: ELI NASH, JR.  
Administrative Law Judge

DECISION

Statement of the Case

This case arises under the Federal Service Labor-Management Relations Statute, 5 U.S.C. § 7101, et seq. (hereinafter called the Statute), pursuant to a charge filed by Local Lodge 830, International Association of Machinists and Aerospace Workers, AFL-CIO, (hereinafter called the Union). A Complaint and Notice of Hearing was issued on August 17, 1987 by the Regional Director, Region IV, Federal Labor Relations Authority, against Department of the Navy, U.S. Naval Ordnance Station, Louisville, Kentucky (hereinafter called respondent).

The complaint alleged, in essence, that respondent violated section 7116(a)(1), (5) and (8) of the Statute, by failing and refusing to furnish the Union, upon request, the names and home addresses of the bargaining unit employees represented by the Union as required by section 7114(b)(4) of the Statute.

Respondent's Answer and Amended Answer dated December 14, 1987 and April 6, 1988, respectively admitted: (a) the jurisdictional allegations therein; (b) that on or about, June 18, 1987 the Union, as the exclusive representative of an appropriate unit of respondent's employees, requested the names and home addresses of bargaining unit employees; (c) that on or about July 24, 1987 an agent of respondent supplied the names of all bargaining unit employees along with the home addresses of some employees, however respondent refused to enclose the home addresses of some employees it contended has expressed opposition to the release of their home addresses; (d) that the names and home addresses so requested are normally maintained by respondent in the regular course of business; (e) that such information is reasonably available; (f) that such information does not constitute guidance, advice, counsel or training for management officials or supervisors, relating to collective bargaining. Such matters are, therefore, found to be established.

Respondent's Answer, however, denied that the information requested is necessary for full and proper discussion, understanding and negotiation of subjects within the scope of collective bargaining. Further, it denied the commission of any unfair labor practice in violation of section 7116(a)(1), (5) and (8) of the Statute.

On April 8, 1988, respondent moved for Summary Judgment and submitted a brief and supporting evidence for that motion.<sup>1/</sup> On April 12, 1988 the Chief Administrative Law Judge granted the General Counsel until April 26, 1988 to file its Response. Thereafter, on April 26, 1988, the Acting General Counsel filed an Opposition to respondent's Motion For Summary Judgment and filed its own Motion For Summary Judgment with the Chief Administrative Law Judge pursuant to section 2423.22(b)(1) of the Rules and Regulations. The matter has been assigned to the undersigned for disposition.

#### Positions of the Parties

The basic issue herein, according to respondent, is whether section 7116(b)(4) of the Statute, "compels the

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<sup>1/</sup> Respondent's supporting evidence is not a part of the pleadings and, therefore not admissible to support its Motion For Summary Judgment.

release of home addresses of those bargaining unit employees who have filed an express, written objection to such release." It insists that the Statute does not compel such disclosure and, indeed, prohibits it. Thus, respondent argues that the release of home addresses of those employees who objected to their release constituted an alternative that does not protect everyone's legitimate interest. Finally, respondent asserts that alternative means of communication are available to the exclusive representative herein. In sum, respondent argues that this case is so different from other names and home addresses cases as to require a different result. See Farmers Home Administration Finance Office, St. Louis, Missouri, 23 FLRA 788 (1986), enforced in part and remanded sub nom. U.S. Department of Agriculture and Farmers Home Administration Finance Office, St. Louis, Missouri v. FLRA, 836 F.2d 1139 (8th Cir. 1988). A result which it feels would not require it to produce home addresses of employees who do not choose to receive communications from the Union at home.<sup>2/</sup>

The Acting General Counsel maintains simply that the Authority's holding in Farmers Home, supra, renders the defenses raised by respondent without merit.

#### Conclusions

In agreement with the Acting General Counsel, it is found that Farmers Home, supra, disposes of all the contentions and defenses raised by respondent. Consequently, respondent's arguments herein are rejected. (See also U.S. Department of the Navy and Philadelphia Naval Shipyard v. FLRA, No. 87-3005 (3d Cir. Mar. 2, 1988), enforcing Philadelphia Naval Shipyard, 24 FLRA 37 (1986); U.S. Department of the Air Force, Scott Air Force Base, Illinois, 838 F.2d 229 (7th Cir. 1988), affirming Department of the Air Force, Scott Air Force Base, Illinois, 24 FLRA 226 (1986); Department of Health and Human

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<sup>2/</sup> The main thrust of respondent's argument is that certain portions of the 8th Circuit's opinion concerning disclosure of names and addresses, of those employees who do not choose to receive union mailings at home, should be applied to this case. Since, the Authority has not adopted that Court's position at this writing, I am constrained to follow the present Authority precedent. See, Michigan Army National Guard, Lansing, Michigan, 11 FLRA 365 (1983). See also, Department of Health and Human Services, Region V, Chicago, Illinois, 26 FLRA 460 (1987).

Services, Social Security Administration v. FLRA, 833 F.2d 1129 (4th Cir. 1987), affirming Department of Health and Human Services, Social Security Administration, 24 FLRA 543 (1986); Department of Health and Human Services, Social Security Administration Field Operations, New York Region, 24 FLRA 583 (1986); Department of Health and Human Services, Social Security Administration, 24 FLRA 600 (1986).

Based on the foregoing, it is concluded that respondent's refusal and failure to furnish the Union herein with all the names and home addresses of bargaining unit employees was violative of section 7116(a)(1), (5) and (8) of the Statute.

Accordingly, respondent's Motion For Summary Judgment is denied, and the cross motion by the Acting General Counsel for Summary Judgment is granted. It is, therefore, recommended that the Authority issue the following:

#### ORDER

Pursuant to section 2423.29 of the Federal Labor Relations Authority's Rules and Regulations and section 7118 of the Statute, it is hereby ordered that Department of the Navy, U.S. Naval Ordnance Station, Louisville, Kentucky, shall:

1. Cease and desist from:

(a) Refusing to furnish, upon request of Local Lodge 830, International Association of Machinists and Aerospace Workers, AFL-CIO, the exclusive representative of certain of its employees, the names and home addresses of all employees in the bargaining unit it represents.

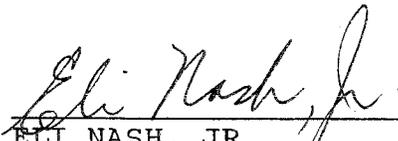
(b) In any like or related manner interfering with, restraining or coercing its employees in the exercise of their rights assured them by the Federal Service Labor-Management Relations Statute.

2. Take the following affirmative action in order to effectuate the purposes and policies of the Federal Service Labor-Management Relations Statute:

(a) Furnish Local Lodge 830, International Association of Machinists and Aerospace Workers, AFL-CIO, with the names and home addresses of all employees in the bargaining unit it represents.

(b) Post at all facilities where bargaining unit employees represented by Local Lodge 830, International Association of Machinists and Aerospace Workers, AFL-CIO, 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 Commanding Officer of the Department of the Navy, U.S. Naval Ordnance Station, Louisville, Kentucky, 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 insure that such Notices are not altered, defaced, or covered by any other material.

(c) Pursuant to section 2423.30 of the Authority's Rules and Regulations, notify the Regional Director, Region IV, Federal Labor Relations Authority, 1371 Peachtree Street, N.E., Suite 736, Atlanta, GA 30367 in writing, within 30 days from the date of this Order, as to what steps have been taken to comply herewith.

  
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ELI NASH, JR.  
Administrative Law Judge

Dated: May 16, 1988  
Washington, D.C.

NOTICE TO ALL EMPLOYEES

AS ORDERED BY THE FEDERAL LABOR RELATIONS AUTHORITY  
AND TO EFFECTUATE THE POLICIES OF THE  
FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS STATUTE

WE NOTIFY OUR EMPLOYEES THAT:

WE WILL NOT refuse to furnish, upon request of Local Lodge 830, International Association of Machinists and Aerospace Workers, AFL-CIO, the exclusive representative of certain of our employees, the names and home addresses of all employees in the bargaining unit it represents.

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

WE WILL furnish Local Lodge 830, International Association of Machinists and Aerospace Workers, AFL-CIO, the names and home addresses of all employees in the bargaining unit it represents.

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(Activity)

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
(Signature) (Title)

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 any of its provisions, they may communicate directly with the Regional Director of the Federal Labor Relations Authority, Region IV, whose address is: 1371 Peachtree Street, N.E., Suite 736, Atlanta, GA 30367, and whose telephone number is: (404) 347-2324.