

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

.....  
SOCIAL SECURITY ADMINISTRATION.  
BALTIMORE, MARYLAND

Respondent

and

Case No. 2-CA-10109

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES,  
AFL-CIO, NATIONAL COUNCIL OF  
PAYMENT CENTER LOCALS

Charging Party  
.....

Richard M. Friedman, Representative  
For the Respondent

E. A. Jones, Esq.  
For the General Counsel

Before: SALVATORE J. ARRIGO  
Administrative Law Judge

DECISION

Statement of the Case

This case arose under the Federal Service Labor-Management Relations Statute, Chapter 71 of Title 5 of the U.S. Code, 5 U.S.C. section 7101, et seq. (herein the Statute).

Upon an unfair labor practice charge having been filed by the captioned Charging Party against the captioned Respondent, the General Counsel of the Federal Labor Relations Authority (herein the Authority), by the Acting Regional Director for the Boston Region, issued a Complaint and Notice of Hearing alleging Respondent violated section 7116(a)(1), (5) and (8) of the Statute when Respondent failed and refused to furnish the agent of the employees' exclusive collective bargaining representative (herein the Union) with the names and home addresses of all bargaining

unit employees at various of Respondent's facilities which the Union requested. Respondent filed an Answer to the Complaint in which some of the allegations in the Complaint were admitted and others denied.

Subsequently, counsel for the General Counsel filed a Motion for Summary Judgment and supporting documents with the Regional Director for the Boston Region which was transferred to the Office of Administrative Law Judges for ruling pursuant to section 2423.22(b) of the Authority's Rules and Regulations. Thereafter Respondent filed an Opposition to the Motion for Summary Judgment. Based upon my review and evaluation of the entire record before me, I make the following:

#### Findings of Fact

1. The unfair labor practice charge in this proceeding was filed by the Charging Party on December 10, 1990 and a copy of the charge was duly served on Respondent.

2. The Charging Party is a labor organization within the meaning of 5 U.S.C. 7103(a)(4).

3. Respondent is an agency within the meaning of 5 U.S.C. 7103(a)(3).

4. At all times material the American Federation of Government Employees, AFL-CIO (herein AFGE) has been the exclusive collective bargaining representative of a nationwide consolidated unit of certain employees appropriate for collective bargaining including various Program Service Center employees.

5. At all times material the Charging Party has been an agent of AFGE for the purpose of representing unit employees at Respondent's Program Service Centers.

6. On November 2, 1990, in writing, the Charging Party requested the Respondent to furnish it with the names and home addresses of all bargaining unit employees represented by the Charging Party at Respondent's Northeastern, Mid-Atlantic, Great Lakes, Mid-America, and Western Program Service Centers.

7. The information described in paragraph 6: (a) Is normally maintained by Respondent in the regular course of business; (b) Is reasonably available and necessary for full and proper discussion, understanding, and negotiation of

subjects within the scope of bargaining; (c) Does not constitute guidance, advice, counsel, or training provided for management officials or supervisors, relating to collective bargaining; and (d) Is not prohibited from disclosure by law.

8. By letter dated November 15, 1990, Respondent refused to furnish the information described in paragraph 6 and at all times thereafter has refused to furnish the Charging Party with the requested information.

#### Discussion and Conclusions

The General Counsel, relying on the Authority's decision in U.S. Department of the Navy, Portsmouth Naval Shipyard, Portsmouth, New Hampshire, 37 FLRA 515 (1990), application for enforcement filed sub nom. FLRA v. U.S. Department of the Navy, Portsmouth Naval Shipyard, Portsmouth, New Hampshire, No. 90-1949 (1st Cir., Oct. 1, 1990), contends Respondent violated section 7116(a)(1), (5) and (8) of the Statute when it refused to comply with the Charging Party's request for the names and home addresses of bargaining unit Program Service Center employees.

Respondent denies that disclosure of the data is not prohibited by law, arguing that Portsmouth Naval Shipyard was wrongly decided. Respondent further urges as a defense that the existence of alternative means of communication to unit employees available to the Union is an issue of material fact which should be litigated.

The arguments raised by Respondent are not significantly different from those considered and rejected by the Authority in Portsmouth Naval Shipyard and cases which followed thereafter. See U.S. Department of Health and Human Services, Social Security Administration Boston Region, Boston, Massachusetts, 39 FLRA 110 (1991); Office of Personnel Management, Washington, D.C., 37 FLRA 784 (1990); and U.S. Department of the Navy, Navy Ships Parts Control, et al., 37 FLRA 722 (1990). In view of the Authority's holdings in the above cases I conclude Respondent's defenses to its failure and refusal to provide the Union with the names and home addresses of unit employees as requested by the Union to be without merit. I further conclude Respondent was obligated under section 7114(b) of the Statute to furnish the Union with the names and home addresses of unit employees and accordingly I conclude Respondent's refusal to furnish such data violated section 7116(a)(1), (5) and (8)

of the Statute and grant counsel for the General Counsel's motion for summary judgment. Therefore, I recommend 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 Social Security Administration, Baltimore, Maryland, shall:

1. Cease and desist from

(a) Refusing to furnish, upon request of the National Council of Payment Center Locals, AFGE, AFL-CIO, the agent of 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 rights assured 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:

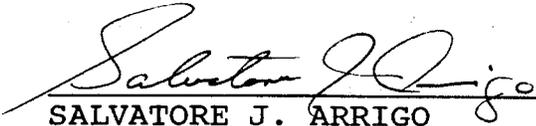
(a) Upon request furnish the National Council of Payment Center Locals, AFGE, AFL-CIO, the agent of the exclusive representative of certain of its employees, the names and home addresses of all employees in the bargaining unit it represents.

(b) Post at its facilities where bargaining unit employees represented by the National Council of Payment Center Locals, AFGE, 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 Commissioner of Social Security, 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, Boston

Region, Federal Labor Relations Authority, 10 Causeway Street, Room 1017, Boston, MA 02222-1046, in writing, within 30 days from the date of this Order, as to what steps have been taken to comply herewith.

Issued, Washington, DC, April 29, 1991

  
SALVATORE J. ARRIGO  
Administrative Law Judge

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 HEREBY NOTIFY OUR EMPLOYEES THAT:

WE WILL NOT refuse to furnish, upon request of the National Council of Payment Center Locals, AFGE, AFL-CIO, the agent of 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, upon request of the National Council of Payment Center Locals, AFGE, AFL-CIO, the agent of the exclusive representative of certain of our employees, the names and home addresses of all employees in the bargaining unit it represents.

\_\_\_\_\_  
(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, Boston Region, whose address is: 26 Federal Plaza, Room 3700, New York, NY 10278, and whose telephone number is: (212) 264-4934.