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

F. E. WARREN AIR FORCE BASE CHEYENNE, WYOMING Respondent and AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, LOCAL 2354 Charging Party	Case No. 7-CA-00481

Major Phillip G. Tidmore and
Major Victor R. Donovan
For the Respondent

Matthew L. Jarvinen, 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. § 7101, et seq. (herein the Statute).

Upon an unfair labor practice charge having been filed by the captioned Charging Party (herein the Union) against the captioned Respondent, the General Counsel of the Federal Labor Relations Authority (herein the Authority), by the Regional Director for the Denver Regional Office, issued a Complaint and Notice of Hearing alleging Respondent violated the Statute by denying the Union's request that it be furnished a copy of a report prepared by Respondent's Office of Special Investigations concerning alleged misconduct by a bargaining unit employee.

A hearing on the Complaint was conducted in Cheyenne, Wyoming at which all parties were afforded full opportunity to adduce evidence, call, examine and cross-examine witnesses and argue orally. Briefs were filed by Respondent and the General Counsel and have been carefully considered.1/

Upon the entire record in this case, my observation of the witnesses and their demeanor and from my evaluation of the evidence, I make the following:

Findings of Fact

At all times material the Union has been the exclusive collective bargaining representative of a unit of Respondent's employees at the F. E. Warren Base.

In December 1989, Department of the Air Force, Air Force Office of Special Investigations (herein OSI) initiated a criminal investigation of an employee of the F. E. Warren Child Care Center (herein the unit employee) and her supervisor. The unit employee was being investigated for possible child care endangerment in violation of a Wyoming criminal statute and the supervisor was being investigated for possible witness tampering in violation of Title 18, Section 1512 of the U.S. Code. As part of the investigation OSI Special Agent John Van Unen interviewed approximately 40 individuals including then current employees of the Child Care Center, parents of children who used the Center, the subjects of the investigation and others. Sworn statements were obtained from most of those personally interviewed. Some contacts were interviewed telephonically. Approximately half of the 19 Center employees who were interviewed expressed fear that they would suffer "retribution or revenge" of some sort from the supervisory subject of the investigation if their identities became known. Accordingly, Special Agent Van Unen assured these witnesses he would conceal their identities.

On February 14, 1990 Special Agent Van Unen filed his Report of Investigation. The report summarized the interviews Van Unen had with those whom he contacted and attached the written statements he received, except for the statements of the Child Care Center employees, with one

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1/ The General Counsel's unopposed motion to correct the transcript and Respondent's unopposed motion to correct its brief are hereby granted.

exception, who were not subjects of the investigation. In order to preserve the anonymity of Center employees as he had previously assured them, Van Unen's summarizations of most of the Center employees he interviewed did not reveal any names the report simply referring to each witness as "OC" and designating each witness by number.2/ None of the "OC" witness written statements were contained in the report.

The OSI report contains a cover page indicating the nature of the investigation and parties involved; a synopsis or summary of the investigation; a brief statement indicating why the investigation was initiated; summaries of witness and subject interviews; remarks concerning an anonymous call and a video cassette tape; a review of a memorandum from the unit employee's personnel records wherein the supervisor recites a prior incident concerning the unit employee; notations regarding a check of law enforcement records for any information pertinent to the unit employee and supervisor; remarks concerning a medical records' check of six individuals, apparently children; and the statements of seven witnesses and the unit employee and a memorandum from the unit employee's personnel file signed by the supervisor. The witnesses who were named and whose interviews were summarized by the OSI investigator included two agency administrative employees, three current Child Care Center employees; two former Center employees; and nine parents of children who attended the Center. The report also contained the interview summaries of nineteen current employees of the Center whose identities were not disclosed.3/

One copy of Special Agent Van Unen's report was referred to the F. E. Warren Air Force Base Wing Commander and another copy was sent to the Assistant U.S. Attorney's

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2/ Although only about half of the Center employees expressed concern over keeping their comments confidential, Van Unen chose to place most of these employees in the "OC" category in order to adequately conceal their identities. However the record is silent as to why three Center employees did not receive confidential treatment and one statement of a Center employee remained in the report.

3/ In order to protect its confidentiality throughout these proceedings, the OSI report was put in evidence under seal. A copy of the exhibit was provided to the General Counsel under a protective order against disclosure.

office for possible criminal prosecution.[4/] Based upon the OSI report Respondent, on March 12, 1990, issued a Notice of Proposed Removal to the unit employee setting forth the following reasons for removal:

> a. Based on an investigation conducted by the USAF Office of Special Investigations (OSI) two witnesses reported that they observed your rough handling of Zachary Cirillo. Mr. Cirillo saw you carry his son to a partitioned area of the room and "slam" him into a child's chair. Kimberly Hughes, (a center employee) who witnessed the same incident, stated that you "pulled Zachary Cirillo from the group by sliding him out of the group and then picked him up by the arm to a standing position." Hughes further stated that you "then picked him up and carried him, holding him by the upper arms, to the other side of the room and sat him firmly in a chair."
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> b. The OSI investigation also revealed that twelve witnesses observed you handling other children in a rough manner. Seven witnesses said they felt you were unnecessarily rough when putting children into the "time-out" chair. These witnesses said they observed you pick up children by one arm and slam them into a chair, that you were known to forcefully push children onto their cots or into a chair hard enough to make the children bounce, and that you had grabbed children by one arm and flung them into the "time-out" chair. A couple of times the children landed with such force as to hit their heads on the wall behind the chair. Three witnesses felt you were too rough, aggressive or abrupt with the children for their ages. two witnesses said they saw you yank a child by the arm to get him to follow you out of the front office. In doing so the child almost hit his head on the door jam. One witness said you slapped the hand of a child who was touching something he shouldn't have been. Another witness observed you pull or yank a child off

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4/ No criminal prosecution was brought against the unit employee.

the potty by one arm and put him on the changing, table. Once on the table you held the child's face with one hand under the chin to get his attention, and told him to go to the bathroom in the potty, not his pants. Another witness saw you drag a child across the room by his arm to take him to the bathroom.

By memorandum of March 27, 1990 the unit employee notified Respondent that she had designated Union Chief Steward Jacob Wozny to be her representative "in this grievance matter" and on March 28 Wozny requested various information from Respondent including a copy of the OSI report "barring any confidential matters."[5/] Respondent refused to provide Wozny with a copy of the report but offered to allow Wozny and the unit employee to review the report in a manager's office in the manager's presence. Wozny and the unit employee accepted and reviewed the report for approximately 45 minutes.[6/] Sometime thereafter Union President Ronald Phelps requested permission to review the OSI report and Respondent indicated he could, if the unit employee had no objection. After receiving the unit employee's permission, Union President Phelps was given an opportunity to review the report in a manager's office. Although no time constraints were imposed, Phelp's spent only a few minutes with the report.

Management's March 29 and April 2, 1990 replies to the various Union requests for copies of the OSI report indicated that F. E. Warren management did not have authority to supply a copy of the report to the Union and the Union could contact OSI directly as to "the procedures to be followed to obtain such information". By letter dated April 13, 1990, local management informed the Union that OSI had been contacted regarding procedures to be followed to obtain the information and advised that the Union would have to submit a

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5/ Wozny sent another written request to another management office on March 28 which indicated the request was made pursuant to section 7114(b)(4) of the Statute and made no mention of confidential matter. On March 30 Wozny made a third written request for the copy of the report. The Union made another request on April 3.

6/ No time limitation nor prohibition regarding taking notes was imposed. However no notes were taken nor was the possibility suggested or the subject discussed.

Privacy Act request to OSI Headquarters in Washington, D.C. and that questions concerning request procedures should be made to OSI Headquarters or the Base OSI office.

On April 11, 1990 Respondent issued a Notice of Decision to Remove, notifying the unit employee that she would be removed as of the following day for the reasons set forth in the Notice of Proposed Removal, supra. On April 30 a grievance was filed concerning the unit employee's Notice of Decision to Remove.7/ On May 7, 1990 the unfair labor practice charge herein was filed by the Union.

Additional Findings, Discussion and Conclusions

The General Counsel contends Respondent was obligated under section 7114(b)(4) of the Statute to furnish the Union with a copy of the OSI report and alleges that its failure to do so violated section 7116(a)(1), (5) and (8). Respondent denies its conduct violated the Statute taking the position that: it was not necessary that the Union physically possess a copy of the OSI request to fulfill its representational functions; the Union waived its right to the report; releasing the OSI request to the Union was prohibited by law; and the report was not releasable under the Privacy Act.

Section 7114(b)(4) of the Statute requires:

> "(4) . . . an agency, to furnish to the exclusive representative involved, or its authorized representative, upon request and, to the extent not prohibited by law, data--
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> "(A) which is normally maintained by the agency in the regular course of business;
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> "(B) which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining; and
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> "(C) which does not constitute guidance, advice, counsel, or training provided for management officials or supervisors, relating to collective bargaining . . .

7/ Soon thereafter the unit employee "disappeared" and the Union did not further prosecute the grievance, contending it was unable to do so without the OSI report.

The parties stipulated that the OSI report was "normally maintained" by Respondent in the regular course of business and was "reasonably available" within the meaning of section 7114(b)(4)(B) of the Statute. Further no contention or argument has been made concerning the applicability of section 7114(b)(4)(C) of the Statute. Accordingly, the basic issues to be decided herein concern whether the report was "necessary" within the meaning of section 7114(b)(4) and whether Respondent's furnishing the report to the Union was "prohibited by law."8/

I find that possession of the OSI report was necessary for the Union to effectively represent the unit employee in the action concerning Respondent's proposal to remove and eventual removal of her from employment. Information contained in the report provided the basis for the employee's removal and indeed was the only basis for her removal. Thus, if the Union was to evaluate what course of action to follow and perhaps then effectively challenge the removal, it was essential that it had access to the specific information which was contained in the report including that which might be favorable to the grievant. Only then could the Union intelligently evaluate the strengths and weaknesses of Respondent's case against the unit employee, evaluate credibility and, if necessary, thereafter effectively represent her in whatever proceedings might be appropriate. See Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Silver Spring, Maryland, 30 FLRA 127 (1987) at 141-142 and U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, 26 FLRA 943 (1987) at 948-950.

I reject Respondent's contention that it was not necessary for Respondent to furnish a copy of the report to the Union since the Union's representatives had an opportunity to review the report and take notes if it wished. Section 7114(b)(4) of the Statute requires an agency to "furnish" information to the exclusive representative. The Authority

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8/ It appears that the Union was seeking not only the OSI report as filed by the investigator but was also seeking the identities of those who were designated "OC" in the report. Indeed from my review of the record including the briefs I find that both the Union and Respondent were aware that the Union was seeking and Respondent was refusing to furnish the report with the identities of the "OC" witnesses.

has interpreted "furnish" to mean "give" and not merely "show" the data to the Union. See Veterans Administration, Washington, D.C. et al., 28 FLRA 260 (1987); United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, 26 FLRA 630 (1987); and Veterans Administration Regional Office, Denver, Colorado, 10 FLRA 453 (1982). Further, whether the Union could have taken notes of the report is purely speculation since the matter never arose. In any event, in my view taking notes would not satisfy Respondent's obligation to furnish a copy of the entire information it relied on when taking the removal action herein. Notes are a poor substitute for the actual words of a witness when being thoughtfully reviewed, examined and assessed in an unhurried manner to determine the strength and weaknesses of case against an employee being disciplined by management. Without the actual statements a union would be substantially disadvantaged in preparing a case on behalf of a grievant and effective representation would be denied. See U. S. Department of Labor, supra.

For similar reasons I find that the portions of the OSI report dealing with the supervisory subject of the investigation is necessary data within the meaning of section 7114(b)(4)(B) of the Statute. As urged by Counsel for the General Counsel, the investigation of the supervisor was inextricably intertwined with the allegation and investigation concerning the unit employee. Thus the allegations and matters investigated concerning the supervisor related to suppressing complaints made by parents and coworkers about the unit employee's handling of children and attempting to influence or intimidate witnesses involved in the investigation. It is apparent that the Union would need the data in the OSI report concerning the supervisor in order to effectively prepare its case and evaluate the reliability and credibility of witnesses who made statements or gave information relating to contacts with the supervisor growing out of the allegations against the unit employee.

Respondent contends the Union waived any right it had to the OSI report when the Union declined to make a request for the document to the local OSI or to OSI Headquarters as Agency management prescribed. Counsel for Respondent supports this contention by suggesting that an agency is not precluded from establishing procedures for furnishing information to an exclusive representative so long as the representative is not denied the opportunity to secure the requested information in a timely manner and without undue burden or delay, citing Department of Defense Dependents

Schools, Washington, D.C. and Department of Defense Dependents Schools, Germany Region, 19 FLRA 790, wherein the Authority stated:

> While section 7114(b)(4) of the Statute does not preclude the parties from establishing procedures for the furnishing of information to an exclusive representative, or preclude an agency from suggesting that the exclusive representative should take reasonable steps to secure information from the actual custodians of such records where appropriate, and an exclusive representative is not precluded from accepting the invitation to do so, the exclusive representative may not be denied the opportunity to secure the requested information in a timely manner and without undue burden or delay.

The procedure for obtaining the OSI report herein was not bilaterally established by the parties nor was the procedure accepted by the Union. Rather, the Union sought to obtain the report at the level of recognition with whom the Union had traditionally dealt. The record does not establish an attempt on the part of Respondent to delay the Union's request for the report. Nevertheless I find no valid reason herein to burden the Union by requiring it to independently seek the document from other sources. While the Air Force may limit the authority of local management and requires it to forward such requests to Washington or other entities for consideration, it may not unnecessarily burden the Union with that obligation and require the collective bargaining representative to contact and deal with others in order to conduct representational business. In the case herein, local agency management possessed the OSI report the Union wished and indeed allowed the Union to view the document. In my view in the circumstances presented the Union was not obliged to protect its right to information by following Respondent's procedures which it imposed on itself. OSI review of the request could just as easily be achieved by local management forwarding the Union's request for the report to OSI and in that manner ensure consistent application of its regulations protecting such materials without imposing additional burdens on the exclusive representative otherwise entitled to such information. Cf. U.S. Department of the Treasury, Internal Revenue Service, Washington, D.C. and Internal Revenue Service, Salt Lake City, Utah, 40 FLRA 303 (1991) and Department of Defense Dependents Schools, supra.

Next Respondent raises the Privacy Act of 1974, 5 U.S.C. 552a as a law which prohibits an agency from disclosing personal information from government files without consent of the individuals involved. Respondent argues that the General Counsel cannot sustain the allegations herein unless the disclosure sought would be required by one of the exceptions to the Privacy Act prohibitions against disclosure. Thus section (b) of the Privacy Act provides, in relevant part:

> (b) Conditions of disclosure
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> No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be--
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> . . . . .
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> (2) required under section 552 of this title . . .

It is clear from the testimony and the evidence herein that the OSI report is a record "contained in a system of records" within the meaning of the Privacy Act and, absent consent of the individuals who supplied information to the investigator, would be privileged against disclosure unless an exception is applicable.

As stated above, an exception to the Privacy Act restrictions on disclosure would be if disclosure was required by section 552 of 5 U.S.C., otherwise known as the Freedom of Information Act (herein FOIA). The FOIA generally requires agencies make available to the public, upon request, various types of information. See 5 U.S.C. 552(a)(3).9/ However, Respondent argues that under section

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9/ While the Union's request for the report was not specifically made under the FOIA, I find on the record herein that the request was sufficient to constitute, and for the purposes of this case be construed as, a request under the FOIA as well as under section 7114(b)(4) of the Statute.

552(b)(7)(C) and (D) of the FOIA the requirements placed on an agency regarding making information available to the public do not apply to the records sought herein. The relevant portions of section 552(b) states the requirement to make information available does not apply to:

> (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
> (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information . . . (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source . . .

Section 552(b) further states:

> Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

While Respondent contends the OSI report is not releasable under section 552(b)(7)(C) and (D) of FOIA, the General Counsel essentially taken the position that the report identifies numerous witnesses who provided the OSI with statements; the Union was permitted to read the report; the circulation of the report if provided to the Union would be limited only to those individuals with a need to see the report to represent the unit employee; and when balancing the Union's overall need to have the document and the limited intrusion on the privacy interests of those who

provided information contained in the report, the balance should be struck for disclosure.

There is no contention that the OSI request does not constitute a record or information compiled for law enforcement purposes and I so find that the report constitutes such a record or information. The next question therefore is could disclosure of the report "reasonably be expected to constitute an unwarranted invasion of personal privacy" under 552(b)(7)(C). While the Authority has not yet addressed this question, it has considered analogous defenses to data requests involving FOIA exemption (b)(6) which permits withholding personnel, medical and similar files where disclosure "would constitute a clearly unwarranted invasion of personal privacy" and the Authority has indicated that in resolving the matter it balances the necessity of the information for union representative purposes against the degree of intrusion on the individual's privacy interests caused by the disclosure. See 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) and U.S. Department of the Air Force, Air Force Logistics Command, Sacramento Air Logistics Center, McClellan Air Force Base, California, 37 FLRA 987 (1990). The Authority has announced that it would approach cases wherein the Statute, Privacy Act and FOIA seem to interrelate by attempting to harmonize them to the extent possible. Portsmouth Naval Shipyard, supra, at 523. However, the Authority does not view union interest in information under the Statute to be identical with the public interest under the FOIA since Federal sector unions are not like other members of the public but have a particular statutory right to information. Id. at 526. While I am aware that the differences the specific words contained a FOIA Exemption 6 and Exemption 7(C) indicate a different standard to be used for evaluating a threatened invasion of privacy, I nevertheless conclude that in either case resolution of the matter requires a balancing of the bargaining representative's rights and needs, and the public interest of facilitating the collective bargaining possess in the Federal sector with the individual privacy interests involved. See Portsmouth Naval Shipyard, supra, at 530-534, including footnote 20 wherein the Authority acknowledged that FOIA Exception 6 sets forth a narrower standard for evaluating a threatened invasion of privacy then FOIA Exemption 7(c) citing F.B.I. v. Abramson, 456 U.S. 615

(1982) and United States Department of Justice v. Reporters Committee for Freedom of the Press, 109 S. Ct. 1468 (1989).

Accordingly, balancing the competing needs and interests herein I find and conclude that Respondent's providing the Union with the OSI report could not reasonably be expected to constitute an unwarranted invasion of personal privacy within the meaning of 5 U.S.C. 552(b)(7)(C). A very strong case supporting the Union's need to possess a complete, unsanitized copy of the report has been established. Thus, the unit employee was discharged from employment, the maximum punishment in the employment arena. The action was taken based solely upon the information contained in the report and, as explicated above, the Union clearly needs that information to intelligently carry out its representational obligations. A review of the OSI investigation and report and an evaluation of the specifics contained therein reveals numerous matters which do not suggest extraordinarily sensitive personal data is disclosed regarding those individuals who provided information concerning the activities of the unit employee or the supervisor. The cover page, synopsis and statement relating to the implementation of the investigation mention no names other than those being investigated.10/ The investigation was prompted by a parent's complaint over the handling of a child and, in my view, parents being questioned regarding the treatment of children in the Center, an undoubtedly sensitive area of parental concern regarding past and future treatment of their children, would not expect that their views would be considered highly private without making this feeling known to the investigator and indeed might expect that the information they supplied could eventually be made known to the subjects of the investigation and those who might be involved in any action taken. I similarly find that the two administrative employees and former Center employees lack a particularly strong privacy interest in the statements voluntarily give to the OSI and probably had an expectation that their statements to the OSI investigator would likely become known to those involved in matters which might ultimately flow from the investigation. Similarly, I would also include in this group the three current employees of the Child Care Center who apparently did not seek a promise of confidentiality when discussing the matter with

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10/ Obviously the unit employee's statement and memorandum from her personnel file was not privileged from disclosure to the unit employee's designated representative.

the OSI investigator and whom the investigator did not conclude required an identity shield in the report by designating them among the "OC" witnesses. Although the "OC" employee witnesses who requested confidentiality before giving a statement and those other employee witnesses designated "OC" by the investigator to prevent the disclosure of any employee's identity obviously felt a substantial privacy interest attached to their disclosures, these employees would have little privacy interest in the report if their identities were not disclosed. While the personal privacy interest these employees have in their statements when designated by individual name is indeed strong, in all the circumstances herein, applying the balancing test the Authority has set forth in Portsmouth Naval Shipyard, supra, regarding competing needs and interests I do not find these statements, nor anything in the entire OSI report, to be protected from disclosure by the provisions of (b)(7)(C) of the FOIA.

However, with regard to the "OC" witnesses whose statements were obtained with a pledge of confidentiality, and those employees who were designated "OC" to insure the employees who did not wish the disclosure of their names would remain anonymous, I find these employees constitute a confidential source. I also find the information they provided was compiled by a criminal law enforcement authority in the course of a criminal investigation within the meaning of (b)(7)(D) of the FOIA. Applying case law construing the FOIA strongly suggest that such information should be completely exempt from disclosure. See Grant Construction Co. v. E.P.A., 778 F. 2nd 1258 (7th Cir. 1985) at 1262-1264. Nevertheless, the procedure the Authority indicated it would generally employ in such situations requires "harmonizing" or balancing the competing interests embodied in the FOIA and the Privacy Act with those rights and interests flowing from the Statute. Portsmouth Naval Shipyard, supra. In balancing the various interests herein, including considering the need for keeping sources of information in criminal cases from drying up [See Show v. F.B.I., 749 F.2d 58 at 61 (D.C. Cir. 1984)] and the inherent risk an employee takes by providing a statement which might ultimately adversely reflect upon a supervisor where such statement might become known to the supervisor in subsequent proceedings [See N.L.R.B. v. Robbins Tire and Rubber Co., 437 U.S. 214 at 239-240; 98 S. Ct. 2311 (1978) at 2325-2326], I conclude that as to the employees designated "OC" by the OSI investigator, Respondent need not supply the identities of the individuals but shall be required to furnish the OSI report to the Union in its present form.

See Mead Data Central, Inc. v. U.S. Department of the Air Force, et al. 566 F.2d 242 at 259-262 (D.C. Cir. 1977). See also that portion of 5 U.S.C. 552(b) which provides for the production of "any reasonably segregable portions of a record" after deletion of any exempt portions.

Accordingly, in view of the entire foregoing and in all the circumstances of this case I conclude Respondent, by its refusal to provide the Union with OSI Report of Investigations dated February 14, 1990, violated section 7116(a)(1), (5) and (8) of the Statute and 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 F.E. Warren Air Force Base, Cheyenne, Wyoming, shall:

1. Cease and desist from:

(a) Failing and refusing to furnish, upon request by the American Federation of Government Employees, AFL-CIO, Local 2354, the exclusive representative of its employees, copies of the February 14, 1990 Office of Special Investigations Report of Investigation concerning the allegations of child endangerment and witness tampering investigated by Special Agent John Van Unen.

(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) Furnish the American Federation of Government Employees, AFL-CIO, Local 2354, the exclusive representative of its employees, copies of the February 14, 1990 Office of Special Investigations Report of Investigation concerning the allegations of child endangerment and witness tampering investigated by Special Agent John Van Unen.

(b) Post at its Cheyenne, Wyoming facilities 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, 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, 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 herewith.

Issued, Washington, DC, July 8, 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 fail and refuse to furnish, upon request by the American Federation of Government Employees, AFL-CIO, Local 2354, the exclusive representative of our employees, copies of the February 14, 1990 Office of Special Investigations Report of Investigation concerning the allegations of child endangerment and witness tampering investigated by Special Agent John Van Unen.

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 the American Federation of Government Employees, AFL-CIO, Local 2354, the exclusive representative of our employees, copies of the February 14, 1990 Office of Special Investigations Report of Investigation concerning the allegations of child endangerment and witness tampering investigated by Special Agent John Van Unen.

_____
(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, Denver Regional Office, whose address is: 1244 Speer Boulevard, Suite 100, Denver, CO 80204, and whose telephone number is: (303) 844-5224.