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

UNITED STATES DEPARTMENT OF TRANSPORTATION, WASHINGTON, DC	
and	
FEDERAL AVIATION ADMINISTRATION, NEW ENGLAND REGION, BRADLEY AIR TRAFFIC CONTROL TOWER, WINDSOR LOCKS, CONNECTICUT	
Respondents	
and	Case No. 1-CA-10020
NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION, Y90 LOCAL, MEBA/NMU, AFL-CIO	
Charging Party	

Norma Roth
Michael Herlihy
For Respondents

James Breen
For Charging Party

Gerard M. Greene, Esq.
For General Counsel of the FLRA

Before: SAMUEL A. CHAITOVITZ
Administrative Law Judge

DECISION

Statement of the Case

This is a proceeding under the Federal Service Labor-Management Relations Statute, 5 U.S.C. § 7101 et seq. (hereinafter called the Statute), and the Rules and Regulations of the Federal Labor Relations Authority (FLRA), 5 C.F.R. Chapter XIV, § 2423.

Pursuant to a charge filed by the National Air Traffic Controllers Association, Y90 Local, MEBA/NMU, AFL-CIO (NATCA Y90 Local), the Regional Director of the Boston Region of the FLRA issued a Complaint and Notice of Hearing alleging that Federal Aviation Administration, New England Region, Bradley Air Traffic Control Tower (Bradley ATCT), Windsor Locks, Connecticut (FAA) violated section 7116(a)(1),(5) and (8) of the Statute and that U.S. Department of Transportation, Washington, D.C. (DOT) violated section 7116(a)(1) and (5) of the Statute.

Respondents FAA and DOT filed an Answer denying that they had violated the Statute.

A hearing was conducted before the undersigned in Boston, Massachusetts. FAA, DOT, NATCA Y90 Local, and General Counsel of the FLRA were represented and afforded a full opportunity to be heard, to examine and cross-examine witnesses, to introduce evidence, and to argue orally. Briefs were filed and have been fully considered.

Based upon the entire record in this matter, my observation of the witnesses and their demeanor, and my evaluation of the evidence, I make the following:

Findings of Fact

At all material times, National Air Traffic Controllers Association, MEBA-NMU, AFL-CIO (NATCA) has been the collective bargaining representative for an appropriate nationwide unit of FAA employees, including employees assigned to Bradley ATCT. NATCA Y90 Local is an agent of NATCA for representing unit employees at Bradley ATCT.

In October 1987 NATCA and FAA entered into a memorandum of understanding on procedures for drug testing. The terms of the memorandum of understanding were incorporated in a collective bargaining agreement effective in May of 1989 for a period of three years. One of the terms of the memorandum of understanding obliges the FAA to implement the drug testing program in a "fair and equitable manner" and provides for semi-annual meetings between FAA and NATCA at the national level so that there can be a detailed review of the drug testing program and so views on the program can be exchanged as they concern bargaining unit employees. The memorandum of understanding covers all types of drug testing under DOT Order 3910.1, including random drug testing.

In March 1989, DOT implemented a change in the random selection procedure. Pursuant to national consultation rights, by letter dated January 11, 1989, DOT advised NATCA of the change in the random selection procedure. Under this change in procedure, on the day of testing a final selection is made at the site from among the names listed in random order. DOT advised NATCA that the new procedure would continue to ensure that all employees in safety or sensitive positions are subject to random identification, and subsequent drug testing, on a statistically equal basis. FAA and NATCA negotiated a memorandum of understanding concerning these procedures for drug testing which provided for notice to the NATCA facility representative upon the beginning and end of testing and for the disclosure, upon request, of the number of employees tested.

Random drug testing was conducted under the new procedures at Bradley ATCT in July 1989. James Breen, NATCA's New England Representative, was employed as an Air Traffic Control Specialist at Bradley ATCT. Subsequent to the drug testing at Bradley ATCT Breen filed a grievance alleging that the list of those eligible to be tested at the Bradley ATCT appeared to be incomplete. FAA denied the grievance in August 1989 but stated that the names of some persons eligible to be tested were omitted from the list. FAA assured NATCA that FAA had corrected this error and, based upon this assurance, NATCA withdrew the grievance.

Shortly after the drug testing at Bradley ATCT, NATCA Facility Representative Bruce Means, by letter dated July 28, 1989, requested a copy of the list of names as supplied to the contractor for the random drug testing conducted at Bradley ATCT on July 26, 1989. The request stated that the information was needed to ensure random testing and to fulfill the union's obligations to its members.

At the semi-annual national meeting held at about this same time Breen raised concerns over the testing procedures, stating that he needed the drug testing list to ensure that everybody that was supposed to be on the list was, in fact on the list, and to ensure randomness.

In a letter dated August 31, 1989, from Richard Gordon, NATCA Director of Labor Relations, to Malachy Coghlan, Manager of FAA's Union/Management Relations Division, NATCA raised concerns about the DOT's Drug Awareness Program. Among the concerns raised by NATCA were that local managers had too much latitude in selecting the individuals who are subject to be tested and that the program is often abused and is subjective. NATCA also stated, in this letter:

"3. It is also our position that a clean copy of the random drug testing list should be provided to the Union, upon request, immediately upon completion of random drug testing. In addition, a copy of the annotated list should also be provided, upon request, and a more expeditious method of delivery must be developed to fulfill this obligation."

FAA responded to NATCA's August 31, 1989, letter by a letter dated January 3, 1990. FAA responded to NATCA's concern that the procedure was unfair by stating that ". . . these selection procedures do not provide opportunities for local management influence in the selection or non-selection of employees for testing." FAA also enclosed a list of the positions subject to testing under DOT Order 3910.1A.

FAA did not reply for over a year, until November 20, 1990, to NATCA's request for the list used in July 1989, at Bradley ATCT.

In August 1990, random drug testing was again conducted at the Bradley ATCT. Joe Egan was the management official who was acting as site coordinator. Breen was one of the employees selected to provide a specimen. After doing so he asked Egan if everybody who was supposed to be on the list was on the list. Egan responded that he could not disclose that information.

Breen told Means, as a result of Egan's statement, that he had better keep his eyes open to determine whether the list was correct. Shortly thereafter Means advised Breen that the list was apparently incomplete.

Breen telephoned Coghlan in Washington, D.C. and advised him of the problem. Coghlan stated that he would look into it. In the afternoon the testing was interrupted and although it was apparently to be resumed, the contractor could not remain at the Bradley ATCT. Breen received the result of his test a month or two later.

By memorandum dated August 29, 1990, from Means to John Butler, Bradley ATCT Manager, NATCA requested a copy of the list of names supplied to the contractor for random drug testing on August 29, 1990, at Bradley ATCT. When no such list was provided, NATCA Y90 Local filed the charge in this case on October 16, 1990.

Attached to a memorandum dated November 20, 1990, from Anne Harlan, Manager of FAA's Division of Human Resource, FAA transmitted to Means copies of the lists used in the drug testing at Bradley ATCT in 1989 and 1990. These lists set forth the names of the employees, their social security numbers, dates of birth, job series and title, the reason the employee did not appear for the test (if any), the date the specimen was collected, and the signature of the site coordinator. In the memorandum Harlan characterized the lists as "annotated drug test lists" and she stated ". . . names of employees outside of the bargaining unit have been deleted in accordance with Department of Transportation policy." The social security numbers, dates of birth, and sex of the the employees outside the unit were also deleted from these lists. The names and information were deleted by drawing a dark line through them. The list indicated that some of the employees outside the unit, whose names had been deleted, had not been tested and were bypassed, because the employee was on annual leave, or it was the employee's regular day off, or the employee was on sick leave, or the employee was on the night shift, etc.

Means and Breen examined the lists provided on November 20, 1990, to see if they contained the information they needed to determine whether the drug testing was random. The union did not need to know the social security numbers, dates of birth, or sex of the employees listed, but Breen concluded the deletion of the names of the non-unit employees from the list made it impossible to determine if the drug testing was random. Breen advised Shirlee Beverly that he needed the unsanitized list to ensure randomness.

NACTA wanted the list used for drug testing, with all the names on it, to determine whether the drug testing was random and not selective. The union wanted all the names so it could make sure that when the site coordinator indicated that an employee did not appear for testing because the employee was on annual leave, or it was the employee's regular day off, or the employee was on sick leave, or the employee was on the night shift, the site coordinator was accurate. Without the list, including the names of the employees that were omitted from the list, the union could not ensure that the site coordinator's notations were accurate with respect to the specific employees involved. By inaccurately excusing some employees from being tested, the site coordinator might cause other employees to be tested who would not have been tested if the improperly excused employees had been tested.

Also NATCA needed the list with all the names to ensure that the list contained all of the eligibles working at the facility on the day of the test.

At the semi-annual meetings Breen stated that he needed the unsanitized list to ensure accuracy and randomness and to make sure the site coordinator could not manipulate the list to test people that would not have been tested, except for the manipulation. Breen stated that any time the list is manipulated so that somebody is tested that would not have been tested, the testing is no longer random and is selective.

The random drug testing lists were generated from DOT's consolidated personnel management information system. The lists show those employees who were actually subject to drug testing, but may not contain all eligible employees because the lists are made up in advance and there is a data lag. After the lists are used they indicate which employees, according to the site coordinator, were not available for testing because the employees were on sick leave, annual leave, another shift or it was not the employees' regular work day, etc.; and which employees were tested. The lists do not indicate, for those employees that were tested, the drug test results.

DOT prohibited FAA from including the names of non-unit employees on the drug testing lists provided to NATCA. The refusal of FAA to reveal the names of non-unit employees to NATCA was pursuant to the DOT policy, which is binding on FAA. In this regard FAA had no discretion.

Discussion and Conclusions of Law

Under section 7114(b)(4) of the Statute, an agency has an obligation to furnish the exclusive representative of its employees, upon request and to the extent not prohibited by law, information that is necessary to enable the union to fulfill its representational functions. U.S. Department of Transportation, Federal Aviation Administration, New England Region, Burlington, Vermont, 38 FLRA 1623 (1991) (FAA Burlington). Such representational functions include determining whether the agency is administering its disciplinary system in a fair and evenhanded manner, FAA Burlington, supra; investigating compliance with an FLRA order, Internal Revenue Service, Washington, D.C., 32 FLRA 920 (1988); and monitoring a performance appraisal system, Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Silver Spring, Maryland, 38 FLRA 120 (1990). In light of these instances,

I conclude, in the subject case, that NATCA was performing its representational function when it was attempting to insure that FAA was performing the random drug testing "in a fair and equitable manner", as provided in the memorandum of understanding. Policing and ensuring that drug testing programs are performed fairly and equitably is a very important and fundamental duty of a union in representing employees.

In ensuring that management is acting fairly and equitably, a union may have to examine how supervisors and non-unit employees are treated, with relation to employees in the unit represented by the union. FAA Burlington, supra. In the subject case I find that NATCA did need the entire list used for the random testing*/ in order to make sure persons excused for specific reasons were in fact unavailable for testing and thus, that the random drug testing program was being fairly administered. Accordingly, I conclude the random drug testing list requested by NATCA, including the names of the non-unit employees, was necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of bargaining within the meaning of section 7114(b)(4) of the Statute. FAA Burlington, supra.

It is not disputed that the list requested by NATCA was maintained by DOT and FAA in the regular course of business; was reasonably available; and does not constitute guidance, advice, counsel, or training provided for management officials or supervisors, relating to collective bargaining.

The DOT and FAA argue that the Privacy Act prohibits the disclosure of the non-unit employees' names that appeared on the drug testing list, especially in light of the Notice the Office of Personnel Management (OPM) published in the Federal Register on Monday, February 5, 1990, Vol. 55 No. 24, page 3802 et seq.

The FLRA analyzed the Privacy Act's application to information requested under section 7114(b)(4) of the Statute in FAA Burlington, supra at 1630 to 1632. The FLRA noted that section (b)(2) of the Privacy Act provides the prohibition against disclosure of information is not

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*/ It is undisputed that the social security numbers, dates of birth and sex are not needed and can be deleted.

applicable if disclosure is required by the Freedom of Information Act (FOIA). 5 U.S.C. § 552(b)(2). The FLRA then recognized that the FOIA provides that records must be disclosed, upon request, unless the records are subject to a specific exemption, and that exemption (b)(6) of the FOIA provides information contained in personnel files may be withheld if disclosure would constitute a clearly unwarranted invasion of privacy. 5 U.S.C. § 552(b)(6). The FLRA held that "In determining whether the disclosure of information would constitute a clearly unwarranted invasion of privacy, the right of privacy must be balanced against the public's interest in disclosure." FAA Burlington, supra at 1630.

In balancing the competing interests herein, I find that the public's interest in the disclosure of the names of the non-unit employees and supervisors whose names were on the drug test lists outweighs the personal privacy interests of the employees and supervisors involved. These names, as they appeared on the list, were necessary within the meaning of section 7114(b)(4) of the Statute for NATCA adequately to perform its representational duties and would permit NATCA to determine whether DOT and FAA were complying with their responsibilities in administering the drug testing program in a fair and evenhanded manner. The foregoing promote important public interests. See FAA Burlington, supra; American Federation of Government Employees, Council 214 and U.S. Department of the Air Force, Air Force Logistics Command, Wright-Patterson air Force Base, Ohio, 38 FLRA 309 (1990); and Department of the Air Force, Scott Air Force Base, Illinois, 38 FLRA 410 (1990).

NATCA asked for the subject list so that it could ensure that the drug testing program was being fairly and equitably administered and there is nothing in the record that indicates that if the requested information, including the names of the non-unit employees and supervisors, whether they were available for testing and if not, the reason, and whether they were tested, had been provided it would be widely disseminated. Although I recognize the non-unit employees and supervisors have a privacy interest in whether they were available for testing and if they were tested, I find, in the circumstances here present, that interest not as compelling as the union's interest in the information to ensure the drug testing program was fairly and equitably administered. In this regard, I specifically note the list does not reveal or contain the results of any drug tests. Consequently, I find that NATCA's need for the information outweighs the privacy interests involved.

Even if disclosure of the random drug testing lists is prohibited under exception (b)(2) of the Privacy Act, I conclude it is authorized under exception (b)(3), which permits disclosure of information for a "routine use", which is confined to uses that are compatible with the purpose for which the information is collected by 5 U.S.C. § 552a(a)(7) and are within the uses described under 5 U.S.C. § 552a(e)(4)(D). See U.S. Department of the Navy, Portsmouth Naval Shipyard, Portsmouth, New Hampshire, 37 FLRA 515, 537 (1990) (Portsmouth Naval Shipyard); and FAA Burlington, supra at 1632. The subject lists were compiled by DOT to make sure the random drug tests were administered in a truly random and equitable manner. Thus, the release of the requested list to NATCA so that it could ensure that the drug testing was administered in a fair and equitable manner, is fully consistent with the purposes for which the list was collected.

I, therefore, conclude that, pursuant to the FLRA's interpretation and application of the Privacy Act, the FOIA, and the Statute, NATCA, through its agent NATCA Y90 Local, was entitled to the requested list, including the names of supervisors and non-unit employees. FAA Burlington, supra.

If, however, the FLRA were to conclude that OPM is the appropriate agency to interpret and reconcile the Privacy Act, the FOIA, and the Statute, and that OPM's interpretation and application of the Privacy Act and the (b)(3) "routine use" exception is controlling, I would be compelled to conclude that NATCA was not entitled to the requested list. OPM published a Notice of Systems of Records and New Routine Uses, under the Privacy Act, in the Federal Register on Monday, February 5, 1990, Vol. 55, No. 24 Pages 3802 et seq, (Federal Register). One System of Records established is "OPM/GOVT-10 Medical File System Records. . . ". Federal Register at 3803.) The only routine use permitted for such a system is to disclose it pursuant to an order of a court of competent jurisdiction to defend a challenge against an adverse personnel action. Federal Register at 3803, 3857. In setting forth what the "OPM/GOVT-10" file shall include, OPM includes "c. Record resulting from the testing of the employee for use of illegal drugs under Executive Order 12584. Such records may be retained by the agency. . .includes. . .lists of who has been tested, who failed to report for testing..." Federal Register at 3856. Thus, if the FLRA were to conclude that OPM defines which documents are not to be provided, I would be constrained to conclude the list requested by NATCA, including the names of both unit members and non-unit members, may not be provided by FAA.

However, because the FLRA itself balances and reconciles the interests of the parties under the various laws, I conclude, as set forth above, that NATCA was entitled to the list it requested, containing both the names of unit members and non-unit members. FAA Burlington, supra.

Respondents contend that they did not fail to comply with section 7114(b)(4) of the Statute by supplying the drug testing list with the names of non-unit members deleted because NATCA never stated, specifically, why it needed the names of the non-unit employees, and because NATCA did not specify that it wanted a "unsanitized" list. These arguments are rejected. In its August 29, 1990 request NATCA asked for "a copy of the list of names as supplied to or by the contractor for Random Drug Testing on August 29, 1990." It asked for a copy of "the list", which by its very terms means the whole list. It did not say it wanted a partial or sanitized list; rather, NATCA asked for a copy of the list. The request was clear and any contention by Respondents that this request was somehow a request for a partial or sanitized list is disengenuous on its very face. Further, when furnishing the sanitized list on November 20, 1990, over eleven weeks after the request and over a month after the charge was filed, FAA's covering memorandum pointed out that the names of employees outside the unit had been deleted, indicating that it was recognized that the list provided was something other than what was requested.

In its August 29, 1990, request NATCA stated that it wanted the copy of the list "for the purpose of ensuring 'Random Testing'". Based on this statement and the other communications from NATCA in the semi-annual meetings, its letter of August 31, 1989, and the grievance, I conclude NATCA adequately communicated the reasons it wanted the list. This was again explained to Beverly after receipt of the sanitized list. Additionally, FAA never asked NATCA for any additional clarification or for any additional reasons why it needed the list or if it would settle for a list with the names of non-unit employees deleted. In fact, in its covering letter of November 20, 1990, transmitting the list, FAA explained that the names of employees outside the bargaining unit had been deleted "in accordance with Department of Transportation policy." FAA did not indicate the names had been deleted for any other reason than that to provide them would have been against DOT policy.

In light of the foregoing, I conclude that NATCA did, with sufficient clarity, describe the list it wished and the reasons it wanted the list. Further, I find Respondents did

not delete the names of non-unit employees from the list furnished because FAA did not know what NATCA was requesting or why NATCA was requesting the list.

Finally Respondents contend that in the past, in response to requests for lists identical to the one herein, lists had been supplied with the names of non-unit employees deleted, and NATCA had not protested. Although the witness who was a NATCA official admitted that the union representatives had used form requests for test lists, that such requests had been filed by other union representatives, and that NATCA had never received a list which included the names of non-unit employees, the witness testified that they repeatedly had trouble getting any response to the requests for lists. The witness pointed out that in addition to the list that is the subject of this case, the request for the list that he made in July of 1989, was not responded to until November 20, 1990. The record does not establish that FAA routinely, and with sufficient frequency, furnished the lists with the names of non-unit employees deleted and that NATCA routinely accepted such lists, with no protests, sufficient to constitute acquiescence to such a practice on the part of NATCA. Rather, the record establishes that the random drug testing program was flawed and the procedures and use of lists was still being perfected and that NATCA and FAA had a number of disputes about the lists that were used and that various names had been omitted from the lists. Accordingly, I reject Respondents' contention that NATCA had in the past acquiesced in the practice of receiving drug testing lists with the names of employees not in the unit deleted.

In light of all of the foregoing, I conclude NATCA was entitled under section 7114(b)(4) to the complete list it requested, including the names of employees not in the bargaining unit. However, the record establishes that FAA deleted the names of employees not in the unit pursuant to DOT policy and instructions and that FAA had no discretion in this matter. Accordingly, I am constrained to conclude that FAA did not violate the Statute because its actions were ministerial in nature. U.S. Department of Health and Human Services, Public Health Service and Centers for Disease Control, National Institute for Occupational Safety and Health, Appalachian Laboratory for Occupational Safety and Health, 39 FLRA 1306 (1991) (HHS-PHS); and U.S. Department of the Interior, Washington, D.C., and National Park Service, Denver Service Center, Denver, Colorado, and National Park Service, Rocky Mountain Regional Office, Denver, Colorado, 37 FLRA 1129 (1990). I do conclude,

however, that DOT violated section 7116(a)(1) and (5) of the Statute by unlawfully interfering with the subordinate activity's collective bargaining relationship with NATCA, and its agent NATCA Y90 Local, by preventing FAA, at Bradley ATCT, from complying with its obligations under section 7114(b)(4) of the Statute. See HHS-PHS, Supra.

Having concluded that DOT violated section 7116(a)(1) and (5) of the Statute and in order to effectuate the purposes and policies of the Statute, I recommend the Authority adopt the following Order:

ORDER

Pursuant to section 2423.29 of the Authority's Rules and Regulations and section 7118 of the Federal Service Labor-Management Relations Statute, the United States Department of Transportation shall:

1. Cease and desist from:

(a) Directing the Federal Aviation Administration, New England Region, Bradley Air Traffic Control Tower, Windsor Locks, Connecticut not to release to National Air Traffic Controllers Association, Y90 Local, MEBA/NMU, AFL-CIO, the exclusive representative of certain of its employees, the complete list used in administering random drug testing on August 29, 1990, or, in the future and upon request, the complete list used in administering random drug testing.

(b) Interfering with the bargaining relationship between the Federal Aviation Administration, New England Region, Bradley Air Traffic Control Tower, Windsor Lockes, Connecticut and the National Air Traffic Controllers Association, Y90 Local, MEBA/NMU, AFL-CIO.

(c) In any like or related manner, interfering with, restraining, or coercing its employees in the exercise of the 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) Direct the Federal Aviation Administration, New England Region, Bradley Air Traffic Control Tower, Windsor Locks, Connecticut to furnish the National Air

Traffic Controllers Association, Y90 Local, MEBA/NMU, AFL-CIO, the exclusive representative of certain of its employees, the complete list used in Administering random drug testing on August 29, 1990, and, in the future and upon request, to furnish complete lists used in administering random drug tests.

(b) Post at its facilities at the Federal Aviation Administration, New England Region, Bradley Air Traffic Control Tower, Windsor Locks, Connecticut, where bargaining unit employees represented by the National Air Traffic Controllers Association, Y90 Local, MEBA/NMU, 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 Secretary, Department of Transportation, Washington, D.C. 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.

(c) Pursuant to section 2423.30 of the Authority's Rules and Regulations, notify the Regional Director, Boston Region, Federal Labor relations Authority, in writing, within 30 days from the date of this Order as to what steps have been taken to comply.

The allegations of the complaint against the Federal Aviation Administration, New England Region, Bradley Air Traffic Control Tower, Windsor Locks, Connecticut, are dismissed.

Issued, Washington, D.C., December 30, 1991

SAMUEL A. CHAITOVITZ
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 direct the Federal Aviation Administration, New England Region, Bradley Air Traffic Control Tower, Windsor Locks, Connecticut, to refuse to furnish the National Air Traffic Controllers Association, Y90 Local, MEBA/NMU, AFL-CIO, the exclusive representative of certain of our employees, with the complete list used in administering random drug testing on August 29, 1990, or with any such lists as may be used for such purpose in the future, and are requested by the exclusive representative.

WE WILL NOT interfere with the bargaining relationship between the Federal Aviation Administration, New England Region, Bradley Air Traffic Control Tower, Windsor Locks, Connecticut, and the National Air Traffic Controllers Association, Y90 Local, MEBA/NMU, AFL-CIO.

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 direct the Federal Aviation Administration, New England Region, Bradley Air Traffic Control Tower, Windsor Locks, Connecticut, to furnish the National Air Traffic Controllers Association, Y90 Local, MEBA/NMU, AFL-CIO, the exclusive representative of a bargaining unit of certain of our employees, with the complete list used in administering random drug testing on August 29, 1990, or with any such lists as may be used for such purpose in the future, and are requested by the exclusive representative.

_____

(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, Region I, Federal Labor Relations Authority, whose address is: 10 Causeway Street, Room 1017A, Boston, MA 02222-1046, and whose telephone number is: (617) 565-7280.