

COPY -> NATCA (MAILED 10/22 -> NATCA & FLRA)



UNITED STATES OF AMERICA  
**FEDERAL LABOR RELATIONS AUTHORITY**  
**CHARGE AGAINST A LABOR ORGANIZATION**

**FOR FLRA USE ONLY**

Case No.

Date Filed

Complete instructions are on the back of this form.

<b>1. Charged Labor Organization</b> Name: National Air Traffic Controllers Association Address: 1325 Massachusetts Ave., N.W., Washington, DC 20005  Tel.#: (202) 628-5451 Ext. Fax#: (202) 628-5767	<b>2. Charging Party (Individual, Labor Organization, Activity, or Agency)</b> Name: Jeffrey N. Lewis Address: Concord ATCT, 201 John Glenn Drive, Concord, CA 94520  Tel.#: (925) 685-5743 Ext. Fax#: ( )
<b>3. Charged Labor Organization Contact Information</b> Name: Marc Shapiro Title: NATCA, Director of Labor Relations Address: 1325 Massachusetts Ave., N.W., Washington, DC 20005  Tel.#: (202) 628-5451 Ext. Fax#: (202) 628-5767	<b>4. Charging Party Contact Information</b> Name: Jeffrey N. Lewis Title: ATCS, Concord ATCT Address: 28242 S. Salo Road, Mulino, OR 97042  Tel.#: (503) 710-1515 Ext. Fax#: ( )

5. Which subsection(s) of 5 U.S.C. 7116(b) and/or (c) do you believe have been violated? [See reverse] 1, 2, 5, and 8

6. Tell exactly WHAT the labor organization did. Start with the DATE and LOCATION, state WHO was involved, including titles.

On May 23, 2007 I filed a grievance for being involuntarily placed in sick leave status following numerous violations of sections of Article 66 of the Contract between NATCA and FAA, dated 6/5/2006. Prior to filing this grievance, I had been advised by phone and in emails from NATCA officials Dave Caldwell (SFO ATCT Local Facility Representative) and Mike Hull (NATCA Regional LR Lead) that if I filed under the imposed Contract (dated 6/5/2006) they would "...withdraw my grievance with extreme prejudice".

On June 12, 2007, I received a letter from Mr. Jason Ralph, manager at Concord Air Traffic Control Tower (CCR ATCT). The letter, dated 6/5/2007, advised the grievance had been assigned Grievance Number NC-07-63982-CCR and had been "denied".

On June 29, 2007, I elevated the grievance to Step Two by sending a certified letter to Mr. Ralph's superior, Mr. Dennis Sullivan, the manager at SFO ATCT. The certified letter was received on 7/2/2007, but the elevation of my grievance to Step Two was never acknowledged despite my repeated written requests seeking the status of my grievance. Months later, in a 9/20/2007 phone conversation with Dick Fossier (FAA Regional Office, AWP-16, Labor Relations), I was told that I had no grievance as it had been withdrawn on 6/22/2007 in a letter from Dave Caldwell (SFO NATCA) to Jason Ralph (CCR ATCT, FAA). Mr. Fossier complied with my request and mailed me a copy of this letter. In this letter, Mr. Caldwell withdrew the grievance "...with prejudice" and noted "...the Union cannot, and will not, support any grievance filed under the 'white book' (the 6/5/2006 contract)...". Thus, Mr. Caldwell withdrew my grievance a week before I had elevated it to Step Two, but he never told me of his actions. Today, four months later, I still have not been advised by NATCA of their actions.

Additionally, I am charging the Local Facility Representative at CCR ATCT for failing to properly recuse himself in representing me. An internal investigation was conducted at CCR ATCT in late March and a Report of Investigation (ROI) completed on 3/28/2007. Copies of the ROI were distributed to FAA management officials on 4/2/2007. I made numerous requests for a copy of this ROI but was ignored so, on 8/29/2007, I requested a copy of this ROI through the Freedom of Information Act (FOIA); a copy was finally received on 10/10/2007. Documents within this ROI, including sworn testimonies, indicate that the CCR ATCT NATCA Facility Representative, Mr. Bill Marks, had made charges to FAA management accusing me of misconducts. Charges were made on the following documented dates: 1/23/2007, 1/24/2007, and 2/2/2007. Mr. Marks did not advise me of the charges he had made to FAA management yet proceeded to "represent" me (unbeknownst to me, in opposition to his own charges) in subsequent Weingarten-context meetings on 2/6/2007, 2/13/2007, and 2/16/2007. Additionally, in a phone conversation on the evening of 2/15/2007, while discussing the meeting with Mr. Ralph scheduled for the next morning, Mr. Marks advised he might have to recuse himself from subsequent meetings with management AFTER the scheduled 2/16/2007 meeting.

**Lewis-FAA Case**  
 8/2012 FLRA filing  
**Ex. # 23**

7. Have you or anyone else raised this matter in any other procedure?  No  Yes If yes, where? [see reverse] \_\_\_\_\_

8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #3 BY  [check "x" box]  Fax  1st Class Mail  In Person  
 Commercial Delivery  Certified Mail

Jeffrey N. Lewis \_\_\_\_\_ 10/22/2007 \_\_\_\_\_  
 Type or Print Your Name Your Signature Date