



**UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
CHARGE AGAINST AN AGENCY**

FOR FLRA USE ONLY

Case No.

Date Filed

Complete instructions are on the back of this form.

1. Charged Activity or Agency Name: FAA, Concord ATCT Address: Concord ATCT, 201 John Glenn Drive, Concord, CA 94520 Tel.#: (925)685-5743 Ext. Fax#: (925)825-1076	2. Charging Party (Labor Organization or Individual) Name: Jeffrey N. Lewis Address: Concord ATCT, 201 John Glenn Drive, Concord, CA 94520 Tel.#: 503-710-1515 Ext. Fax#: ()
3. Charged Activity or Agency Contact Information Name: N. Jason Ralph Title: Manager, CCR ATCT Address: Concord ATCT, 201 John Glenn Drive, Concord, CA 94520 Tel.#: (925)685-5743 Ext. Fax#: (925)825-1076	4. Charging Party Contact Information 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(a) do you believe have been violated? [See reverse] (1) and 1, 5, and 8

6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles.
 The charged activities detailed in this complaint became known to me on October 10, 2007. On that date, I received a copy of ROI AWP-20070078, a Report of Investigation completed 3/28/2007 by Special Agent James Austin of the FAA, Western Pacific Region, Security and Hazardous Materials Division. The copy was received more than six months after it was first requested, and it had been repeatedly requested. The copy was finally received by making a request under the Freedom of Information Act (FOIA).

There are twenty-four exhibits within ROI AWP-20070078, including numerous sworn statements. The statements by the following individuals are relevant to this charge: N. Jason Ralph, manager, CCR ATCT (Concord Air Traffic Control Tower); Patricia Hardy, supervisor, CCR ATCT; and, William Marks, NATCA Local Facility Representative, CCR ATCT.

Documents within this ROI indicate that the NATCA Facility Representative, Bill Marks, made false charges to FAA management, accusing me of misconducts. These false charges were made on the following documented dates: 1/23/2007, 1/24/2007, and 2/2/2007. Documents in the ROI also show that FAA Management proceeded to have Bill Marks "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. I was locked out from the facility on February 16, 2007, and was eventually forced to involuntarily use all my sick leave and annual leave and then placed into a Leave Without Pay (LWOP) status. I have not worked since February 16, 2007.

On May 23, 2007, I filed a grievance. On June 1, 2007, Jason Ralph received a fax from Dave Caldwell, the NATCA Facility Representative at SFO ATCT. The fax stated that NATCA does not recognize the "Whitebook" contract and would be withdrawing my grievance "with prejudice". On June 12, 2007, I received an email from Jason with an attachment: Jason's 6/5/2007 letter responding to my grievance filing and stating the grievance is "denied". In his "denial" letter, Jason Ralph did not mention that NATCA had refused to negotiate in good faith; thus, Jason Ralph made his "denial" decision unilaterally. On June 22, 2007, Jason Ralph received another fax from Dave Caldwell, withdrawing my grievance "...with prejudice"; I was not advised of this action but learned of it three months later in a phone conversation with another FAA manager, Dick Fossier, in the FAA Regional Office. On June 29, 2007, believing I had grievance rights in accordance with the Contract, I elevated the grievance to Step Two by sending a certified letter to Jason 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.

I am charging that this evidence documents a collusion between FAA management and NATCA, and thus a failure to negotiate in good faith.

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8/2012 FLRA filing
Ex. # 24

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 _____ 11/13/2007 _____
 Type or Print Your Name Your Signature Date