

UNITED STATES OF AMERICA
BEFORE THE FEDERAL LABOR RELATIONS AUTHORITY
CHICAGO REGION

U.S. DEPARTMENT OF VETERANS AFFAIRS
ST. CLOUD VA HEALTH CARE SYSTEM
ST. CLOUD, MINNESOTA

Respondent

and

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 390, AFL-CIO

Charging Party

Case No. CH-CA-12-0618

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by the American Federation of Government Employees, Local 390, AFL-CIO, (the Union). It is issued pursuant to Section 7118 of the Federal Service Labor-Management Relations Statute (the Statute) and Section 2423.20(a) of the Rules and Regulations of the Federal Labor Relations Authority (the Authority), and alleges that the U.S. Department of Veterans Affairs (VA), St. Cloud VA Health Care System, St. Cloud, Minnesota (the Respondent) has violated the Statute as described below:

1. The Union filed the charge in this proceeding on September 28, 2012.
2. A copy of the charge was served on the Respondent.
3. The Respondent is an agency within the meaning of Section 7103(a)(3) of the Statute.
4. The American Federation of Government Employees, AFL-CIO (AFGE) is a labor organization within the meaning of Section 7103(a)(4) and is the exclusive representative of a nationwide unit of employees appropriate for collective bargaining at the VA, which includes employees of the Respondent.

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1. The Union filed the charge in this proceeding on September 28, 2012.
2. A copy of the charge was served on the Respondent.
3. The Respondent is an agency within the meaning of Section 7103(a)(3) of the Statute.
4. The American Federation of Government Employees, AFL-CIO (AFGE) is a labor organization within the meaning of Section 7103(a)(4) and is the exclusive representative of a nationwide unit of employees appropriate for collective bargaining at the VA, which includes employees of the Respondent.

5. The Union is an agent of AFGE for the purpose of representing the unit employees employed by the Respondent.
6. At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of the Respondent acting upon its behalf:

Barry I. Bahl	Director
Susan Markstrom, M.D.	Chief of Staff
Lisa A. Rosendahl	Human Resource Officer

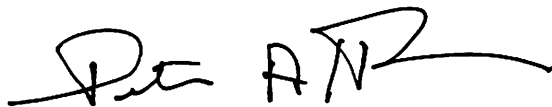
7. At all material times, the individuals named in paragraph 6 were supervisors and/or management officials within the meaning of Section 7103(a)(10) and/or (11) of the Statute.
8. Dr. Stephen Firestone is an employee of Respondent and is in the bargaining unit described in paragraph 4.
9. Firestone works Monday through Friday in Respondent's Primary and Specialty Care Clinic.
10. On or about July 20, 2012, the Union requested that Respondent provide Firestone with eight hours of official time under the VA-AFGE collective bargaining agreement each Wednesday to perform Union representational activities.
11. On or about July 23, 2012, Respondent, by Rosendahl, granted Union's request and advised that Firestone would receive eight hours of official time each Wednesday starting in September 2012.
12. On or about September 6, 2012, Respondent, by Rosendahl, informed Firestone that his compensation was being reduced by 20% because he would be only performing his clinic duties four days a week as opposed to five days a week.
13. Respondent took the action described in paragraph 12 because Firestone would be using eight hours of official time each week on Wednesdays to perform Union representational activities.

- 7
14. By the conduct described in paragraph 12, Respondent has been interfering with, restraining, and coercing employees in the exercise of rights guaranteed in Section 7102 of the Statute in violation of section 7116(a)(1) of the Statute.
 15. By the conduct described in paragraphs 12 and 13, Respondent has been discouraging membership in a labor organization by discrimination in connection with the terms and conditions of employment of its employees in violation of Section 7116(a)(1) and (2) of the Statute.

PLEASE TAKE NOTICE that on June 5, 2013, at 9:00 a.m. at a place to be determined in Minneapolis, Minnesota, a hearing on this complaint will be held before an Administrative Law Judge of the Federal Labor Relations Authority. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint.

The Respondent is further notified that, pursuant to Section 2423.20(b) of the Authority's Regulations, it must file an answer to the complaint. The answer must admit, deny, or explain each allegation of the complaint. Absent a showing of good cause to the contrary, failure to timely file an answer or respond to any allegation of the complaint will constitute an admission.

Respondent's answer must be filed on or before April 29, 2013, with the Chief Administrative Law Judge, Federal Labor Relations Authority, 1400 K St., NW, Washington, DC 20424-0001. The Respondent must also serve a copy of its answer on the Region and the Charging Party.



Peter A. Sutton, Regional Director
Federal Labor Relations Authority
Chicago Regional Office
224 S. Michigan Avenue, Suite 445
Chicago, Illinois 60604
Tel: 312-886-3465, Fax: 312-886-5977

Dated: April 3, 2013

7

STATEMENT OF SERVICE

I certify that copies of the Complaint and Notice of Hearing in Case No. CH-CA-12-0618 have this day been sent by first-class mail to the following individuals:

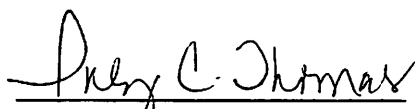
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Charles Center, Chief Administrative Law Judge
Federal Labor Relations Authority
1400 K Street, N.W.
Washington, DC 20424-0001
Fax: 202-482-6629

Julia Akins Clark, General Counsel
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1400 K Street, N.W.
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Inez Thomas, Office Manager

Dated: April 3, 2013

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