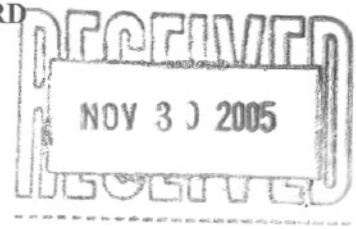
UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5



LOCKHEED MARTIN INFORMATION AND TECHNOLOGY SERVICES, A DIVISION OF LOCKHEED MARTIN, INC.

and

Case 5-CA-32626

NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS (NAATS) NAGE-SEIU AFFLILIATE LOCAL R3-11

COMPLAINT AND NOTICE OF HEARING

National Association of Air Traffic Specialists (NAATS) NAGE SEIU Affiliate Local R3-11, herein called the Charging Party or Union, has charged that Lockheed Martin Information and Technology Services, herein correctly called Lockheed Martin Information and Technology Services, a Division of Lockheed Martin, Inc., and hereinafter referred to as Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. δ 151, et seq., herein called the Act. Based thereon, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. The charge in this proceeding was filed by the Charging Party on August 19, 2005, and a copy was served on Respondent by mail on August 22, 2005.

2. (a) At all material times, Respondent, a Maryland corporation with its headquarters in Bethesda, Maryland, and an office and place of business in Cherry Hill, New Jersey, has been engaged, at various locations throughout the United States including a facility at Leesburg, Virginia, in the business of providing technology services to various customers including the Federal Aviation Administration, an agency of the United States government.

(b) Since on or about October 4, 2005, at which time Respondent commenced its operations with the Federal Aviation Administration, Respondent, in conducting its business operations described above in paragraph 2(a), will annually provide services valued in excess of $50,000 to the Federal Aviation Administration, an agency of the United States government.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, Stephen W. Brinch has held the position of Respondent's Vice-President of Human Resources and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

5. (a) From in or around 1975, the Union had been the exclusive, collective-bargaining representative of the unit described below in paragraph 5(b), employed by the Federal Aviation Administration and, during that period of time, the Union had been recognized as such representative by the Federal Aviation Administration. This recognition was embodied in a series of collective-bargaining agreements the most recent of which is effective from February 8, 2004 until February 8, 2009.

(b) The unit of Federal Aviation Administration employees appropriate for collective bargaining, as clarified and certified by the Federal Labor Relations Authority to be represented by the Charging Party, included:

> All Air Traffic Control Specialists, FG-2152 series, employed by the U.S. Department of Transporation, Federal Aviation Administration, including students at the FAA Academy and Automation Specialists, assigned to the flight service option at Flight Service Stations, International Flight Stations, Flight Services Data Processing Systems sites and at the "Weather Unit" of the Air Traffic Control System Command Center, Herndon, Virginia.

6. (a) On or about February 1, 2005, the Federal Aviation Administration awarded a contract (herein called the FAA contract) to Respondent under which Respondent would take over the operation of all automated flight service stations operated by the Federal Aviation Administration, within the continental United States.

(b) By on or before July 1, 2005, the employees employed at the automated flight service stations, included in the FAA contract, were required either to accept or to reject job offers from Respondent.

(c) By on or about July 1, 2005, a majority of the Federal Aviation Administration employees at the facilities included in the FAA contract did accept offers of employment with Respondent.

(d) On or about October 4, 2005, Respondent assumed the operation of automated flight service stations included in the FAA contract and, since then, has continued to operate the business of the Federal Aviation Administration, described above in paragraph 6(a), in basically unchanged form, and has employed as a majority of its employees individuals who were previously employees of the Federal Aviation Administration.

(e) Based on the operations described above in paragraphs 6(c) and 6(d), Respondent has continued the employing entity of, and is a successor to, the Federal Aviation Administration.

7. (a) The following employees of Respondent, hereinafter called the Unit, constitute a unit appropriate for collective bargaining within the meaning of Section 9(b) of the Act:

> All air traffic control specialists and automation specialists assigned to the flight service option employed by Respondent at facilities included in the FAA contract.

(b) At all times since in or about July 1, 2005, based on the facts set forth above in paragraphs 5 through 6, and 7(a), the Union, by virtue of Section 9(a) of the Act, has been the exclusive, collective-bargaining representative of the Unit employed by Respondent.

8. By letters dated July 21 2005, and October 17, 2005, the Union has requested that Respondent recognize it as the exclusive, collective-bargaining representative of the Unit and bargain collectively with the Union as the exclusive, collective-bargaining representative of the Unit.

9. Since on or about July 25, 2005, Respondent has failed and refused to recognize, and to meet and bargain with, the Union as the exclusive, collective-bargaining representative of the Unit.

10. By the conduct described above in paragraph 10, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive, collective-bargaining representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(a)(1) and (5) of the Act.

11. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

PLEASE TAKE NOTICE that commencing at 10:00 a.m., E.S.T., on the 27th day of March 2006, and on consecutive days thereafter, a hearing will be conducted in the John A. Penello Memorial Hearing Room, 103 South Gay Street, 7th Floor, Baltimore, Maryland, before an administrative law judge of the Board on the allegations in this complaint, at which time and place any party within the meaning of Section 102.8 of the Board's Rules and Regulations will have the right to appear and present testimony.

Respondent is further notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, Respondent shall file with the undersigned an original and four (4) copies of an answer to this complaint in the Baltimore Regional Office by close of business on December 13, 2005, and that, unless Respondent does so, all the allegations in the complaint shall be considered to be

admitted to be true and shall be so found by the Board. Respondent is also notified that pursuant to the Board's Rules and Regulations, Respondent shall serve a copy of its answer on each of the other parties.

Form NLRB-4338 and Form NLRB-4668, Statement of Standard Procedures in Formal Hearings Held Before the National Labor Relations Board in Unfair Labor Practice Cases, are attached.

Dated at Baltimore, Maryland this 29th day of November 2005.

(SEAL)

WAYNE R. GOLD

Wayne R. Gold, Regional Director
National Labor Relations Board, Region 5
103 South Gay Street, 8th Floor
Baltimore, Maryland 21202

Attachments

FORM NLRB-4668
(4-05)

(C CASES)

SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE NATIONAL LABOR RELATIONS BOARD IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. In the absence of a request, the administrative law judge may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8½ by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed before the proceeding is transferred to the Board:

No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at. least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting briefs, requests for oral argument before the Board, and related matters, is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

FORM NLRB-4338
(6-90)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case: 5-CA-32626

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

(1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFC 102.16(a).

(2) Grounds must be set forth in **detail;**

(3) Alternative dates for any rescheduled hearing must be given;

(4) The positions of all other parties must be ascertained by the requesting party and set forth in the request; **and**

(5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the
date of hearing.

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