

<p>1. Grievant(s) AFGE Local 408 on behalf of all affected bargaining unit employees.</p>	<p>2. Duty Station Federal Bureau of Prisons FCC Butner, North Carolina</p>
<p>3. Representative of Grievant(s): Edwin Kirton, III, President Local 408 Heidi R. Burakiewicz, Kalijarvi, Chuzi, Newman & Fitch, P.C.</p>	<p>4. Informal resolution attempted with (name Person) Warden Holland, FCC Butner</p>

5. Federal Prison System Directive, Executive Order, or Statute violated:

The Union alleges the Agency is violating the Master Agreement between the Federal Bureau of Prisons and the Council of Prison Locals including, without limitation, Article 3, Section b; Article 6; Article 18; Article 20; Article 27. Among other things, this is also a violation of a national agreement made during national LMR in January 2011, 5 U.S.C. Chapter 63; 5 C.F.R. Part 630, including 5 C.F.R. § 630.401 and 5 C.F.R. § 630.403; the Back Pay Act, 5 U.S.C. § 5596, and the Family Medical Leave Act, 5 U.S.C. § 6381 et seq.

6. In what way were each of the above violated? Be specific.

The Union alleges the Agency is issuing improper sick leave abuse letters to bargaining unit members at FCC Butner. The Agency is issuing sick leave abuse letters, including "canned" or "form" letters restricting employees' ability to use sick leave, and improperly requiring medical documentation from employees who have not engaged in any questionable sick leave usage or who have been approved for various types of leave. Likewise, the Agency has failed to define what constitutes grounds for sick leave abuse, so that employees do not know what behavior triggers an alleged violation. This is a violation of the 2011 LMR agreement that "detailed guidance should be provided to field locations regarding consistent procedures for sick leave abuse." As such, the Agency is both improperly and inconsistently applying sick leave abuse criteria and failing to treat employees fairly and equitably in this aspect of personnel management. Among other things, employees who have received sick leave abuse letters have lost career opportunities, faced additional scrutiny, and have been forced to take leave without pay or be marked as Absent without Leave ("AWOL"), etc. The violation is exacerbated by the fact that the Agency is severely understaffed and has refused to fill vacancies. Currently, the Agency has approximately 40 vacancies in the medical department alone. As a result, the Agency is mandating employees to work excess amounts of overtime, which is causing harm to the employees' health and wellbeing. The Agency may not retaliate against employees for exercising their rights to use leave. This is especially so when the employees require the leave as a result of the working conditions imposed upon them by the Agency.

7. Date(s) of violation(s)

The Union became aware on July 10, 2017 that the Agency was issuing questionable sick leave abuse letters. This violation is continuous and ongoing. Pursuant to the Back Pay Act and Title 5's statute of limitations, the recovery period extends back to six years prior to the date the grievance is filed and into the future until the grievance is resolved and/or the violation stops.

8. Request remedy (i.e., what you want done)

The Union seeks any and all relief available as a result of the Agency's failure to follow the Master Agreement and applicable laws as set forth above. The Union requests the Agency correct its practices to be compliant with applicable laws and the Master Agreement. The Union requests the Agency rescind all sick leave abuse letters from bargaining unit employees' files, implements legally sufficient criteria for issuing such letters, and fill the vacancies at FCC Butner so that staff are no longer required to work excessive hours. The Union requests that each affected bargaining unit employee who expresses an interest in receiving damages by signing the Union's required forms be made whole in every way including, without limitation, an award of backpay, compensatory damages, taxes, interest, and attorney's fees and costs, pursuant to the Back Pay Act (5 U.S.C. § 5596).

<p>9. Person with whom filed Angela Dunbar</p>	<p>10. Title Mid-Atlantic Regional Director</p>
<p>11. Signature of recipient</p>	<p>12. Date signed</p>

I hereby certify that efforts at informal resolution have been unsuccessful.

<p>13. Signature of Grievant(s) <i>Edwin Kirton III (RD)</i></p>	<p>14. Signature of Representative <i>Edwin Kirton III (RD)</i></p>
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