

MAY 1994

U.S. DEPARTMENT OF JUSTICE**FEDERAL BUREAU OF PRISONS****1. Grievant(s)**

AFGE Local 408 on behalf of all affected bargaining unit employees

2. Duty Station:Federal Bureau of Prisons
FCI 1 Butner, North Carolina**3. Representative of Grievance(s)**

Edwin Kirton, III, President, AFGE Local 408

4. Informal resolution attempted with

Andrew Mansukhani Warden FCI 1

5. Federal Prison system Directive, Executive Order, Statute violation:

The Union alleges that 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, Section b(2); Article 27. This is a violation of the premium pay laws regarding Hazard Pay and Environmental Differential pay under Title 5, 5 U.S.C. § 5545 and 5 U.S.C. § 5343, and implementing regulations such as 5 C.F.R. § 550.901-907; and 5 C.F.R. § 532.511. And any damages provided under law.

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

The Union alleges that the Agency has failed to properly compensate bargaining unit employees entitled to Hazard Pay (GL employees) or Environmental Differential Pay (WS employees) for being exposed to hazardous working conditions as a result of their exposure to virulent biologicals/microorganisms like mold at FCI 1 Butner, in violation of Title 5. Employees have complained about mold-related illness, filed complaints with OSHA, and submitted OWCP claims as a result of their mold exposure at FCI 1 Butner. Additionally, an inspection report dated September 11, 2017 identified the presence of toxic mold and elevated mold levels at various locations within FCI 1 Butner.

GL employees are entitled to Hazard Pay when they are exposed to hazardous working conditions that were not taken into account in the classification of their positions. A WS employee is entitled to Environmental Differential Pay when he or she is exposed to unusually severe working conditions or hazards that are not taken into consideration in the job description. Employees are entitled to Hazard Pay and Environmental Differential Pay for both regular hours and overtime hours worked. The Agency has failed to pay bargaining unit employees hazard pay or environmental differential pay for their exposure to hazardous working conditions at FCI 1 Butner.

7. Date(s) of violation(s)

This violation is continuing and ongoing. Pursuant to 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. As such, the recovery period would extend back to September 20, 2011 and continue into the future until the issue/grievance is resolved.

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. 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; restoration of leave used by bargaining unit staff as a result of the hazardous working conditions; taxes; interest; and attorney's fees and costs, pursuant to the Back Pay Act. 5 U.S.C. § 5596.

9. Person with whom filed

Angela Dundar

10. Title

Mid-Atlantic Regional Director

11. Signature of recipient**12. Date signed****I hereby certify that efforts at informal resolution have been unsuccessful.****13. Signature of Grievant(s)**

14. Signature of Representative
