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| <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, Mehri & Skalet, PLLC</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 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); and Article 18, Sections p and q. The Agency is also violating the Memorandum of Understanding Between Council of Prison Locals, Local 408 and Federal Correctional Complex, Butner, NC regarding the distribution of overtime in the Nursing Department, signed on January 22, 2015. Additionally, the Union alleges the Agency is committing an unjustified or unwarranted personnel action pursuant to the Back Pay Act, 5 U.S.C. § 5596.

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

The Union alleges that the Agency has failed to distribute and rotate equitably among bargaining unit employees when filling overtime assignments in the Health Services/Medical/Nursing Department without following the procedures set forth in the Master Agreement and the Memorandum of Understanding Between Council of Prison Locals, Local 408 and Federal Correctional Complex, Butner, NC regarding the distribution of overtime in the Health Services/Medical/Nursing Department, signed on January 22, 2015 ("Nursing MOU"). Further, this has resulted in the deprivation of overtime assignments to bargaining unit employees, which is a prohibited personnel action in violation of the Back Pay Act. The Agency settled a grievance with the Union regarding the failure to properly rotate overtime in the Health Services/Medical/Nursing Department on July 20, 2016, however, the Agency has failed to correct the problems.

7. Date(s) of violation(s)

This is a continuing and ongoing violation. Pursuant to the Back Pay Act's statute of limitations, the recovery period extends back six years prior to the date the grievance is filed and into the future until this grievance is resolved and/or the violation stops. As stated above, the Union and the Agency resolved a grievance regarding the distribution of overtime in the Health Services/Medical/Nursing Department. Thus, the recovery period in this case begins on July 21, 2016 and continues until this issue is resolved.

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

AFGE Local 408 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 that the Agency correct its practices so that they are compliant with applicable law. 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, interest, and attorneys' fees and costs pursuant to the Back Pay Act, 5 U.S.C. § 5596(b). The Union requests any other judgment, sanctions, or remedies deemed appropriate or reasonable by the arbitrator.

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| <p>9. Person with whom filed John F. Caraway</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.

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