

<b>1. Grievant(s)</b> AFGE Local 408 on behalf of all affected bargaining unit employees	<b>2. Duty Station</b> Federal Bureau of Prisons FCC Butner, North Carolina
<b>3. Representative of Grievant(s):</b> Edwin Kirton, Vice-President AFGE Local 408 Heidi R. Burakiewicz, Mehri & Skalet, PLLC	<b>4. Informal resolution attempted with (name Person)</b> Complex Warden Atkinson

**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 and Article 6, Section b(2). This is a violation of the premium pay laws providing for (1) night shift differential pay under Title 5, 5 U.S.C. § 5545 and 5 U.S.C. § 5343, and implementing regulations such as 5 CFR § 550.121-122 and 5 CFR § 532.505; (2) Sunday Premium pay under Title 5, 5 U.S.C. § 5546 and 5 U.S.C. § 5544, and implementing regulations such as 5 CFR § 550.171-172 and 5 CFR § 532.509; and (3) Holiday pay under Title 5, 5 U.S.C. § 5546 and implementing regulations such as 5 CFR § 550.131-132, 5 CFR § 601.201-202, and 5 CFR 532.507. This is also a violation of the Fair Labor Standards Act ("FLSA"), which requires that employers pay employees for all hours worked and a violation of the FLSA and Back Pay Act which requires that the payments be made timely. See, e.g., 29 U.S.C. § 201 et seq.; 5 C.F.R. Part 551; 29 CFR § 778.106; 5 USC § 5596.

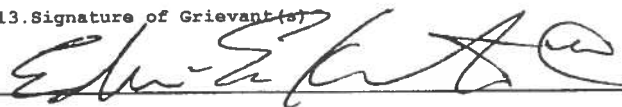

**6. In what way were each of the above violated? Be specific.**  
 The Union alleges that the Agency has failed to pay employees timely and correctly including, among other things, failing to: (1) pay employees overtime compensation timely; (2) pay night shift differential; (3) pay Sunday Premium Pay; (4) pay holiday pay; and (5) pay employees correctly and completely for all hours worked. The Union understands that the Agency has previously audited certain employees and determined that the employees were not paid correctly for all time worked. Even if the Agency has already provided backpay to these employees, they are entitled to liquidated damages and/or interest as a result of the Agency's failure to pay the employees on time. Additionally, the Union alleges that the Agency has failed to maintain records of hours worked.

**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. Pursuant to the FLSA's statute of limitations, the recovery period extends back 3 years prior to the date the grievance is filed and into the future until this grievance is resolved and/or the violation stops.

**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 and performs an audit of employees' payroll records to determine if they have not been paid correctly. 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, liquidated damages, and attorneys' fees and costs pursuant to the FLSA, 29 U.S.C. § 216(b), and the Back Pay Act, 5 U.S.C. § 5596(b).

<b>9. Person with whom filed</b> Ike Eichenlaub	<b>10. Title</b> Mid-Atlantic Regional Director
<b>11. Signature of recipient</b>	<b>12. Date signed</b>

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

<b>13. Signature of Grievant(s)</b> 	<b>14. Signature of Representative</b> 
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Edwin Kirton / HRB