

<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</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 (b) (6), Article 18; and Article 27(a) (1) and (2), (b), and (e). Additionally, the Union alleges the Agency is violating standards related to staffing levels including, without limitation, the Joint Commission on Accreditation of Healthcare Organizations ("JCAHO") standards, as well as the Occupational Safety and Health Administration ("OSHA") standards, 29 U.S.C. chapter 15. Finally, the Union alleges that 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 properly staff posts in the Health Services/Nursing Department in violation of the Master Agreement, BOP Policy, Post Orders, standards such as the JCAHO and OSHA standards, and the Back Pay Act. The Agency is leaving posts vacant and/or ordering Nurses to "cover" more than one post in a single shift. As a result of the Agency's actions, the inherent hazards of a correctional environment are not to the lowest possible level, which increases the threat to the safety of staff and bargaining unit employees at FCC Butner, the inmate population, and the general public. Further, the Agency's actions cause inmate patient care to suffer because nursing care is inadequate. Additionally, the Agency's actions are in violation of applicable standards such as JCAHO and OSHA standards. Finally, the Agency's actions have resulted in the deprivation of overtime shifts to employees who are qualified to work these positions, which is a prohibited personnel action in violation of the Back Pay Act.

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; thus April 28, 2011 through when the grievance is resolved 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, BOP policy, and applicable laws as set forth above. The Union requests that the Agency cease and desist, and correct its practices so that they are compliant with applicable law, policy, and Master Agreement, including but not limited to discontinuing the practice of vacating Nursing posts. 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.

<p>9. Person with whom filed John 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.

<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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