

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISON

1. Grievant(s) Council of Prison Locals 33 All bargaining unit employees	2. Duty Station Roger Payne, NST FCI-Forrest City
3. Representative of Grievant(s) Roger Payne, NST Council of Prison Locals 33	4. Informal resolution attempted with (name Person) Cristina Griffith, Chief of LMR Chris Wade, LMR

5. Federal Prison System Directive, Executive Order, or Statute violated: There is NO requirement for specificity per the Master Agreement. If you need assistance or clarification with anything in this grievance, please contact Roger Payne, NST Council 33. Including, but not limited to the Master Agreement and the following provisions; Master Agreement, Preamble, Master Agreement's Articles 1,3,6,7,30 and 31, 5 U.S.C. 7101, 7106, 7114, 7117 (Master Agreement - Article 3), 5 USC 7116(a), 1, 2, 5, 7 and 8, Civil Service Reform Act of 1978 and Due Process. Program Statement on Standards of Employee Conduct, Human Resource Manual and Internal Affairs Program Statement. Back Pay Act. See Block 6.

SEE BELOW FOR DETAILS
IF YOU HAVE ANY QUESTIONS ON THE ABOVE, PLEASE CONTACT ROGER PAYNE, NST,
COUNCIL OF PRISON LOCALS 33

6. In what way were each of the above violated? Be specific. (But not limited to).

The Agency has applied the reckoning period in an inconsistent manner and in direct violation of the Master Agreement and the Agency's own program statements. Progressive discipline has been utilized inappropriately. Staff have not always been put on notice of their behavior before progressive discipline has been used. The Agency has used the wrong start dates for the beginning of the reckoning period. The Agency failed to negotiate in good faith as they willfully misused the reckoning period against staff. This gives the appearance of manipulating these dates in order to attempt to justify harsher penalties against certain individuals.

At policy negotiation on or about January 11, 2007, the Agency (Chris Wade, Don Laliberte, Docia Casillas) made the Union aware of these inconsistencies and stated that the reckoning period starts the day the investigation is completed. Present for the Union: Bill Wood, Roger Payne, Mike Castelle, Dwayne Person, Cathy New, Rose Gonzales, Jay Rivera, Andre Davis and Eric Young. The Agency stated that progressive discipline cannot be used until the employee has been placed on notice for that offense.

The Agency will not inform the Union when staff investigations are completed. The Agency states they do not have to divulge this information. It is clear that the reckoning period has been applied inconsistently and staff have been damaged by the Agency's misuse of incorrect reckoning periods. This includes suspensions up to termination.

The Union has attempted to informally resolve this issue. The Union requested to jointly review all disciplines to correct any inconsistency in the application of the reckoning periods. This document was also given to Chris Wade on 2-7-07 for review in an attempt to informally resolve this before a formal filing is made. Attempts were also requested from Cristina Griffith. The Union made several phone calls and feels the Agency had not made any meaningful attempt to resolve this issue. The Agency is the keeper of the records and is well aware of these violations that range up to wrongfully ending of employee's careers.

IF THE AGENCY OR ITS REPRESENTATIVES HAVE ANY QUESTIONS OR CONCERNS REGARDING THIS GRIEVANCE OR ANY OF THE STATED VIOLATIONS PLEASE CONTACT ROGER PAYNE, NST, COUNCIL OF PRISON LOCALS FOR CLARIFICATION! THE UNION IS WILLING TO MEET AND ATTEMPT RESOLUTION AT ANY TIME.

7. Date(s) of violation(s) This is a continuous and on going violation from the time the Agency agreed in policy or contract that the reckoning period starts when the Agency is aware of the incident.

8. Request remedy (i.e., what you want done) (BUT NOT LIMITED TO)

1. All disciplines be reviewed jointly and any progressive discipline that has been applied inconsistently be corrected and the employee made whole,
2. Cease and desist from violating the Unions rights and make all employees whole,
3. A nationwide Agency posting of not less than 90 days stating that the Council of Prison Locals 33 (Union) is the sole and exclusive representative for all bargaining unit employees,
4. The Agency pay for all cost related to their failure to comply with the Collective Bargaining Agreement (Master Agreement), 5 U.S.C. and Program Statements,
5. The Agency pay for all attorney's fees.
6. Double damages,
7. Liquidated damages,
6. Any other relief requested at the hearing or in a brief.
7. Any relief the Arbitrator deems necessary.

9. Person with whom filed
Harley Lappin, Director

10. Title
Director, Bureau of Prisons

11. Signature of recipient
Via fax, email and copy by certified mail

12. Date signed
2-17-07

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

13. Signature of Grievant(s)
Roger Payne for the Bargaining Unit
Council of Prison Locals 33

14. Signature of Representative
Roger Payne, NST
Council of Prison Locals 33

Record Copy - Agency; Copy - Union Local; Copy - Council of Prison Locals; Copy - Grievant

(This form may be replicated via WP)

This form replaces BP-176(37) Dated October 1984.