



FAX



FROM: Michael A. Castelle, Sr.,
National Fair Practice Coordinator
Council of Prison Locals
804-943-1633: Cell
804-732-2360: FAX
Mcastelles@AOL.COM :Email Address

TO: Mrs. L. Cristina Griffith
Chief LMR Branch/Central Office
320 First St., NW/HOLC Building
Room 818-LMR
Washington, DC 20534
Work: 202-307-6684
Fax: 202-307-6857

April 3, 2009

No. of pages Nine . (Excluding Cover Sheet)

Comments: Cristina, I am faxing a grievance concerning the numerous allegation of the wrong doing on the agency's behalf to bargaining unit staff request for reasonable accommodations. It would be appreciated if I was given the courtesy of a signed copy from your end via a fax. Nonetheless, if you have any questions please feel free to contact me at your convenience.

(18 U.S.C. §2511)

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“If there is no struggle, there is no progress.”

Never Compromise your integrity to endorse what you know is spiritually and morally wrong. He is always watching.....and is already aware of the truth.....



1. Grievant(s) Council of Prison Locals CPL-#33	2. Duty Station: Federal Bureau of Prisons
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3. Representative of Grievance(s) (name person) Mr. M. A. Castelle, Sr.	4. Informal resolution attempted with Mr. Harley Lappin
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5. Federal Prison system Directive, Executive Order, Statute violation: American Disabilities Act., American Disabilities Act (ADA) Amendments Act of 2008, 29 CFR § 1614, Title 5 U.S.C. § 2302(b), Rehabilitation Act of 1973 Program Statement 3713.23 Discrimination & Retaliation Complaint Processing, Department of Justice, Manual and Procedures for Providing Reasonable Accommodation, Civil Rights Act, Title VII, 42 U.S.C. 2000e, 29 U.S.C. § 794, The Master Agreement, Article(s) 6,22, & 36 but not limited to another applicable Federal Rules, Law, Regulations and policies.

6. In what way were each of the above violated? Be specific. On or about March 5, 2009, this writer sent a fax, an email and a certified letter of the same correspondence to Mr. Lappin, Director of the Federal Bureau of Prisons informing him of the numerous violations occurring throughout the agency relating the agency's failure to reasonable accommodate employees with mental and/or physical disabilities as well as the agency's failure to engage in the interactive process when requests for accommodations are made. For those bargaining unit employees with a mental or physical disability as defined in the ADA, Rehabilitation Act, and the 2008 amended version of the ADA. The agency is not in compliance with the Department of Justice (DOJ), guidance for "Reasonable Accommodations, nor the laws, rules and procedures identified above. When a request for a "Reasonable Accommodation" based on a mental or physical disability, is made, the agency is not making a good faith effort to accommodate the employee and is not engaging in the interactive process. Rather, the agency response to such requests include but not limited to retaliating against the employee, by the issuance of a "Fitness for Duty" proposal, Force Leave proposals, open ended Medical Release Request, (which is outside of the DOJ guidelines), etc. The agency is creating a hostile working environment for those bargaining unit employees request a reasonable accommodation based on a physical or mental disability. By not following the provisions of Program Statement 3713.23 and all other applicable Federal Rules, Laws and Regulations. This writer gave examples of the various institutions these allegations are occurring but not limited to H. Simmons, FCI Talladega, Shelly Wykoff, FCI McKean,, Ms. Griffin and Ms. Coleman FCI Williamsburg, Mr. Mayo, FCC Butner, Mr. Carver, FCI Beckley and Nathan Sterling FDC Honolulu and numerous other individuals at other institutions in the agency. The Director of the Federal Bureau of Prisons silence on this matter is causing a "chilling" affect to all bargaining unit employees wanting and needing to request a reasonable accommodation for their mental and physical disabilities. The agency is obligated by law to engage in the interactive process and to act in good faith in granting reasonable accommodations to the requesting employees. The agency is prohibited by law from retaliating and/or otherwise dissuading an employee from asserting his/her rights to a reasonable accommodation. The agency's failure to act after receiving notice of this pattern of harassment contrary to employees' rights. Moreover, the agency's anti-harassment policies and notices are ineffective and do not adequately inform and afford employees' of their exercise of their rights and protection against retaliation for employees who need to be reasonably accommodated to perform their jobs.

If the agency's recipient of this grievance have additional questions or needs additional information concerning these allegations of wrong doing. Please feel free to contact this writer.



7. Date(s) of violation(s) **March 5, 2009 and continuous**

8. Request remedy (i.e., what you want done) **All attorney, legal fees and expenses incurred in the processing this grievance will be reimbursed by the agency. That a cease and desist orders are issued to against all supervisor(s)/managers(s) from further action of this nature. The grievant(s) will suffer no reprisal, harassment, or intimidation, as a result of filling this grievance. That suitable compensations are granted and any other remedy the arbitrator deems appropriate to make the employee (s) whole.**

9. Person with whom filed Mr. Harley Lappin	10. Title Director Federal Bureau of Prisons
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11. Signature of recipient	12. Date signed
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I hereby certify that efforts at informal resolution have been unsuccessful.

13. Signature of Grievant(s) Council of Prison Locals 	14. Signature of Representative 
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HP Officejet Pro L7500 All-in-One series

Fax Log for
Michael A Castelle Sr NFC
8047322360
Apr 03 2009 3:35PM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Apr 3	3:34PM	Fax Sent	12023076857	0:56	2	OK