

MAY 94

U. S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISON

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

5. Federal Prison System Directive, Executive Order, or Statute violated:

Please note that there is NO requirement by the Master Agreement to be specific in block 5. Please look at block 6. If you need assistance or clarification with anything in this grievance, please contact Roger Payne, NST Council 33. Including, but not limited to the following provisions of the contract: 5 U.S.C. 7116 (a) (1), (5) Failure to negotiate in good faith, (8) to otherwise fail or refuse to comply with any provision of this chapter. Master Agreement, including Article 3. The agency is required by the Master Agreement to follow all laws, rules and regulations and they willfully agreed to this.

THE UNION IS WILLING TO MEET AND ATTEMPT RESOLUTION AT ANY TIME.

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

On January 15, 2005 the National Health Information (Medical Records) Program Statement was published by the Agency. There have been no new negotiations nor proposals made by either party. When reviewing the agency website last week, there was a new Medical Records Program Statement dated October 13, 2008. This was never sent to the Union and is a unilateral change. The Union requested notification of when the changes were mailed to the Local Presidents, Council of Prison Locals 33 and who negotiated these changes. The Agency has failed to respond in any way to the request. This is a bypass of the Union and a violation on Article 3. The Chief of LMR stated to Roger Payne and Bryan Lowry that Mr. Lowry had filed a ULP on this but Mr. Lowry disagreed. Ms. Griffith stated she would provide a copy of this decision. Ten days has passed on this attempt at informal resolution and there has been no response from the agency. This was never sent to the Union and is a unilateral change. The Union requested notification of when the changes were mailed to the Local Presidents, Council of Prison Locals 33 and who negotiated these changes. The Agency has failed to respond in any way to the request. This is a bypass of the Union and a violation on Article 3.

In an attempt to be very specific, an attachment is added as the space for this block does not allow for this much specificity. SEE ATTACHMENT

7. Date(s) of violation(s) Date of issuance is unknown by the Union.

This is a continuous violation, (on going).

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

In an attempt to be very specific, an attachment is added as the space for this block does not allow for this much specificity. SEE ATTACHMENT

9. Person with whom filed Harley Lappin, Director Chief of LMR	10. Title Director, Bureau of Prisons
11. Signature of recipient	12. Date signed 12/10/89

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.

8. Request remedy (i.e., what you want done)
1. The arbitrator will issue a cease and desist order to the agency,
 2. The Arbitrator will order the agency to re-instate the negotiated Medical Records (Health Information) Program Statement,
 3. The Arbitrator will order a national posting,
 4. The grievant will suffer no reprisal, harassment, or intimidation, as a result of filling this grievance.
 5. All attorney, legal fees, assistants fees and expenses incurred in the processing this grievance will be reimbursed by the agency.
 7. All bargaining unit and the Union be made whole.
 8. Any other compensation or remedy the arbitrator deems appropriate.