

MAY 1994

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

1. Grievant(s)

A.F.G.E. Local 801 for all F.C.I. Waseca bargaining unit employees

2. Duty Station:

F.C.I. Waseca, Waseca, MN

3. Representative of Grievant(s)
(name person)

William Joenks Jr, Union President, A.F.G.E. Local 801 or his representative

4. Informal resolution attempted with:

R. Rios, Warden

5. Federal Prison system Directive, Executive Order, Statute violated: Program Statement 5510.12, Negotiated procedures for Electronic Searches of Bureau of Prison Staff (11/08/07), 5 U.S.C. 7116 (a) (5) Failure to negotiate in good faith, (8) to otherwise fail or refuse to comply with any provision of this chapter. Master Agreement, Article 3, Section C., Master Agreement, Article 4, SECTION A, B AND C. Master Agreement, Article 6, Section B(2) and (6). Master Agreement, Article 7, Section B.

Please note that there is NO requirement by the Master Agreement to be specific in block 5. Please look at block 6.

IF THERE IS ANY QUESTION ABOUT ANYTHING IN THIS GRIEVANCE, PLEASE CONTACT THE LOCAL PRESIDENT

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

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)

March 2, 2008

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

M.K. Nalley

10. Title

NCR Director

11. Signature of recipient

12. Date signed

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

13. Signature of Grievant(s)

/s/

A.F.G.E. Local 801 for all F.C.I. Waseca bargaining unit employees

14. Signature of Representative

/s/

William Joenks Jr, Union President, A.F.G.E. Local 801 or his representative

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(s7) Dated October 1984

FORMAL GRIEVANCE- ATTACHMENT # 1

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

On March 2, 2008, R. Rios, Warden, implemented a unilateral Interim Screening Procedures prior to providing the Union proper notice as required by Article 3 section c of the parties Collective Bargaining Agreement (CBA). This change violated the agencies Program Statement PS 5510.12 and the negotiated procedures titled Electronic Searches of Bureau of Prisons Staff (11/08/07). This change also violates 5 U.S.C. 7116 (a)(5)(8), Article 4 and Article 7 section b. of the Master Agreement by circumventing negotiating procedures, times frames, and implementation prior to proper notification and completion of negotiation procedures. Warden Rios has subjected the bargaining unit to disparate treatment and refused to treat all staff at FCI-Waseca fairly and equitably as prescribed in Article 6 section b. of the Master Agreement differently than other staff employed by the Bureau of Prisons.

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

1. The arbitrator issue a cease and desist order to Warden Rios from further violating PS 5510.12 and the negotiated procedures titled Electronic Searches of Bureau of Prisons Staff (11/08/07).
2. The Arbitrator will order the agency to abide by PS 5510.12 and the negotiated procedures titled Electronic Searches of Bureau of Prisons Staff (11/08/07).
3. The Arbitrator will order the agency to enter into a binding agreement with the union that does not violate PS 5510.12 and the negotiated procedures titled Electronic Searches of Bureau of Prisons Staff (11/08/07), and the agency will abide by the Master Agreement.
4. The grievant will suffer no reprisal, harassment, or intimidation, as a result of filling this grievance.
5. The arbitrator will order the agency to post on every bulletin board maintained by the agency a bright, 8.5 by 14 paper using letters 3 inches high stating, "Management will no longer ignore the rights of the Union and the rights of the bargaining unit staff in matters of changing working conditions". The body of the message will explain the actions taken by the agency and how those actions violated the law and the Master Agreement. This body should be printed in 12 point font and the posting is to be signed by Warden R. Rios.
6. All bargaining unit employees be made whole and any other compensation or remedy the arbitrator deems appropriate.

IF THERE IS ANY QUESTION ABOUT ANYTHING IN THIS GRIEVANCE, PLEASE CONTACT THE LOCAL PRESIDENT.