

MAY 1994

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

1. Grievant(s)

A.F.G.E. Local 801 for Robert Altendorfer and 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: 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)

September 28, 2007 until present (on going). This is a continuous violation.

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)

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

14. Signature of Representative

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(37) Dated October 1984

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

On September 28, 2007, C. Holinka, Warden, sustained charges on Robert Altendorfer for "Failure to Exercise Sound Correctional Judgement" after an investigation was conducted on him for 1. Failure to Follow Policy 2. Failure to follow Supervisors Instructions 3. Inattention to duty. Warden Holinka actions placed a record in Mr. Altendorfers' personnel file which not only holds a negative financial effect, but also limits cross development and potentially hindering departmental mobility. This action could disqualify Mr. Altendorfer from potential promotions. Warden Holinka actions also denied Mr. Altendorfer the right to be treated fairly and equitably in all aspects of personnel management and denies all bargaining unit staff the right to smoke in the negotiated designated smoking areas at different areas of the Institution. Warden Holinka implemented a change to Institution Supplement WAS I.S. and changed an established practice of those bargaining unit staff who smoke at their leisure at designated smoking shacks without seeking permission from their supervisor prior to providing the Union proper notice as required by Article 3 section c. This change also violates 5 U.S.C. 7116 (a)(5)(8), Article 3 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 Holinka 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.

In a meeting on Thursday, November 1, 2007 at or around 2:30 p.m., to attempt to informally resolve this grievance with Warden Rios, he stated to me only non Correctional Services staff will only be allowed to smoke during their lunch breaks and when time permits when and if those staff walk around the institution. Warden Rios stated Correctional Services staff assigned to post will not be allowed to smoke.

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

1. The arbitrator order the agency to remove all documents surrounding the investigation and sustained charges of "Failure to Exercise Sound Correctional Judgement" from Robert Altendorfers' personnel file.
2. The arbitrator issue a cease and desist order to Warden Rios from further denying bargaining unit staff the opportunity to smoke at a designated smoking shack at the employees leisure without seeking permission from their supervisor.
3. The Arbitrator will order the agency to abide by Institution Supplement WAS I.S.
4. The Arbitrator will order the agency to enter into a binding agreement that does not violate Institution Supplement WAS I.S. and an established practice of staff smoking at their leisure without being relieved, and the agency will abide by the Master Agreement.
5. The grievant will suffer no reprisal, harassment, or intimidation, as a result of filling this grievance.
6. 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.
7. 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.