

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

1. Grievant(s)

American Federation of Government Employees
Council of Prison Locals C-33

2. Representative of Grievant(s)

Timothy M. DeBolt
Western Regional Vice President
AFGE/Council of Prison Locals

3. Duty Station

All Bureau of Prisons Facilities Nationwide

4. Informal resolution attempted with (name person)

Cristina L. Griffith
Chief, Labor Management Relations

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

Title 27, Code of Federal Regulations, Part 555 - Commerce in Explosives, Subpart K - Storage
Title 5 United States Code, Section 5545 (d)
Title 5, Code of Federal Regulations, Part 550, Subpart I - Pay for Duty Involving Physical Hardship or Hazard
Master Agreement, Article 27, Health & Safety, Sections a., e.

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

Title 27, Code of Federal Regulations, Part 555 - Commerce in Explosives, Subpart K - Storage: The agency currently stores explosive and incendiary materials contrary to industry and government mandates, specifically sections 555.201, 555.204, 555.205, 555.206, 555.207, 555.208, 555.214, 555.217, and 555.218 are not being followed

Title 5, United States Code, Section 5545(d): Federal Bureau of Prisons Lock and Security Specialists perform all operations involving the loading, unloading, storage and hauling of explosive and incendiary materials. These explosive and incendiary materials are not being stored in accordance with federal regulations. In accordance with 5 U.S.C. § 5545(d), Lock and Security Specialists are entitled to be paid a hazard pay differential because the classification of their position does not take into account the degree of hazard involved in the performance of these duties.

Title 5, U.S. Code of Federal Regulations, Part 550 - Pay Administration, Subpart I - Pay for Duty Involving Physical Hardship or Hazard: In accordance with 5 C.F.R. § 550.904 and Appendix A of this Subpart, Lock and Security Specialists are entitled to be paid a hazard pay differential of 25% for working with or in close proximity to explosive or incendiary materials which are unstable and highly sensitive. The hazardous duties have not been taken into account in the classification of their positions.

Master Agreement, Article 27, Health & Safety, Sections a., e.: The agency has failed to furnish to employees places and conditions of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm, in accordance with all applicable federal laws, standards, codes, regulations, and executive orders. The Agency has failed to lower the inherent hazards of a correctional environment to the lowest possible level.

7. Date(s) of violation(s) Past and Continuing violation

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

Retroactive compensation to affected employees bureau wide at the rate of 25% hazard pay differential for GS employees. Immediate compliance with laws, rules, and regulations regarding the handling, storage, and transportation of explosives. Provide necessary training to all employees who are required to work with or in close proximity to explosive materials. Attorney fees and expenses paid by the agency. Any other action deemed necessary and appropriate by the arbitrator.

9. Person with whom filed

10. Date

Cristina Griffith

Chief, Labor Management Relations

11. Signature of recipient

12. Date signed

I hereby certify that efforts at informal resolution have been unsuccessful

13. Signature of Grievant(s)

14. Signature of Representative

AFGE/Council of Prison Locals C-33

Record Copy - Agency Copy - Union Local Copy - Council of Prison Locals Copy - Grievant
(The form may be replicated via WP) (The form replaces BP 176(37) Dated October 1994