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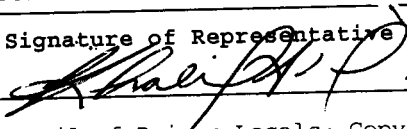
BP-S176.037 FORMAL GRIEVANCE FORM CDFRM

2011 FEB -7 AM 10:49

MAY 94

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISON

1. Grievant (s) AFGE Local 501	2. Duty Station Federal Detention Center, Miami
3. Representative of Grievant (s) K. Abdel, Vice President of Communication AFGE Local 501	4. Informal resolution attempted with Shawn Million Associate Warden
5. Federal Prison System Directive, Executive Order, or Statute violated: A continuing violation of the Master Agreement Article 1 Recognition Section (A), Article 18 Hours of Work Section P (1) (2), Article 27 Health and Safety Section (A), Executive Order 12196, Health Act of 1970, and the Back Pay Act, 5 U.S.C. 5596.	
6. In what way were each of the above violated? Be specific See Attachment "A"	
7. Date (s) of violation (s) Presently on going	
8. Request remedy (i.e., what you want done) Seeking relief to the fullest extent available under the law for the Agency's wrongful failure to adhere to the Master Agreement, policies, procedures, and Executive orders implemented to ensure the safety and well-being of staff; the Agency's continues violation of deterring bargaining unit members overtime and adhering to overtime procedures; and not recognizing the AFGE Local 501 as the exclusive representative of the bargaining unit. Request that bargaining unit members be made whole in every way including but not limited to an award of back pay under the FLSA, and Title 5.  Furthermore, in accordance with Section 16(b) of the FLSA, 29 U.S.C. § 216(b), AFGE Local seeks liquidated damages and reimbursement of attorney's fees and expenses incurred in pursuit of the employees' rights under the Act. The employees are also entitled to interest on his damages pursuant to the Back Pay Act, 5 U.S.C. § 5596(b) (2) (A) and attorney's fees under the Back Pay Act.	
9. Person with whom filed Linda T. McGrew	10. Title Warden
11. Signature of recipient	12. Date signed
I hereby certify that efforts at informal resolution have been unsuccessful.	
13. Signature of Grievant (s) for A.F.G.E. Local 501	14. Signature of 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

## ATTACHMENT "A"

On January 25, 2011 an informal grievance was submitted regarding the Agencies continuous actions of engaging in a course of conduct that is detrimental to the safety and health of its employees by failing to reduce inherent hazards to the lowest possible level. The Agency's management is clearly and blatantly endangering the lives of the bargaining unit employees by continuing to vacate post, and not properly hiring personnel for the R-D department, thus violating **Executive Order 12196** the rights and responsibilities under the act to furnish employees places and conditions of employment that are free from recognized hazards that are causing or are like to cause death or serious physical harm; **Health Act of 1970** which was designed to ensure so far as possible every working man and woman in the Nation safe and healthful working conditions.

As a result of managements failure to properly respond or adhere to AFGE Local 501, informal request made, this Agency is clearly violating **Article (1) Section (a)**: to recognized the union as the sole and exclusive representative for all bargaining unit employees as defined in 5 United States Code (USC), Chapter 71.

On January 31, 2011 the Property Room Correctional Systems Officer's post was vacated, on February 1, 2011 the Mail Room Correctional System Officer's post was vacated, and since the inception of the quarter one of the Correctional Systems Officer's post on evening watch has been vacated and not filled while that officer is and continues to be on maternity leave. This form of budgetary staffing by the Agency in order to save money is unrealistic, and endangering the lives of our fellow officers (Family). This Executives staff's unscrupulous behavior, and disregard for staff safety is unacceptable and need to cease and desist immediately before one of our fellow officer get severely hurt, or killed as a result to this Agency's monetary savings.

The Union recognizes that the Agency has the absolute right to assign staff, but Management nevertheless has the obligation and responsibilities associated with that right, as agreed in **Article 27, Section (a)** to "lower those inherent dangers to the lowest possible level". This provision curtails the Agency's right to assign staff, but also holds the Agency accountable for the manner in which it continues to exercise such right.

The Agency's continuous failure to adequately provide security as defined in its mission, to furnish a safe and secure environment for incarcerated federal offenders, federal employees, and the public who enter this institution, all of whom are threatened due to this Agency's continues failure to adhered and follow Federal Laws, State

Laws, Standards, Codes, Regulations, and Executive Orders.

As a result of these managers' imposed actions, the bargaining unit employees are being deterred from doing overtime, thus impacting the equitable distribution and rotation among the unit, which is a violation of **Article 18 Section (p), (1)** When Management determines that it is necessary to pay overtime for/positions/assignments normally filled by bargaining unit employees, qualified employees in the bargaining unit will receive first consideration for these overtime assignments, which will be distributed and rotated equitably among bargaining unit employees; and **(2)** overtime records, including sign-up lists, offers made by the Employer for overtime, and overtime assignments, will be monitored by the Employer and the Union to determine the effectiveness of the overtime assignments system and ensure equitable distribution of overtime assignments to members of the unit. Records will be retained by the Employer for (2) years from the date of said record, thus entitling the grievant to back pay under the **Back Pay Act, 5 U.S.C. 5596**, for hours of work that the grievant were wrongfully denied overtime opportunities.

On January 20, 2011 during the Labor Management Relations meeting between the AFGE Local 501 and Management, it was agreed that management would better coordinate and schedule multiple movements in the R-D department. It was also requested that management cease and desist from vacating posts in order to refrain from using Overtime Compensation. It's apparent that this is not being adhered to, thus increasing the safety of the Bargaining unit members, and jeopardizing them due to lack staffing and poor management.

Unfortunately these LMR issues addressed by the AFGE Local 501 are not being honored, and the Agency continues to decrease staffing in R-D, and other department throughout the Agency. The department's managers, and executive staff knowingly continue increase the inherent safety hazards of all staff in the R-D Department, thus the rest on the Agency due to monetary issues, as a result to the continuous reduction of staff, these measures are hindering the ability of the correctional staff / R-D personnel from respond to serious incidents and/or emergencies; jeopardizing the safety and well-being of all the bargaining unit employees in the R-D department, and throughout the agency.