



U.S. Department of Justice

Federal Bureau of Prisons

Southeast Regional Office

*Building 2000
3800 Camp Creek Parkway, S.W.
Atlanta, Georgia 30331-6226*

December 21, 2010

Art Reynaldo
President, AFGE Local 501
Federal Detention Center
PO Box 019118
33 Northeast 4th Street
Miami, FL 33101-9118

Dear Mr. Reynaldo:

This is in response to your grievance received on December 14, 2010. In your grievance, you allege it has been an established practice at FDC Miami, for all bargaining unit members who had suffered non-work related injuries to be reasonably accommodated. You indicated, since Warden McGrew's arrival at FDC Miami, she has unilaterally suspended this practice without formal notification or negotiations with the Union. You allege this is a significant change of working conditions for members which has resulted in hardships and discriminatory treatment of staff. You have noted recently, two staff members have been denied this care and consideration. You further indicate the employer is committed to its responsibility regarding the health of all employees and any employee suffering from health conditions or recuperating from illness or injuries.

In block 5 of the grievance form you are directed to identify the Federal Prison System Directive, Executive Order, or Statue which you believe was violated. Under this section you have outlined violations of the following:

- Article 4: Relationship of this Agreement to Bureau Policies, Regulations and Practices
- Article 38: Qualified Handicap Employees
- Article 18: Hours of Work; Section L
- Any other applicable laws rules and/or regulations

Block 6 of the grievance forms requires the grieving party to state how the items cited in Block 5 were violated. It states that the grieving party must "be specific." Your grievance fails to specifically articulate how Article 4, 18, or 38 of the Master Agreement was violated. The grievance must provide sufficient information to determine the essential and basic facts necessary and your grievance does not.

Your grievance is procedurally rejected for lack of specificity.

Although your grievance is procedurally rejected, the following is for informational purposes. In Block 4 of the grievance you indicate informal resolution was attempted with Warden McGrew. Warden McGrew responded to you on December 10, 2010. I believe Warden McGrew has adequately responded to your informal resolution and concur with her response.

Based on the foregoing, your grievance is rejected and substantially denied. Should you wish to pursue this grievance to arbitration, Warden McGrew, or her designee, is to be considered our representative in this matter. All future discussions and/or communications regarding requesting and selecting arbitrators should be addressed with Warden McGrew, or her designee.

Sincerely,


R. E. Holt
Regional Director

cc: Linda McGrew, Warden
FDC Miami