
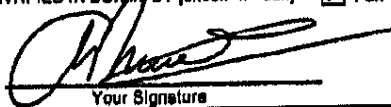


Form Exempt Under 44 U.S.C. 3512

 <p><b>UNITED STATES OF AMERICA</b> <b>FEDERAL LABOR RELATIONS AUTHORITY</b></p> <p><b>CHARGE AGAINST AN AGENCY</b></p>	<b>FOR FLRA USE ONLY</b>
	Case No.
	Date Filed
Complete instructions are on the back of this form.	
<p><b>1. Charged Activity or Agency</b> Name: Federal Detention Center Miami Address: 33 N.E. 4th Street Miami, FL 33132 Tel.#: (305)982-1277 Ext. Fax#: (305) 538-7368</p>	<p><b>2. Charging Party (Labor Organization or Individual)</b> Name: AFGE Council of Prison Local 501 Address: 33 N.E. 4th Street Miami, FL 33132 Tel.#: (305)982-1346 Ext. Fax#: (305) 538-7368</p>
<p><b>3. Charged Activity or Agency Contact Information</b> Name: John Rathman Title: Warden Address: 33 N. E. 4th Street Miami, FL 33132 Tel.#: (305)982-1277 Ext. Fax#: (305) 538-7368</p>	<p><b>4. Charging Party Contact Information</b> Name: Art Reynaldo Title: Executive V.P. Local 501 Address: 33 N.E. 4th Street Miami, FL 33132 Tel.#: ((305) 982-1346 Ext. Fax#: (305) 538-7368</p>
5. Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? [See reverse] (1) and (5) (7) (8)	
<p>6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles. On and around November 3 - 4, 2009, Dr. Glnart, Clinical Director of the Health Services Department issued " Verbal Counseling of Clinical Encounters" to the following bargaining members of the Health Services: Arturo Reynaldo, Physician's Assistant ( P.A.), [redacted], P.A., [redacted], P.A., and [redacted], Physician. (see attachments) These letters noted dates that ranges from April 2009 through October 7, 2009 where staff are cited and reprimanded for mistakes committed during their course of the medical care, treatment and handling of Inmate # 32128-018, who died several weeks ago. As per the Human Resource Manual( P.S. 3000.03 ) Chapter 4, Page 7, 10. Monitoring Performance - Performance Log, these entries are passed the time requirements of 15 working days of the incident. It also violates the Master Agreement, Article 14: Employees Performance and Ratings, that also stipulates that there must be 15 working days in order to comply with time frames as per our Collective Bargaining Agreement. Thursday, November 19, 2009, at approximately 1130, this writer had a meeting at the Warden's Office regarding this matter. There present in the encounter was Mr. John Rathman, Warden and Mr. Edwin Perez, Associate Warden of Operations (AW-O). In that meeting it was agreed that Management would removed the counseling letters from the affected staff and replace it with a letter of training that was given to staff on Wednesday, November 18, 2009. I returned back from a recess and approximately 1300, I met again with Mr. Rathman, Mr. Perez, and Mr. Jose Martinez, Health Services Administrator. It was mutually and verbally agreed upon by all present members that the Counseling Letters will be removed from the employee files and replaced with a letter of training as stated above. I informed them that I was expecting an e-mail notice regarding this change. The Warden directed the HSA to provide me with this notice, but Mr. Martinez reply that it should be from the Clinical Director. I told them that I would be expecting this notice as soon as possible. On Friday, November 20, 2009, there was another meeting this time in the Office of Dr. Glnart with this writer and Mr. Perez. In the encounter Dr. Glnart complained that he was not involved in the negotiations. He told me that he needed time in order to provide me with this electronic notice, and I agreed that by Tuesday, November 24, 2009, he would provide me with an e-mail notification. On November 23, 2009, an e-mail was sent to the following staff and myself that a training was conducted on staff regarding a pulmonary disease ( see attachment). There is no indication that the letters have been removed as per the negotiated agreement. At approximate 1230, on Nov. 24, 2009, I spoke to Dr. Shoukry, Acting Associate Warden and he informed me that the notification will be given to me today before close of business. Close of business came and the e-mail was never sent to this writer. This is a violation of Article 9 : Negotiations at the Local Level. There was an established and known verbal agreement with Management regarding the removal of these items and It has been ignored, disregarded, and stalled that only demonstrates that there was no real intent to fulfill and resolve this wrongful act that was committed on the affected bargaining members of this institution. Local 501 is requesting that these counseling letters be removed and expunge from the affected bargaining members files and that a posting be placed in the institution indicating that Management's violations of the Master Agreement.</p>	
7. Have you or anyone else raised this matter in any other procedure? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, where? [see reverse]	
<p>8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT. 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #9 BY (check "x" box) <input checked="" type="checkbox"/> Fax <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> In Person</p> <p><input type="checkbox"/> Commercial Delivery <input type="checkbox"/> Certified Mail</p>	
<p>Art Reynaldo Type or Print Your Name</p>	<p> Your Signature</p>
	<p>11/24/2009 Date</p>



American Federation of Government Employees  
Council of Prison Locals  
Local 501  
President C. Laugh  
Federal Detention Center Miami  
33 N.E. 4th Street Miami, FL 33023



(305) 982-1019 Office  
(305) 675-2926 fax

Date: November 10, 2009

To: John T. Rathman, Warden

From: Art Reynaldo, Executive Vice President Local 501

Subject: Informal Resolution

Ref: Counseling Documentation by Dr. Ginart

RECEIVED  
NOV 10 2009  
FDC MIAMI  
WARDENS OFFICE

This is an informal resolution as per the Master Agreement in order to achieve a reasonable and concerted effort by both parties toward informally resolve this matter before formal proceedings are initiated.

On and around November 3 - 4, 2009, Dr. Ginart, Clinical Director of the Health Services Department issued " Verbal Counseling of Clinical Encounters" to various bargaining members of the Health Services ( see attachments).

These letters noteds dates that ranges from April 2009 through October 7, 2009 where staff are cited and reprimanded for mistakes committed during their course of their duties in regards to the care and handling of inmate # 32128-018, who died several weeks ago.

The bargaining members that are involved are:

- Dr. [REDACTED], Physician
- [REDACTED] P.A.
- [REDACTED] P.A.
- Arturo Reynaldo, P.A.

As per the Human Resource Manual( P.S. 3000.03 ) Chapter 4, Page 7, 10. Monitoring Performance - Performance Log, these entries are passed the time requirements of 15 working days of the incident. It also violates the Master Agreement, Article 14: Employees Performance and Ratings, that also stipulates that there must be 15 working days in order to comply with time frames as per our Collective Bargaining Agreement.

Based on these evidence and policies that has been violated by this supervisor, it is respectfully requested from Union Local 501 that you **expunge and removed from these employees personnel files these letters** that has serve no purpose but to discipline them on incidents that are late and had no hearing on the final outcome of the inmate care and treatment.


Local 501 request that this outcome be completed within 10 working days of receipt of this memorandum in order to bring closure to this matter and at the lowest level possible.



## UNITED STATES GOVERNMENTS

## Memorandum

FEDERAL DETENTION CENTER  
33 N.E. 4th Street  
MIAMI, FL 33131

Date: November 3, 2009  
From: Luis Ginart, CD   
To: Arturo Reynaldo, MLP  
Subject: Verbal Counseling Documentation of Clinical Encounters

This memorandum serves as documentation of a verbal counseling. I am citing you for three issues regarding your patient care and documentation in progress notes or clinical encounters.

On September 8, 12 and 15 2009, you evaluated inmate, reg. No. 32128-018, for difficulty breathing. Oxygen saturation was not consistently assessed, nor was the inmate instructed to return for scheduled follow-up or a physician referral was noted.

Outcome of therapy must be documented or contact the Physician On Call, when patient does not respond to treatment.

cc File

NOV-24-2009 09:12P FROM:

3054088753

TO: 3056752926

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**(11/24/2009) Arturo Reynaldo - Re: Training Response****Page 1**

**From:** Arturo Reynaldo  
**To:** Barrantes, Tania; Ginart, Luis; Laugh, Charle; Perez, Edwin; Rathman...  
**CC:** Alminaque, Rosa; Bullard, Ricky; Carabeo, Pablo; Lopez, Edwin; Plaud...  
**Date:** 11/24/2009 8:14 AM  
**Subject:** Re: Training Response  
**Attachments:** Meeting in Dr. Ginart's Office

This is not what Management agreed to with me! **You need to removed the counseling letters as stated in the below e-mail attachment before today close of business today in order to stop further labor litigation.**

>>> Luis Ginart 11/23/2009 12:05 PM >>>

This E-mail serves notification that on November 18, 2009 you received training on the proper treatment and management of patients with Chronic obstructive Pulmonary Disease (COPD).

Thank You.