

1. Grievant(s) American Federation of Government Employees, Local 709 T. D. Allport, Vice President	2. Duty Station FCI Englewood, Littleton, CO
3. Representative of Grievant(s) Mike Castelle, Fair Practices Coordinator, Council of Prison Locals	4. Informal resolution attempted with M.K. Nalley, North Central Regional Director Audie Sherrod, Warden Rene Garcia, AW-O Dave Wertz, Chief Psychologist A. E. Card, Drug Abuse Program Coordinator

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

Master Agreement, to include, but not limited to Articles 6, section a, b, 7, sections a,b,c, e 12, 31 (d) and 36, Title 5 U.S.C. 552, 552(a) 7116 (a) (1) (4) (5) (8) Title 5, U.S.C, 7130, Back pay Act, 5 U.S.C. 5596, 29 CFR Part 1614, Back Pay Act, 5 U.S.C 5596
Program Statement 3000.2, Human Resource Manual, Performance Evaluation System bargaining unit employees, to include sections 1,10,16, and 21.

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

We are formally opposing management's decision to repudiate Mr. Allport's settlement agreement dated December 19, 2005. Specifically, on February 21, 2006, Dr. Card, in the company of Dr. Wertz, issued a memorandum to Mr. Allport, stating that he "violated item three in the settlement agreement". She also reissued two negative performance logs entries that were dropped as part of the settlement and took other retaliatory actions.

Management however, failed to provide any evidence or details to show how Mr. Allport violated the agreement. Dr. Card never approved or acted as a signing authority on this settlement and therefore had no right to rescind it. However, she apparently acted with the authority of the agency and specifically the Regional Director with whom the original grievance was filed. In accordance with Article 31, sections d, and f 3 of the master agreement, we are hereby reinstating Mr. Allport's grievance filed with your office on August 22, 2005. Prior to the settlement, this grievance was scheduled for a hearing on April 20, 2006. The union is requesting a new arbitrator's list and hearing date.

Attachment (1) 4 pages, original grievance and fax receipt

7. Date(s) of violation(s)

February 21, 2006, to present

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

As stated in the grievance dated August 22, 2005. Mr. Allport should be made whole. And/or any other action deemed appropriate by an arbitrator.

9. Person with whom filed M. K. Nalley	10. Title North Central Regional Director
11. Signature of recipient	12. Date signed

I hereby certify that efforts at informal resolution have been unsuccessful.

13. Signature of Grievant(s) T. D. Allport	14. Signature of Representative
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