

<p>1. Grievant(s) Powerhouse Operators and alternates at FCI Englewood from January 1, 2001 to Present, Sean Giddings, Ernest Swanson, Scott Lemely, David Campbell, Kenneth Cardiel, Robert Trask, Sandra Davis, Dennis McKinney, Jesse Villanueva, Richard Wagner and all other powerhouse operators or alternates who worked at the powerhouse during the time period identified.</p>	<p>2. Duty Station FCI Englewood Littleton, Colorado</p>
<p>3. Representative of Grieving(s) AFGE Local 709</p>	<p>4. Informal resolution attempted with (name W. A Sherrod, Warden, FCI Englewood</p>

5. Federal Prison System Directive, Executive Order, or Statute violated:
Master Agreement, Article 6 Section q., Title 5 U.S.C., Chapter I, Part 532, Subpart E, Title 5 U.S.C., Chapter I, Part 610, Subpart D, Title 5 U.S.C., Section 5544, Title 5 U.S.C., Section 5343, National Finance Center Time and Attendance Instructions Title 1, Chapter 7, Section 1, Appendixes, TC 04, TC31, TC61 and all applicable laws.

6. In what way were each of the above violated? Be specific.
On March 13, 2006, it was brought to Local 709's attention that there were some pay discrepancies regarding Sunday pay, holiday pay and night differential regarding the WS powerhouse operators. E. Donaldson, Local 709 President brought this to the Warden's attention during a phone discussion on March 13, 2006. On March 16, 2006 a data request was submitted to Warden Sherrod for all of the Time and Attendance records for all of the powerhouse operators for the last five years(See attached data request dated March 14, 2006). On April 12, 2006, Local 709 had not received any information which was requested in the data request. After an e-mail to Warden Sherrod, indicating that the information had not been received. AW Munson contacted Local 709 President, E. Donaldson. By mutual agreement the time was extended (see attached)and Local 709 received Pay Period 1, 2005 to present on April 14, 2006. Specifically, after examination of one years worth of Time and Attendance records pay discrepancies exist regarding Sunday Pay (one week it was awarded and the next week it was not), Sunday Pay in conjunction with a holiday (on one holiday it was paid and on another it was not), and night differential (not paid during vacation). The discrepancies specifically violate 5 USC, Chapter I, Part 532, Subpart E, 5 USC, Chapter I, Part 610, Subpart D, 5 USC Section 5544, 5USC Section 5343, National Finance Center Time and Attendance Instructions Title 1, Chapter 7, Section 1, Appendixes TC 04, TC31, and TC61. Additionally, it can only be surmised that the other four years of Time and Attendance which were not provided to Local 709 contain the same type of errors\discrepancies.
Note: On March 13, 2006, it was brought to Local 709's attention that it was suspected that last years employee evaluations (2005 for the powerhouse operators) were falsified. E. Donaldson, Local 709 President brought this to the Warden's attention during a phone discussion on March 13, 2006. On March 16, 2006 a data request was submitted to Warden Sherrod for the yearly evaluations for all of the powerhouse operators for the last three years (note: the evaluations were requested on the same data request as the Time and Attendance records). After an e-mail to Warden Sherrod, indicating that the information had not been received. AW Munson contacted Local 709 President, E. Donaldson. By mutual agreement the time was extended (see attached)and Local 709 received the evaluations on April 14, 2006. Specifically, after examination of the yearly evaluations four of the evaluations were forged. Additionally, the overall performance was never discussed with the supervisor as indicated in block G. Of the Employee Performance Appraisal form. The union's discovery of this fact may undermine the trustworthiness of the records management eventually does provide and may justify an arbitrator in making specific factual assumptions that are adverse to management. Local 709 will be reporting the falsified yearly evaluations to the OIG.

7. Date(s) of violation(s)
January 1, 2001 to present

8. Request remedy (i.e., what you want done) An audit of all powerhouse operators (for the past five years) Time and Attendance records be performed using the work schedules with two union representatives present. All powerhouse operators and alternates be made whole with back pay for five years to present and any other remedies which are in accordance with law and deemed appropriate and/or necessary by the Arbitrator.

<p>9. Person with whom filed W. A Sherrod</p>	<p>10. Title Warden, FCI Englewood</p>
<p>11. Signature of recipient</p>	<p>12.Date signed</p>

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

<p>13. Signature of Grievant(s)</p>	<p>14. Signature of Representative E. Donaldson, President, AFGE Local 709</p>
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Record Copy - Agency; Copy - Union Local; Copy - Council of Prison Locals; Copy - Grievant