

1. Grievant(s) A.F.G.E. Locals 1034, Council of Prison Locals-33 on behalf of all affected bargaining unit employees	2. Duty Station Federal Bureau of Prisons FCC Pollock, Louisiana (Complex)
3. Representative of Grievant(s): Brian Richmond, AFGE Local 1034	4. Informal resolution attempted with M.D. Carvajal Complex Warden, Carlos Rivera LMR Chief, Sekou Ma'at LMR Chief, Jeffry Bowe LMR Chief, Ralph Hanson LMR chief, Ricardo Martinez, Complex Warden, William A. Sherrod Complex Warden

5. Federal Prison System Directive, Executive Order, or Statute violated: A continuing violation of the Master Agreement between the Federal Bureau of Prisons and the Council of Prison Locals, including but not limited to the following Articles: Article 3, Section b., Governing Regulations. This is a continuing violation of the overtime laws under Section 7 of the Fair Labor Standards Act, 29 U.S.C. § 207(a), as well as the Office of Personnel Management regulations implementing the FLSA in the federal sector set forth at 5 CFR Part 551, and under Title 5 of the U.S. Code. Moreover, this is a continuing violation of the premium pay laws providing for premium pay under Title 5, 5 U.S.C. § 5546, and implementing regulations such as 5 CFR § 550.171 and 5 CFR §550.103 and failure to include such pay in the calculation of the regular rate of pay for purposes of Fair Labor Standards Act ("FLSA") overtime 5 CFR § 551.511.

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

From January 29, 2010, as well as before, and continuing and ongoing to the present (with the exception of the time period in which AFGE Local 1034 bargaining unit employees are covered by the January 24 2006 portal-to-portal grievance for time spent working positions at FCC Pollock which covers that violation specified in that grievance), the Agency is requiring bargaining unit employees currently classified as FLSA non-exempt, to perform work prior to and after their shifts. The Agency requires certain unit employees to perform work prior to the start of their tour of duty, such as obtaining equipment, exchanging information, etc. as well as after the completion of their tour of duty, such as returning equipment, exchanging information, etc. Employees are further delayed due to the lag time as they attempt to walk to and from their post but are delayed by the walking routes mandated by the Agency. The employees have been performing work for the benefit of the agency during this pre and post-shift time yet it has not paid them for this work time. As a result, management has violated the rights of these employees set forth under the articles and laws referenced in paragraph 5 above.

7. Date(s) of violation(s)

From January 29 2010, as well as before, and continuing and ongoing to the present (with the exception of the time period in which AFGE Local 1034 bargaining unit employees are covered by the pending January 24 2006 portal-to-portal grievance for time spent working positions at FCC Pollock which covers that violation specified in that grievance).

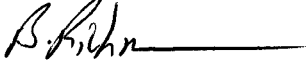

8. Request remedy (i.e., what you want done)

AFGE Locals 1034 seek relief to the fullest extent available under the law for the Agency's wrongful failure to pay FLSA overtime pay to bargaining unit employees. AFGE Locals 1034 requests that each affected bargaining unit member who expresses an interest in receiving damages by signing the union's required forms be made whole in every way including but not limited to an award of backpay under the FLSA and Title 5. Furthermore, in accordance with Section 16(b) of the FLSA, 29 U.S.C. § 216(b), AFGE Locals 1034 seeks liquidated damages and reimbursement of attorneys' fees and expenses incurred in pursuing the employees' rights under the Act. The employees are also entitled to interest on their damages pursuant to the Back Pay Act, 5 U.S.C. § 5596(b) (2) (A) and attorneys' fees under the Back Pay Act. Of course, AFGE Locals 1034 also seeks an award requiring the Agency to cease and desist from its practice of employees performing pre-shift and post-shift work without receiving compensation. Also, we request the arbitrator retain jurisdiction over the final outcome of this grievance until all parties are made whole. Finally, this grievance serves to notify the Agency that AFGE Locals 1034 has obtained counsel to represent the Unions and the employees' in this matter. All further correspondence in this matter should be addressed to Jack K. Whitehead, Jr. Whitehead Law Firm, 11909 Bricksome Avenue Suite W-3 Baton Rouge La 70816 Our counsel's telephone number is (225) 303-8600.

9. Person with whom filed J. A. Keller	10. Title South Central Regional Director
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11. Signature of recipient E-Mail December 7, 2012 & Fax	12. Date signed Via/E-Mail December 7, 2012 & Fax
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I hereby certify that efforts at informal resolution have been unsuccessful.

13. Signature of Grievant(s)  B. Richmond	14. Signature of Representative  B. Richmond
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Record Copy - Agency; Copy - Union Local; Copy - Council of Prison Locals; Copy - Grievant