

IN THE MATTER OF THE GARY PONTHER GRIEVANCE

_____)
AFGE LOCAL #1034)
Pollock, LA)
Union,)
)
And)
)
DEPARTMENT OF JUSTICE)
FEDERAL BUREAU OF PRISONS))
FEDERAL PENITENTIARY)
Pollock, LA)
Agency)
)
_____)

DATE: 8/28/2012

Settlement Agreement

In full settlement of the grievance filed on behalf of Gary Ponthier receiving a three (3) days suspension for Off Duty Misconduct, Absent With Out Leave and Failure to Follow Leave Procedures. The grievant parties contend that this discipline was inappropriate, untimely and failed to meet the guidelines set by the Director of the Bureau of Prisons in a response to an OIG report dated September 14, 2004. The parties freely and voluntarily agree as follows:

1. The parties agree that the three (3) days suspension will be removed. The staff member will receive full pay for the three days days suspension in accordance with the Back Pay Act of 1966.
2. The parties agree that all records of this disciplinary action will be removed from the staff members personnel file. No records of this discipline will be retained by the Agency in any manner.
3. The Union agrees to withdraw the grievance filed on staff member Gary Ponthier's behalf and further agrees not to litigate or re-litigate, in any forum, any and all appeals, grievances or other legal remedies whatsoever, regarding any matter associated with this issue, whether before or pursuant to EEOC, MSPB, FLRA, Arbitration, Master Agreement, civil court or other legal forum as long as the provisions of this agreement are not violated.
4. The parties state they have voluntarily entered into this agreement and understand the terms of said agreement.

Signed and agreed:


For the Agency



R. Martinez
Complex Warden

Date: 8/31/12

For the Union



B. Richmond
President
AFGE Local 1034

Date: 8-31-12