

HUD Suffered and Permitted Overtime Questionnaire
[Attorney Work Product / Attorney-Client Privileged / Confidential]

This Questionnaire was generated by the Law Offices of Snider & Associates, LLC (www.sniderlaw.com) on behalf of your Union, AFGE Council of HUD Locals 222.

Our firm represents the Union in a class action Grievance and Arbitration against HUD regarding violations of the Fair Labor Standards Act, which regulates overtime pay for employees. The Union filed this Grievance in December 2003, claiming that employees were wrongfully exempt from the FLSA, and therefore not paid overtime pay correctly.

HUD has recently agreed to reclassify all GS-10 and below employees from FLSA exempt to nonexempt (although many of these employees were already non-exempt). This means that they have agreed to pay for overtime these employees have worked but may not have been properly compensated for

We are preparing for the damages phase of the Arbitration and we need your cooperation in calculating how much overtime pay you and other employees are owed.

PLEASE COMPLETE THIS QUESTIONNAIRE AS SOON AS POSSIBLE. YOU CAN DELIVER IT TO US ANY OF THESE WAYS:

- EMAIL THE COMPLETED DOCUMENT TO US AT Hershel@sniderlaw.com
- PRINT IT OUT AND FAX IT TO US AT 410-653-9061
- MAIL IT TO US AT SNIDER & ASSOCIATES, LLC, 104 CHURCH LANE, SUITE 201, BALTIMORE, MARYLAND 21208, OR
- GIVE IT TO YOUR LOCAL UNION PRESIDENT OR REPRESENTATIVE

INFORMATION WE NEED ABOUT YOU

Your name is:

Your job series is GS-

Your job title is

Your Grade is

Your correct phone number is

The best time to reach you by phone is

We will begin with some questions about your regular tour of duty, how many times you may stay late, come in early, come in on weekends or holidays or your day off, take work home, or work through lunch.

This questionnaire shouldn't take more than 15 to 20 minutes. You are allowed to work on it during normal duty hours, or during lunch or during your break. If you would prefer to be interviewed, please contact us.

INTERVIEW QUESTIONS

How long have you been employed at HUD?

Answer:

Have you been on a fixed 8-hour tour of duty, an AWS (alternate work schedule) **or** compressed work schedule since January 2001? (The answer should be one of these).

Answer:

Has your tour of duty changed since January 2001?

Answer:

IF YES: Please describe when it changed, and what the changes were?

Answer

How long was your regular Tour of duty? Ie, how many hours per day?

Answer:

What time of day did your tour of duty begin?

Answer:

What time of day did your tour of duty end?

Answer:

QUESTIONS ABOUT SIGNING IN AND SIGNING OUT

Has your office had a sign-in / sign-out sheet?

Answer:

Have you signed in and/or out on a sign in/out sheet since January 2001?

Answer:

Did you have to scan in your HUD badge every day, or to access your workspace?

Answer:

Did you ever have to sign out in the evenings?

Answer:

Did you ever have to sign in on weekends or federal holidays?

Answer:

Next are some questions about working before your tour of duty, after your tour of duty, on weekends, holidays and on AWS days (if applicable). **These** questions are aimed at determining damages for work you may have performed at the Agency's premises on those days. We will **then** discuss work you may have performed at home on those days, and Agency travel you may have done on those days.

Since this Grievance covers a five-year period of time (December 2000 to present), your answers to some of these questions may be different for different time frames and different years, so if you could keep that in mind and remember to answer for the entire time period, it will be very helpful.

QUESTIONS ABOUT COMING IN TO WORK EARLY

Your typical day started at what time of day?

Answer:

Have you come in to work before the start of your tour of duty since January 2001?

Answer:

Do you remember how many times, on average, per week? Or per month?

Answer:

How much before your tour of duty, on average, did you arrive at work?

Answer:

What were you doing from when you arrived until the start of your tour?

Answer:

Did your supervisor or manager know, or have any way of knowing, that you were there at that time and doing work?

Answer:

Were there any co-workers who also were there at that time of day?

Answer:

QUESTIONS ABOUT STAYING LATE AT WORK

Your typical day ended at what time of day?

Answer:

Have you stayed late at work after the end of your tour of duty since January 2001?

Answer:

Do you remember how many times, on average, per week? Or per month?

Answer:

How much after your tour of duty, on average, did you stay at work?

Answer:

What were you doing from the end of your tour until you left work?

Answer:

Did your supervisor or manager know, or have any way of knowing, that you were there at that time and doing work?

Answer:

Were there any co-workers who also were there at that time of day?

Answer:

QUESTIONS ABOUT WORKING THROUGH LUNCH

What time of day were you allowed to take lunch?

Answer:

How long a lunch period were you allowed to take?

Answer:

Have you worked through lunch since January 2001?

Answer:

Do you remember how many times, on average, per week? Or per month?

Answer:

What were you doing when you worked through lunch?

Answer:

Did your supervisor or manager know, or have any way of knowing, that you were there at that time and doing work?

Answer:

Were there any co-workers who also were there at that time of day?

Answer:

QUESTIONS ABOUT WORKING ON WEEKENDS

Your typical tour of duty was Monday through Friday?

Answer:

Have you performed work on a Saturday or Sunday AT WORK since January 2001?

Answer:

Do you remember how many times, on average, per week? Or per month?

Answer:

How many hours, on average, did you work each weekend that you came in?

Answer:

What were you doing at work on the weekends?

Answer:

Did your supervisor or manager know, or have any way of knowing, that you were there at that time and doing work?

Answer:

Were there any co-workers who also were there at that time of day?

Answer:

QUESTIONS ABOUT WORKING ON FEDERAL HOLIDAYS

Have you performed work on a Federal Holiday AT WORK since January 2001?

Answer:

Do you remember how many times, on average, per week? Or per month?

Answer:

How many hours, on average, did you work each Federal Holiday that you came in?

Answer:

What were you doing at work on Federal Holidays?

Answer:

Did your supervisor or manager know, or have any way of knowing, that you were there at that time and doing work?

Answer:

Were there any co-workers who also were there at that time of day?

Answer:

QUESTIONS ABOUT WORKING ON AWS DAY

THESE QUESTIONS ARE ONLY FOR EMPLOYEES ON CWS (Compressed Work Schedule), like a 5/4/9 or a 4/10:

Were you on a Compressed Work schedule at any time since January 2001?

IF YES, CONTINUE HERE.
IF NO, SKIP TO NEXT SECTION

Have you come in to work on your AWS day since January 2001?

Answer:

Do you remember how many times, on average, per month?

Answer:

How many hours, on average, did you stay at work on your AWS day?

Answer:

What were you doing at work on your AWS day?

Answer:

Did your supervisor or manager know, or have any way of knowing, that you were there at that time and doing work?

Answer:

Were there any co-workers who also were there at that time of day?

Answer:

QUESTIONS ABOUT TAKING WORK HOME OR DOING WORK AT HOME

Have you taken work home, to do in the evenings, weekend, holidays or AWS days since January 2001?

Answer:

Have you in fact performed Agency work in the evenings at home?

Answer:

Do you remember how many times, on average, per week? Or per month?

Answer:

Have you in fact performed Agency work on the weekends at home?

Answer:

Do you remember how many times, on average, per week? Or per month?

Answer:

Have you in fact performed Agency work on Federal holidays at home?

Answer:

Do you remember how many times, on average, per week? Or per month?

Answer:

Have you in fact performed Agency work on your AWS Day at home?

Answer:

Do you remember how many times, on average, per week? Or per month?

Answer:

Did your supervisor or manager know, or have any way of knowing, that you were doing this work at that time?

Answer:

Were there any family members who also were there at that time of day?

Answer:

QUESTIONS ABOUT TRAVELING ON SUNDAY

Have you traveled on a Sunday or Saturday for HUD related business or for HUD training since January 2001?

Answer:

Do you remember how many times?

Answer:

What day or days of the week did you travel?

Answer:

When did you travel? Do you remember the year? The month? The event?

Answer:

What time of day did you travel? Was it during normal hours (8-5)?

Answer:

Did your supervisor or manager know, or have any way of knowing, that you were traveling for HUD related work or training?

Answer:

Were there any co-workers who also were there?

Answer:

What mode of travel did you use? (Car, bus, train, etc?)

Answer

Did you have a choice as to the method of travel?

Answer:

Did you have a choice as to the time or date of your travel?

Answer:

**QUESTIONS ABOUT TRAVELING EARLY MONDAY (OR OTHER) MORNINGS
DIRECTLY TO A DISTANT WORK SITE**

Your typical day began at what time?

Answer:

Have you traveled to off-site work prior to the start of your tour of duty, directly from your home or from another worksite, since January 2001?

Answer:

Do you remember how many times, on average, per week? Or per month?

Answer:

How long, on average, did you travel to the worksite?

Answer:

Did your supervisor or manager know, or have any way of knowing, that you were traveling for HUD related work or training?

Answer:

Were there any co-workers who also were there?

Answer:

What mode of travel did you use? (Car, bus, train, etc?)

Answer

Did you have a choice as to the method of travel?

Answer:

Did you have a choice as to the time or date of your travel?

Answer:

QUESTIONS ABOUT COMPENSATION FOR OVERTOUR HOURS

We have just discussed how much work you have done outside of your normal tour of duty. It is important for us to figure out how much of that was compensated, whether in the form of overtime, comp time, credit hours or some other form of compensation.

Are you able to estimate what percent of the overtour hours you have described has been compensated?

Answer:

What percent, if any, of your overtour hours has been compensated with overtime pay?

Answer:

What percent, if any, of your overtour hours has been compensated with comp time?

Answer:

What percent, if any, of your overtour hours has been compensated with credit hours?

Answer:

What percent, if any, of your overtour hours has been compensated with some other form of compensation?

Answer:

What percent, if any, of your overtour hours has been not compensated at all?

Answer:

QUESTIONS ABOUT EVIDENCE

We have asked you a lot of questions, and it looks like you may have a valid overtime claim. We now need to know if you have any type of evidence that can support your claim for overtime pay. We will ask you now a few more questions, this time focusing on types of evidence that can be helpful to the case.

Have you saved any Leave and Earnings Statements since January 2001?

Answer:

Do you have access to any documents on your Agency shared drive?

Answer:

Do you have access to any documents saved on floppy drives or CD Roms?

Answer:

Do you know that your computer can tell us the date and time of day that you created and modified different electronic documents?

Answer:

Do you have access to your email?

Answer:

How far back does your saved email go?

Answer:

Do you archive any emails?

Answer:

Do you know that your computer can tell us the date and time of day that you sent and received different emails?

Answer:

Have you kept a daily diary of any kind that would show your overtime hours?

Answer:

Do you have access to any travel vouchers that would show when you traveled for HUD business or training?

Answer:

Do you have access to any other contemporaneous recordings or writings that could be helpful in this case to prove your overtime hours?

Answer:

Do you have any co-workers who may have witnessed your doing work on overtime hours?

Answer:

Do you have any Family members who may have witnessed your doing work on overtime hours?

Answer:

Do you have any Friends who may have witnessed your doing work on overtime hours?

WILLINGNESS TO PROVIDE INFORMATION BY FAX, MAIL, ETC.

Would you be willing to provide the information we just discussed (LES, email screen shots, diaries, travel vouchers, etc) by mail or fax?

Answer:

WILLINGNESS TO MEET IN PERSON

We are likely to visit many HUD offices in person, in order to help employees collect the types of information described above, in order to discuss the case and next steps, and to organize information for the case.

Would you be willing to meet with one of our attorneys or paralegals when they travel to your office?

Answer:

WILLINGNESS TO TESTIFY

Would you be willing to tell an Arbitrator what you have told me today?

Answer: