

PART IV RECORD OF STEP 2 GRIEVANCE

This must be completed to elevate the grievance to Step 2. Briefly describe the incident causing the grievance (include date, time, and place, Articles or Sections of Labor Agreement/local Supplement/Regulation or Law alleged to have been violated). Upon receipt of the grievance the Management Official must sign and date below to acknowledge receipt.

Name of Grievant	Duty Location/Organization:	Phone:
Union Representative:	Duty Location/Organization:	Phone:

Rebuttal to Step 1 response and/or additional/documentation (if more space is needed, use separate sheet of paper):

Remedy sought:

Signature of Grievant:	Date:
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Signature of Representative:	Date:
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THIS IS TO CERTIFY THE STEP 2 GRIEVANCE WAS RECEIVED Signature of Management Official or Designee:	Date:
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PART V RESPONSE TO STEP 2 GRIEVANCE

To be completed by the Step 2 Management Official. This is the written response to the Step 2 grievance. If resolution is reached at the Step 2 Meeting this section should be completed prior to the end of the meeting.

Signature of Management Official:	Date:
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Response Mailed to Grievant:	Date:
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Response Mailed to Union Representative:	Date:
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PART VI RECORD OF STEP 3 GRIEVANCE

If your grievance is not resolved to your satisfaction, you may submit the grievance to the next step of the grievance procedure by signing and dating this form below. This Part must be completed to elevate the grievance to Step 3. Attach a copy of Management's decision issued at Step 2, if received. Upon receipt of the grievance the Management Official must sign and date below to acknowledge receipt.

Name of Grievant: NFFE Local 2152	Duty Location/Organization: California BLM	Phone:
Union Representative: See Attached Designation	Duty Location/Organization: See Attached Designation	Phone: See attached Designation

Rebuttal to Step 2 response and/or additional/documentation (if more space is needed, use separate sheet of paper):

See Attachment 1

Remedy sought:

See Attachment 1

Signature of Grievant:	Date:
Signature of Union Representative: Timothy Moore, President NFFE Local 2152	Date: June 26, 2006
THIS IS CERTIFY THE STEP 3 GRIEVANCE WAS RECEIVED: Signature of Management Official or Designee:	Date:

PART VII RESPONSE TO STEP 3 GRIEVANCE

To be completed by the Step 3 Management Official. This is the written response to the Step 3 grievance. (If more space is needed, use separate sheet of paper.)

Signature of Management Official:	Date:
Response Mailed to Grievant:	Date:
Response Mailed to Union Representative:	Date:

Part VIII REQUEST FOR MEDIATION

Signature of Grievant:	Date:
Union Representative:	Date:

ATTACHMENT 1

Union Grievance June 26, 2006

General Nature of Grievance: FLSA Determinations and Overtime

Part VI Record of Step 3 Grievance

This Grievance is filed on behalf of **all** bargaining unit employees represented by the Union.

The Union alleges that the Agency violated the Fair Labor Standards Act, the collective bargaining agreement and all other relevant and applicable law, rule and regulation when it:

1. Failed to properly classify bargaining unit employees as FLSA non-exempt.
2. Failed to pay proper compensation for overtime worked to bargaining unit employees.
3. Improperly failed to allow bargaining unit employees a choice of compensatory time or overtime.
4. Failed to pay suffered and permitted overtime to employees.

As relief, the Union requests the following:

1. Backpay under the collective bargaining agreement, Back Pay Act and FLSA for the difference in pay for any overtime paid for overtime worked by wrongfully classified bargaining unit employees under Title 5 or other pay schedule, and the true time and one-half to which the employee(s) were entitled.
2. Payment for suffered and permitted overtime retroactive at least three years.
3. Liquidated damages in an amount equal to the unpaid or underpaid overtime.
4. Payment for overtime (minus the employee's hourly rate of pay) for any compensatory time worked since six years prior to the filing of this Grievance and the employee's overtime rate of pay, for comp time wrongfully given in lieu of overtime.
5. Liquidated damages in an amount equal to the unpaid or underpaid comp time damages.

6. Interest, if greater or equal to liquidated damages.
7. Reasonable attorney fees, costs and expenses.

Designation of Representative

The Union, NFFE Local 2152, hereby appoints the following individuals to be the points of contact for, and agents of, the Union in all matters touching upon or concerning this Grievance and the associated Request for Information:

Susan Tsui Grundmann, Esq.
General Counsel, NFFE
1016 16th Street, NW
Washington, DC 20036
(Direct) 202-862-4457
(Fax) 202-862-4432
sgrundmann@nffe.org email

Michael J. Snider, Esq.
Snider & Associates, LLC
104 Church Lane, Suite 201
Baltimore, MD 21208
410-653-9060 phone
410-653-9061 fax
mike@sniderlaw.com email

As a courtesy, please send me a copy of any correspondence with the Union's attorney.

Timothy Moore, President Local 2152



The National Federation of Federal Employees
An Affiliate
International Association of Machinists and Aerospace Workers
AFL-CIO, CLC



Local 2152

Union Request for Information Under Section 7114(b)(4) of the Statute:

DATE: June 26, 2006

REQUESTER: Local 2152 of the National Federation of Federal Employees

UNION CONTACT:

Susan Tsui Grundmann, Esq.
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AGENCY CONTACT: David Wheeler, W-1600, 2800 Cottage Way, Sacramento, CA 95825 (916) 978-4495.

SUBJECT: Union Grievance, FLSA Determination and Overtime

INFORMATION REQUESTED:

Please provide the following information prior to the Grievance meeting in this case, but in no case later than fifteen (15) calendar days from the date this Grievance is filed:

1. A list of all bargaining unit employees represented by the Union during the period August 1, 2002 to present, including first and last name, position title, Agency position number, job series, grade and step, FLSA exempt or non-exempt status, email address, business phone number and business address (in hard copy and electronic format)
2. A copy of each employee's position description.
3. A copy of one SF-50 for each employee since August 1, 2002.

4. A copy of all information relied upon to classify each bargaining unit employee.
5. A copy of any FLSA worksheet(s) and consistency review(s) for each employee since August 1, 2002.
6. The name of the individual(s) who made the determination to exempt each FLSA exempt employee, the date the decision was made, and a copy of all information relied upon to make the determination.
7. A statement as to the particular exemption (executive, administrative or professional) under which each and every employee/position was exempted from the FLSA.
8. A list of all overtime worked by each bargaining unit employee since August 1, 2002, by employee.
9. A list of all comp time worked by each bargaining unit employee since August 1, 2002.

The Union further requests that the above specified information be furnished within a reasonable time not to exceed fifteen (15) calendar days, and prior to the oral presentation in this matter. If this request is denied, in whole or in part, please state in writing of the name, position title, and grade of the official making the decision, and the statutory, regulatory or contractual citation it is based upon.

PARTICULARIZED NEED:

The Union believes that the Agency has violated the Fair Labor Standards Act, the Back Pay Act, the Collective Bargaining Agreement, and other rules, law and regulations in regard to the Bargaining Unit Employees. The Union needs the requested information to prove the underlying facts and contentions in its Grievance. In particular, the Union needs the information to show that the Agency improperly exempted many bargaining unit employees under the FLSA, underpaid or failed to pay proper overtime to those employees, and illegally offered comp time in lieu of overtime. The position descriptions are needed to show the critical, essential and grade-controlling duties of the positions, to show that the job duties have not changed and to show that certain Bargaining Unit employees are and were improperly exempted. The Union needs a list of the individuals who denied the overtime to call them as witnesses and a list of employees effected to call them as witnesses.

The SF-50's will show that certain Bargaining Unit Employees are improperly exempted and the Agency's exemption pattern was arbitrary, capricious and/or violative of the Agreement. Finally, the Union needs the rosters, overtime rosters and printouts of overtime worked to show damages to the Bargaining Unit Employees. The requested information will further enable the Union to fulfill its representational duties to represent

employees under the statute. If the Agency is unable to fulfill any request in full, please fulfill it in any non-objectionable part, and explain any denial in detail.

PRIVACY ACT: We do not believe the Privacy Act applies regarding the information requested. If requested information is not provided due to Privacy Act considerations please explain in detail.