

In the Matter of a Controversy	)	
	)	FLSA Grievance
between	)	
	)	
American Federation of Government Employees,	)	
National Immigration and Naturalization Service	)	
Council,	)	
Union,	)	Arbitrator's Order
	)	Concerning Computation
and	)	Issues
	)	
U.S. Department of Homeland Security,	)	
Immigration and Customs Enforcement,	)	Date: August 30, 2006
Agency.	)	
_____	)	

Because of certain delays in computation and payment to those entitled to suffer or permit compensation, the following is ORDERED:

1. The suffer or permit calculations (both LEO and others) must be completed by the Agency by September 21, 2006 and the calculation summaries provided to the Union and this arbitrator by that time (in anticipation of the September 27, 2006 hearing).
  
2. Letters to the suffer or permit recipients (by e-mail or hard copy) must go out by September 21, 2006, as well, informing the recipients of the amount that they will receive by October 1, 2006, with summary computation sheets. If that has not been accomplished, the September 27, 2006 hearing will include agency testimony - presumably by a Luguna representative - as to the delay.

3. The Agency will provide payment to all 242 suffer or permit claimants by October 1, 2006 (with the amount of disputed compensation withheld as to some). If that payment date has not been met, I will schedule a hearing for some time the week of October 2, 2006, during which I want to hear testimony from the Agency regarding the delay (presumably by funding decision makers within the constituent ICE organizations). I will also hear argument at that time as to whether I have the authority to award interest in addition to the suffer or permit payment with liquidated damages as a sanction for any undue delay.

/S/ Samuel A. Vitaro

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Samuel A. Vitaro  
Arbitrator