

## Just a few of our success stories...

**AFGE Wins Suspension Case in Iowa:** A food inspector with the U.S. Department of Agriculture in Iowa was given a proposed five-day suspension after he responded to a management email requesting volunteers for EEO liaison positions with an email that included Martin Luther King's "I Have a Dream" speech. The employee, who is president of AFGE Local 2323, appealed the suspension and, with attorney clout and representation, successfully got management to rescind the suspension.

**AFGE Wins Back Pay for Park Service Officers:** AFGE Local 407 filed a grievance on behalf of river rangers at the National park Service in Beckley, W. Va., who said they did not receive pay when they worked through lunch breaks. The arbitrator in May 2007 sided with the employees and ordered the agency to pay them back pay and substantial attorney's fees.

**AFGE Wins CBP Case in Florida:** A Customs and Border Protection (CBP) officer stationed in the Bahamas was suspended for two days in August 2006 for allegedly failing to protect her dependents' diplomatic passports. AFGE Local 1458 filed a grievance and the arbitrator in March 2007 determined that the officer did not protect the passports but the penalty was too harsh. The suspension was reduced to a reprimand.

**AFGE Wins \$420,000 in Awards for Members in Pittsburgh:** AFGE in March 2007 won more than \$420,000 in performance awards for about 275 employees working at the Energy Department's laboratories in Pittsburgh, Pa., and Morgantown, W.Va. The employees were supposed to get the cash awards for their performance at the end of 2006, but management cited budgetary concerns and did not pay them. The two AFGE locals involved filed grievances in December 2006 and January 2007 and with attorney assistance, the issue was resolved before the cases went to arbitration.

**AFGE Wins Backpay for Member:** A federal agency in April 2007 issued a five-day

suspension to an employee for emailing his supervisor about some workplace concerns. Six weeks before the scheduled arbitration, AFGE's attorneys convinced the agency to completely withdraw the suspension, pay the employee the backpay it owed him, and pay attorney's fees.

**AFGE Wins \$13,000 in Back Pay for Naval Academy Workers:** The arbitrator in July 2006 told the Naval Academy to give back pay to about 50 Officer's Club workers who had to work through their half-hour lunch breaks but did not get paid. The arbitrator recently awarded attorney fees.

**AFGE Wins Job Back for Denver TSO:** AFGE has restored a TSO at Denver International Airport to full duty with back pay after her removal from service. TSA alleged that the TSO failed to follow proper call-in procedures after the medication she was prescribed to combat her severe migraines prevented her from complying with the second call that TSA had asked her to make within one hour of the start of her shift. AFGE filed an appeal with the Disciplinary Review Board, who overturned the removal.

**AFGE Wins Job Back for Army Lawyer Wrongfully Terminated:** The Army lawyer, who is also vice president of her AFGE Local, got fired last year for trivial unsubstantiated reasons. AFGE Local 1858 took the case to arbitration and the arbitrator in May ruled that she was wrongfully terminated. He ordered the Army to reinstate her and give her full back pay and allowances that total approximately \$80,000. AFGE was awarded \$60,000 in attorney's fees.

**AFGE Wins \$500,000 in Bonuses for D.C. Workers:** When D.C. Water and Sewer Authority refused to pay performance bonuses to about 632 bargaining unit employees from AFGE Locals 631, 872, and 2553 and other unions, the unions took the agency to arbitration. The arbitrator in May found that the agency had violated the collective bargaining agreement and ordered WASA to pay the employees the bonuses it owed them, totaling approximately \$500,000.



# AFGE

## Legal Rights Attorney Program

### What our locals and members say....

**"Throughout my arbitration process, Ms. Self's professionalism, wisdom, courage, compassion, motivation and honesty was impeccable. Ms. Self worked tirelessly in preparation of my case and always kept me informed of the progress."**

- Paul Gullick III

**"Thank you for all of your help in getting me my job back. This means the world to me and my husband."**

- Symantha Von Cloedt

**"I could not have done what you did nor, in my opinion, could anyone at Local 704 have approached the level of preparation and professionalism that you brought to the case."**

- John J. O'Grady, president of AFGE Local 704

**"Mr. Grajales presented the case in a very professional, convincing and compelling manner that resulted in the VICTORY for the union."**

- Charles Stan Painter, president of National Joint Council of Food Inspection Locals

### GCO's Legal Rights Attorney Program

The AFGE Legal Rights Attorney Program in the General Counsel's Office (GCO) offers free attorney representation in cases brought by AFGE Councils and Locals on behalf of AFGE members. Our attorneys are experienced litigators and are committed to the best possible representation.

Since 2005, the program has handled more than 150 cases. It has won millions of dollars in back pay for our members and last year alone brought in more than \$150,000 in attorney's fees.

If we accept your case, AFGE's Legal Representation Fund will pay for the attorney's travel, lodging and per diem. And if we win the case and attorney's fees, the Council or Local will be reimbursed for the arbitrator's fee up to \$2,000 per case, not to exceed the actual amount of the attorney's fees recovered.



## The type of cases that we take

We take administrative cases such as removal, suspension, reduction in grade, reduction in pay, and furlough – cases that will be brought to arbitration, the Merit System Protection Board (MSPB), or other review boards where both back pay and attorney's fees are available.

## The type of cases we don't take

We don't take cases that involve solely unlawful discrimination issues such as age, race, sex, religion, disability, national origin and retaliation to the Equal Employment Opportunity (EEO) process. These cases should be referred to AFGE's Departments of Women and Fair Practices.

We, however, accept mixed cases involving a discrimination claim together with other disciplinary issues if brought directly to arbitration or the MSPB, not the EEOC.

### More of what our locals and members say...

**"I know that it goes with the job, but I want you to know that I know it is more than that. People can't do the things that you do if they only view it as a job!"**

- Don Eiermann, president of AFGE Local 1858

**"I'm trying to rebuild my life right now. I cannot find words enough to thank you for all that you've done for me."**

- Jarmena To

**"Ms. Leisha Self was appointed to handle the case and did a great job. Ms. Self obtained a settlement without incurring the cost of arbitration and still obtained all monetary compensation asked for by the union in the original grievance."**

- Charles Stan Painter, president of National Joint Council of Food Inspection Locals



### Case Evaluation Criteria

To receive representation:

The Council or Local must have provided case documents

and contact information required by the GCO.

The type of case must be appropriate, that is, arbitration, appeal to the MSPB, or appeal to another administrative review board (not the EEOC or the Federal Labor Relations Agency), which has the authority to order back pay and attorney's fees.

The case must be arbitrable or appealable. There must be a reasonable chance the case can be resolved to the satisfaction of the Council or Local. A chance of obtaining fees must exist.

All time limits must have been timely met.

The employee must have valid appeal or arbitration rights (e.g. not a probationary employee), and the subject matter must be appropriate (e.g. not a classification appeal or other non-grievable matter).



### Questions?

For more information about GCO's Legal Rights Attorney Program, call (202)639-6424.

## How to seek the assistance of Legal Rights Attorneys

**Step 1:** Once you decide to go to arbitration or file an appeal, simply notify us that the case is available on AFGE's Web-based Casetrack at [www.afge-casetrack.org](http://www.afge-casetrack.org). You can also email us at [backpay@afge.org](mailto:backpay@afge.org), fax, or overnight the following:

The Local's address, telephone number, fax number, and email address that will allow us to immediately contact you. For a disciplinary case: the proposed action, the employee's written response, the agency's final decision, and copies of the grievance or MSPB appeal or other appeal and any management replies. For an overtime or promotion case: copies of the grievance or other appeals and any management replies. A copy of the pertinent collective bargaining agreement. If arbitration has been initiated, an MSPB appeal or other types of appeal has been filed, the dates of any scheduled hearing have to be clearly indicated.

Because of existing case commitments, GCO needs at least four weeks to complete the evaluation and to prepare for a hearing.

Until GCO notifies the Council or Local that GCO will provide representation, the Council or Local is responsible for meeting all grievance and/or case deadlines.

**Step 2:** Once we receive all the documents and information required in Step 1, we will notify your National Vice President and assign an attorney to evaluate the case. You should call the GCO at (202) 639-6424 to confirm that we have received the case file and that the case has been assigned. Normally, the evaluation takes five work

days from the date of GCO receipt of the case file.

**Step 3:** If a case is accepted or denied for representation, the Council or Local will be notified in writing with a copy provided to your National Vice President.

**Step 4:** If we accept your case, you're required to:

Update the case documents provided to GCO as specified in Step 1 as they become available and keep GCO updated on all communications regarding the case. Handle all communications with the Federal Mediation and Conciliation Service, including requests for arbitration panels. Manage the grievance or appeal process until a hearing date has been scheduled. Generally, GCO will not begin the evaluation of a case until after a decision has been made by a Council or Local to proceed to a third party appeal. Commit to work with GCO to see the case through the end.

**Step 5:** Our attorney will interview witnesses and thoroughly review evidence. We'll prepare for opening and closing arguments and cross examination. We will then provide legal representation at no cost to the Council or Local, including travel to the location for a hearing.

