

Samuel A. Vitaro  
ARBITRATOR / MEDIATOR / FACT - FINDER

October 24, 2003

Susan M. Dole  
Labor Relations Specialist.

Joe Goldberg, Assistant General-Litigation

Re: AFGE and NINSC / FLSA Grievance / Notification of hearing dates

**(FAXED TO MS. DOLE AT [REDACTED] 0 AND MR. GOLDBERG AT [REDACTED]  
ON OCTOBER 24, 2003 AND FED EXED TO EACH OF  
THEM ON THAT SAME DATE)**


Dear Mr. Goldberg and Ms. Dole:

Thank you for your responses to my order. While I have not completed my review of those responses, it is clear – as I had anticipated and alerted the parties – that we will need hearing time in December 2003 to further address the suffer or permit claims and perhaps for purposes of addressing other matters such as class definition.

The Union has indicated its willingness to proceed by hearing in December 2003 and has requested that hearings be held in San Francisco, California. I have not heard from the Agency as to requested location or even whether it is planning to attend any hearing. The hearing is scheduled for San Francisco on December 8-10, 2003. The hearing will be held at a hotel conference room. Because I am unclear as to whether the Agency plans to appear, the

Union shall have the responsibility to make arrangements for both the room and a court reporter. As we get closer to the hearing date, I will inform the parties of the specific issues that will be addressed, the way in which they will be addressed (e.g., documents, testimony, etc.) and a filing date for pre hearing submissions

Sincerely,



Samuel A. Vitaro