

FORMAL GRIEVANCE FORM

MAY 94

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISON

<p>1. Grievant(s)</p> <p>American Federation of Government Employees Council of Prison Locals 33 Local 3584 for all FCI Dublin bargaining employees</p>	<p>2. Duty Station</p> <p>Federal Correctional Institution, Dublin CA 5701 8<sup>th</sup> Street Dublin, CA (925)-833-7500</p>
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<p>3. Representative of Grievant(s)</p> <p>Edward Canales, President Local 3584, CPL-33, AFGE</p>	<p>4. Informal resolution accepted with (name Person)</p> <p>Charleston C. Iwaugwu, Warden FCI Dublin Donna Davis Associate Warden FCI Dublin Irene Montoya Associate Warden FCI Dublin Gordon Castillo Captain FCI Dublin Timothy Hosker Acting Associate Warden FCI Dublin</p>
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5. Federal Prison System Directive, Executive Order, or Statute violated:

Master Agreement in its entirety  
Master Agreement Article 28, section g number 2  
Master Agreement Article 27, section a.  
All applicable State and Federal laws.

Back Pay Act  
Master Agreement Article 6 section b

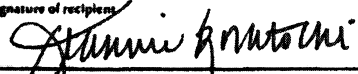
6. In what way were each of the above violated? Be specific. See Attachment. In an attempt to be very specific, an attachment is added as the space for this block does not allow for this much specificity.

7. Date(s) of violation(s): December 29, 2015 and open continuous



8. Request remedy (i.e., what you want done)

(1) We request an order to cease and desist from further violations immediately.  
(2) Order the Agency to adhere to the rights of the bargaining staff by providing safety toe boots per the master agreement article 28.  
(3) We request all attorney, legal fees and expenses incurred in the processing of this grievance be reimbursed by the agency to include liquid damages.  
(4) Provide affected employees with back pay for boots which should have been received every nine (9) months for a six (6) year period.  
(5) The grievant(s) will suffer no reprisal, harassment, or intimidation as a result of filing this grievance.  
(6) We request whatever remedy is deemed appropriate and necessary by the Arbitrator.

<p>9. Person with whom filed</p> <p>Mary M. Mitchell</p>	<p>10. Title</p> <p>Western Regional Director</p>
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<p>11. Signature of recipient</p> 	<p>12. Date signed</p> <p>12/30/2015</p>
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I hereby certify that efforts at informal resolution have been unsuccessful

<p>13. Signature of Grievant(s)</p>  <p>Edward Canales, President Local 3584, CPL-33, AFGE for all FCI Dublin bargaining employees</p>	<p>14. Signature of Representative</p>  <p>Edward Canales, President Local 3584, CPL-33, AFGE</p>
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## **Attachment to December 30, 2015 boot / safety grievance**

In July of 2013 the Union became aware that bargaining employees who are required to wear safety toe boots while performing their duties were not being issued a new pair of boots every nine (9) months as per the master agreement article 28. The Union presented their concerns to management during the July 2013 monthly LMR meeting with agenda item #8 stating "Discuss boot program and possible improvements" Management and the Union formulated a joint response stating, " Management and the Union agree to table this issue until the next LMR meeting. In the meantime, the Union will provide management with a proposal for new boot procedures and/or new vendors." During this LMR meeting it was agreed to by both parties that management was not providing boots every nine (9) months per the master agreement article 28 section g number 2 which states "each eligible employee is entitled to two (2) pairs shoes and/or boots on initial issue and one (1) pair ever nine (9) months thereafter." The parties agreed that the current system was flawed and agreed to extend the informal resolution process and work together to create a more efficient and effective boot program that was in compliance with the master agreement and keep employees safe. Management assured the union at this time that after auditing all purchase requests and boot orders they would make all employees whole who were affected by this issue.

From July 2013 until November 2015 the Union continued to work with management in an attempt to create a better boot program that would place the agency in compliance with the master agreement. During this period, there was a change in the CEO (Warden) position three times. Each time a new CEO would arrive, both parties would agree to extend informal resolution time lines to continue working together to improve the boot program. The union requested all documentation and records so they could perform their own audit and was informed by management that they were working to gather all of the records and once they had compiled everything, it would be made available to the union. Again, they reassured the union during this lengthy process that all staff who are due boots would be made whole.

On December 2, 2015 Associate Warden Irene Montoya sent the following email to the Union President, "Hello Ed On Wednesday, November 25, 2015, the Local AFGC 3584 and management met to discuss issues surrounding the issuance of footwear for uniform staff. The Union proposed the following; The Union proposes that two (2) pairs of boots, or vouchers be issued to every staff member that is required to wear safety toes footwear. Staff with less than two years at FCI Dublin will receive one (1) pair of boots or voucher. New hires within the past six (6) months will not receive any. Every staff member's order date will start the effective date of the first order. The rotation will then rotate every nine (9) months thereafter. Be advised management supports the proposal. Management will initiate the process. As discussed during our meeting, management

welcomes a member of the E-board to participate in the boot program process. I recommend another meeting occur early next week for further discussion regarding logistics. It was a pleasure to have to opportunity for management and the Union to partner, discuss issues, and engage in positive communication. I look forward to future discussion.”

On December 28, 2015 and December 29, 2015 the union sent several emails to Warden Iwuagwu, AW Davis, AW Montoya, and Acting AW Timothy Hosker stating that they needed to finalize the logistics of the boot program and make all employees whole on their missing boots. If they were unable to respond in the affirmative on this issue, the matter would be moved from the informal process to a formal grievance.

All attempts to work together to fix the boot program have proven unsuccessful. Management notified the union that they have no records indicating what staff members have received boots so the union is unable to perform an audit. The union can no longer wait and needs to ensure that staff members are being equipped with the proper safety equipment to safely perform their duties.

The Master Agreement Article 6, section b was violated when the FCI Dublin management failed to adhere to the master agreement in regards to providing employees with required safety toe boots per article 28.

The Master Agreement Article 28 section g number 2 was violated when FCI Dublin management failed to provide employees who are required to wear safety toe boots a new pair every 9 months.

The Master Agreement Article 27 section a was violated when FCI Dublin management failed to provide the necessary safety toe boots to employees which increased the inherent hazards faced by employees when working inside of a prison.



Settlement Agreement  
Boot Allowance  
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4. The Union agrees to withdraw the Safety Footwear grievance filed on December 30, 2015.

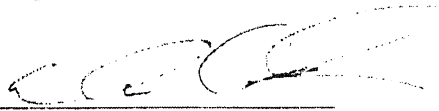
This document is only in effect if signed by both parties.

For the Agency:



Charleston C. Iwuagwu  
Warden, FCI Dublin

For the Union:



Edward Canales  
President, AFGE Local 3584