

PRAISE FROM OUR LEADERS AND MEMBERS FOR THE AFGE LEGAL RIGHTS PROGRAM

“Mr. [Andy] Grajales [Deputy GC] 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

“A VICTORY! I cannot express how happy we are with Attorney [Denise] Alves’ services. I knew from the outset - that Agency had a formidable opponent in Denise. Great case Denise!”

Dave Wright

AFGE Local 918

“Mike [Pazder, Dist. 12 Legal Rights Attorney] – Wonderful decision, wonderful presentation by you. I’ll reach out to Mr. Weaver, and tell him the great news. Thank you for your time, effort, and expertise in this. It was truly my pleasure to work with you on this case, and I hope we can work together again in the future. Again, my thanks, Mr. Weaver’s thanks, and Local 1613’s thanks.”

Christopher Harris

AFGE Local 1613

LEGAL RIGHTS VICTORIES – BACK PAY FOR AFGE MEMBERS

LEGAL RIGHTS WINS IN SERIES OF BOP CASES:

Public Health Service Issue – In a nationwide grievance regarding the Bureau of Prison’s improper withholding of shifts, posts, and leave, the Arbitrator granted the Union’s grievance and ordered the Bureau to allow BUE’s to bid on a full roster of available slots before allowing PHS employees an opportunity to bid. GCO attorney Greg Watts handled the case on behalf of Council 33 and is assisting Council in opposition the Bureau’s exceptions filed with the FLRA.

AFGE WINS \$7 MILLION IN BACK PAY FOR RIF’D WORKERS:

In a case involving 16 employees RIF’d by the Office of Cuba Broadcasting, the Arbitrator sustained the grievance in its entirety and found the RIF was taken for improper, retaliatory purposes, that the Agency failed to meet its contractual obligations (1) to bargain over the impact and implementation of the RIF, and (2) to place employees elsewhere in the Agency before determining they had to be RIF’d, among other failures. In a scathing 90-page decision, the Arbitrator awarded status quo ante, approximately \$7M in backpay with interest, and later awarded over \$300K in attorney’s fees.

AFGE WINS BACK PAY FOR DOD HEALTH CARE EMPLOYEES:

For Health care workers at the Walter Reed Army Medical Center and Fort Belvoir, pay day came up short for far too long. Now, through the efforts of AFGE Local 1410, certain health care workers may be entitled to years of back pay at these facilities. With the assistance of 14th District Legal Rights’ Attorney Rushab Sanghvi, AFGE Local 1410 invoked arbitration on behalf of all Title 38 employees at these facilities, alleging that many of the employees had not been

getting additional pay for their work during overtime and night shifts, on weekends, holidays, and on-call. In a last-minute settlement on the eve of the arbitration hearing, the parties entered into a settlement that will result in back pay plus interest dating back to 2011 for potentially 2000 affected employees.

AFGE WINS SATURDAY PREMIUM PAY FOR VA WORKERS

GCO’s tireless efforts on behalf of VA employees resulted in a historic agreement with the agency, effective October 31, 2016, regarding the payment of Saturday premium pay. GCO attorneys have been working on the case since 2004. Back pay will be paid to all eligible former and current Title 5 employees for the period from January 11, 2004 up to the date that the agency began paying the Saturday premium. An additional 30% will be paid as interest. Approximately 50,000 employees will benefit from the agreement.

AFGE RECOVERS OVER \$11 MILLION IN OVERTIME BACK PAY FOR VA IT AND COMPUTER SPECIALISTS

GCO achieved a Global Settlement to complete the final piece of a grievance that it filed against the Department of Veterans Affairs (“VA”) on behalf of thousands of employees over 20 years ago. In the final Settlement, the VA agreed that, prospectively, all Information Technology (“IT”) and Computer Specialists, who do not meet the Computer-Related Occupations Exemption, would be Non-Exempt under the Federal Labor Standards Act. Additionally, the Agency has paid over \$11 Million in Back Pay to approximately 3,000 IT and Computer Specialists across the country.



AFGE LEGAL RIGHTS ATTORNEY PROGRAM



GCO’S ATTORNEYS ARE ON YOUR SIDE

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. From discipline to adverse actions including removals, my office wants to help with your back pay cases. Our attorneys are experienced litigators and we are committed to providing the best possible representation.

Since 2005, the GCO attorneys have handled close to 1,000 cases and we’ve won millions of dollars in back pay for our members. In each of the last two years AFGE attorneys brought in nearly \$1.5 Million in attorney’s fees when we win your cases, helping us to expand the program and help more members when they need an attorney. 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 collect attorney’s fees, the Council or Local will be reimbursed for the arbitrator’s fee up to \$3,000 per case.

We want to work with locals and councils, we want to take your cases, and we want you to be successful. Bring your cases to GCO first and give our attorneys a shot at them. If you haven’t worked with GCO recently, you need to know this: the AFGE National Executive Council has made it easier for your cases to be accepted into the Legal Rights Program. If your local is willing to pay the arbitrator’s fee, we will take your case unless it’s barred by statute, regulation, caselaw or contract. So, while we’re not going to take, for example, a probationary removal, we’re going to work with you to make sure we’re providing an attorney when you have a legitimate case.

Every day we save locals thousands of dollars that would be spent on outside lawyers. If your case meets the NEC criteria, our representation is virtually free. I am confident you will see that GCO representation is a great value to your local, your council and your members.

David A. Borer, General Counsel



QUESTIONS?

For more information about GCO’s Legal Rights Attorney Program, call 202.639.6424

THE TYPE OF CASES THAT WE TAKE

We take administrative cases such as removals, suspensions, reductions in grade, reductions in pay, and furloughs – 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

Under criteria revised by the AFGE National Executive Council (NEC) GCO now accepts all cases for which the Local or Council is willing to front the cost of the arbitrator, except cases that are barred by statute, regulation, contract or case law. For example, a probationary removal is barred by statute and we therefore cannot take such cases.

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 should be referred to AFGE’s Departments of Women and Fair Practices. GCO does, however, accept mixed cases involving a discrimination claim together with other disciplinary issues if brought directly to arbitration or the MSPB, not the EEOC.

CASE EVALUATION CRITERIA TO RECEIVE REPRESENTATION:

- 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).
- 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 Council or Local must have provided case documents and contact information required by the GCO.



HOW TO SEEK THE ASSISTANCE

Step 1: Once you decide to go to arbitration or file an appeal, simply send us the following via email (to: backpay@afge.org), fax, or overnight:

- 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 type of appeal has been filed, the dates of any scheduled hearing have to be clearly indicated.

GCO will then conduct a complete evaluation of your case and determine whether it meets the criteria established by the NEC.

Or if your case records are already in AFGE’s Casetrack system, just notify us of that.

Please Note: 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 5 to 30 work days from the date of GCO receipt of the case file.

Step 3: Once our evaluation and legal analysis is complete, 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 attorneys 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.

PRAISE FROM OUR LEADERS AND MEMBERS FOR THE AFGE LEGAL RIGHTS PROGRAM

“Chad [Harris, GCO attorney] – Congratulations! On behalf of AFGE Local 96, thank you and much appreciation for your services. We are so elated that we prevailed in this case. It keeps us focus and grounded. Ours is not to judge but to represent. With people like you we represent well.”

Diane Clines
President, AFGE Local 96

“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, AFGE Local 704

“Greg [Watts, GCO attorney] – It is a great win and I know [these] cases, especially this type, are very tough. I am completely grateful with the outcome. Thanks again for a job well done.”

David Roller
Executive VP, AFGE Local 1698 AFL-CIO

“Council 33 has entered into an agreement with GCO to handle our Legal Rights cases, and they’ve done a great job. The attorneys on staff have been excellent and we’re winning cases together. I encourage all AFGE Locals to use the AFGE Legal Rights Program – it’s free and it works.”

Eric Young
President, AFGE Council of Prison Locals (Council 33)