AFGE Council 222

04/18/2006 09:34 AM

To:

cc:

Subject: GS-10s and below FLSA case update: Thank you and next steps!

COUNCIL 222 E NEWS

(http://afgecouncil222.com)
April 18, 2006

Subject: FLSA case update: Thank you and next steps!

We recently sent you one or more emails seeking your assistance in collecting evidence in connection with the national FLSA grievance of the parties.

Thank you for your help. We have concluded collecting this information for the time being. We are working on the next phase, and have advice for actions you can take now.

The information you sent us was important to determine if an affidavit filed by the agency in connection with the case was accurate. Deputy Assistant Secretary Barbara Edwards had signed an affidavit stating that the agency was treating GS-10s and below as covered by the FLSA "on a prospective basis" effective October 21, 2005. Your emails and screen shots of HIHRTS clearly demonstrated that more than five months later, the agency has yet to change the FLSA status of many miscategorized GS-10s and below. The affidavit is inaccurate.

The Union has filed a motion for enforcement of the Settlement Agreement in which the Agency agreed to reclassify all GS-10 and below positions as covered by FLSA, and asking the arbitrator to order the agency to meet the terms of the October 21, 2005, settlement agreement.

As a result of the agency contracting with an outside law firm, many dates in the arbitration hearing have been changed. The hearings for overtime damages for GS-10s and below have been moved from June to September of 2006. If you have received this message, it is safe to assume that you can be a claimant for uncompensated overtime pay. Here is some of the evidence that you need to be collecting now in anticipation of the hearings:

* keep copies of business related emails that you send before or after your tour of duty and credit hours (especially email to your supervisor);
* keep a daily diary of your work, and especially of your work outside of your normal tour of duty, including what you did and when you did it;
* if you have any sort of sign in/out sheet for your building, or you use swipe cards, be sure to use them when you arrive before your tour of duty and when you leave after your tour and credit hours;
* if you provide phone coverage or reception desk duties without receiving a duty free lunch period, find a way to document it--co-workers who witness your work, or other evidence;
* make screen shots with the date stamps of work done before or after your tour of duty and credit hours (see sample of a screen shot below). Be aware that these date and time stamps change as soon as you open a file. So if you work on it before or after hours, be sure to get a screen shot before your next tour of duty begins;

We will continue to keep you and other bargaining unit employees advised of the progress of this grievance.

Thank you for your support and assistance.

Carolyn Federoff, President
AFGE Council 222

Screen shot example (resized) below.

Steps to make a screen shot:

When you are on a screen (in any application) you want to save:
1) Hold down the "Alt" button (just left of your space bar);
2) While holding down the "Alt" button, press your "Print Screen" button (upper right of your keyboard)
3) Open a new Lotus notes email and put your cursor in the body of your email
4) Click the "Edit" button in upper left of your Lotus Notes bar (File **Edit** View Create Actions Text Help)
5) Click "Paste"
(if you need assistance just reply to this email)