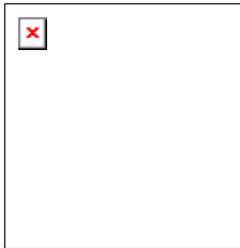

From: AFGE Council 222

Sent: Tuesday, September 04, 2007 12:27 PM

Subject: September e:Newsletter: Council wins first FLSA decision; Council President talks with Sen Edwards about plan to cut HUD and more!



<http://afgecouncil222.com>

September 2007 e:Newsletter

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- Council wins first FLSA decision**
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Council wins first FLSA decision

- **Arbitrator finds HUD misclassified all GS-360 Equal Opportunity Specialists (EOSs)**
- **Findings applicable to all HUD employees**
- **Agency ordered to pay \$17,000 in arbitrator fees**

In a decision that has implications on the classification of all HUD employees under the Fair Labor Standards Act (FLSA), Arbitrator Sean Rogers found that HUD violated the law when it relied solely on grade and position descriptions to exempt EOSs from FLSA coverage. The agency admitted using this same process to make FLSA decisions for all employees. The Council is challenging the FLSA classification of all HUD bargaining unit employees, and reasonably believes Arbitrator Rogers' will make the same finding for all job series challenged.

Arbitrator Rogers ordered the agency to immediately extend FLSA coverage to all GS-360 EOSs at all grade levels up to GS-15. The Council is working with its attorneys to provide guidance to EOSs on their rights regarding overtime, and hopes to make this information available soon.

The arbitrator has not issued a decision on monetary damages that may be due EOSs. However, damages include the difference between the value of compensatory time and paid overtime, and paid overtime is not capped at GS-10/10. The damage period extends as far back as June 2000. Damage hearings were held in fall 2006.

The Council filed the national grievance of the parties in June 2003, challenging Management's failure to properly classify employees under the FLSA. This was done after several years of requests to Management that they follow the law with regard to FLSA classification and off-duty travel. The Council is represented by Snider and Associates. To see a copy of the decision, and for more information on the grievance, go to our website at <http://afgecouncil222.com/flsagrievance.html>. For detailed information about your rights under the FLSA, visit our attorneys' website at <http://www.sniderlaw.com/pages/opp.html>.

Council President talks with presidential candidate John Edwards about his proposal to eliminate 1500 HUD positions

On June 9, Senator John Edwards held a private meeting with Council President Carolyn Federoff before attending a Labor function in Wakefield, Massachusetts. They talked about his proposal to “radically” overhaul HUD, focusing on his proposal to reduce HUD by 1500 while simultaneously attacking wasteful contracting out. “Reducing wasteful contracting out will bring work back into HUD,” said Federoff, “increasing the need for more HUD staff, not less.”

Mr. Edwards confirmed that it was his intent to reduce contracting out at HUD. He also advised that he was a good friend of AFGE National President John Gage, and that he planned to talk to NP Gage about this matter further.

CP Federoff was invited to meet with Mr. Edwards by North Shore Central Labor Council President Jeff Crosby. Mr. Crosby was the organizer of the Labor function Mr. Edwards was attending. He and CP Federoff serve together on the Massachusetts AFL-CIO Executive Board, and he offered to arrange the meeting when informed of Mr. Edwards’ proposals to downsize HUD. “Jeff represents industry workers at GE who are fighting their own contract battles to save health insurance benefits for their retirees and incoming workers. It was a true act of Labor solidarity that he would arrange this opportunity for me,” said CP Federoff. It was the only private meeting held during the event.

To see pictures and copies of the letters to Senator Edwards from AFGE National President John Gage and the Council, go to <http://www.afgecouncil222.com/>. (The content of this article was approved for distribution in the e:Newsletter by the Office of Special Council Hatch Act Unit July 31, 2007.)

AFGE mourns death of member killed in Utah mine rescue effort - another seriously injured

Gary Jensen, a mining safety professional and long-term member of AFGE Local 3416, was one of three rescue workers killed during an effort to rescue miners trapped in the Crandall Canyon Mine. As an employee of the federal Mine Safety and Health Administration (SHA), Mr. Jensen was committed to the health and safety of miners. Funeral services were held August 22 in Salina, Utah.

Frank Markosek, also an employee of MSHA and member of AFGE Local 3416, was seriously injured in the tragic accident. Mr. Markosek is recovering from injuries to his leg, which was broken in two places, a broken tailbone, three broken ribs, a seriously fractured eye socket, along with numerous scrapes and bruises.

Two funds have been set up at the Zion Bank for those who wish to make donations. One is titled “Crandall Canyon Rescue Workers” donation account and the other is the “Gary L. Jensen” account. Donations can be made by calling 888/788-1099, or mailing to the Zion Bank at P.O. Box 60, Huntington, UT 84528. (This article was reported by Victoria Taylor, Office of the National President, AFGE.)

Notes for Labor Day – CEOs average more than 364 times the pay of average US workers

A study produced jointly by the Institute for Policy Studies and United for a Fair Economy found that CEOs of large US companies averaged \$10.8 million annually in total compensation, or 364 times more than the average worker. The top 20 private equity and hedge fund managers averaged \$657.5 million annually, or 22,255 more than the average worker. According to the study, the average American worker earns \$29,500 annually.

Calculated as an hourly wage for a 60 hour work week, CEOs are paid \$3,462 per hour, while the fund managers earn \$210,000 per hour. Just think about it—the Social Security earnings limit is \$97,500, meaning that employees and employers only pay Social Security taxes on the first \$97,500 earned during 2007. The fund manager pays 100% of his Social Security tax in the first hour, while it takes CEOs 28 hours. The average American worker never comes close to the earnings limit. To view a copy of the study, go to <http://www.ips-dc.org/>.

In solidarity:

Carolyn Federoff
President, AFGE Council 222

This e:Newsletter is intended for AFGE Council 222 bargaining unit employees. Questions or comments? Hit reply or send email to: AFGECouncil222@hud.gov