

**IN THE MATTER OF ARBITRATION BETWEEN:**

THE AMERICAN FEDERATION )  
OF GOVERNMENT EMPLOYEES, )  
COUNCIL 222, AFL-CIO, )  
UNION, )

ISSUE: FLSA Overtime

And )

THE NATIONAL FEDERATION OF )  
FEDERAL EMPLOYEES, LOCAL 1450 )

v. )

ARBITRATOR SEAN ROGERS

US DEPARTMENT OF HOUSING )  
AND URBAN DEVELOPMENT, )  
AGENCY. )

**PARTIAL FLSA SETTLEMENT AGREEMENT, GS-950-11/12**

This Settlement Agreement is entered into by and between the United States Department of Housing and Urban Development ("Agency"), the American Federation of Government Employees, National Council 222 ("AFGE") and the National Federation of Federal Employees, Local 1450 ("NFFE")("Union(s)"), also collectively referred to as the "Parties." On June 18, 2003, the AFGE Union filed a Grievance of the Parties regarding FLSA violations and travel, and on December 24, 2003, the AFGE Union filed a Grievance of the Parties alleging violations of the Fair Labor Standards Act (FLSA) on behalf of all bargaining unit positions. On October 19, 2005, the NFFE Union filed a Grievance of the Parties identical to the AFGE Union Grievance. Since the filing of those grievances, the Parties engaged in settlement negotiations in an effort to narrow the scope of the Grievances.

**Now Therefore, the Parties Mutually Agree as Follows:**

**Coverage**

This Agreement addresses only the FLSA classification of employees in the GS-950 series at the GS-11 and GS-12 levels. It does not address damages for those or any other employees; it does not address the FLSA classification issues concerning any bargaining unit employees, other than those specifically and explicitly referenced.



**Reclassification as Non-Exempt**

The Agency agrees to reclassify to FLSA non-exempt status, effective the beginning of the first full pay period after March 23, 2006, all GS-11 and GS-12 bargaining unit employees in the GS-950 series covered by this Grievance (ie, any GS-950-11 or 12 employee in the Agency's Payroll Reports covering the period of June 18, 2000 through March 27, 2006 at the GS-11 and 12 levels).

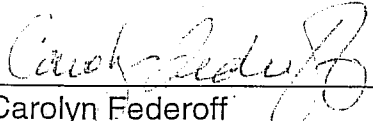
**Damages, Attorney Fees**

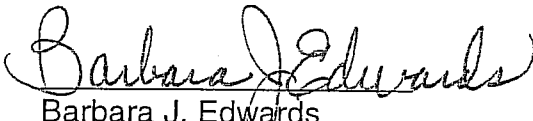
The parties agree that the issues of damages (including retroactive date of reclassification) and attorney fees have not yet been resolved, and will be addressed by the parties separately.

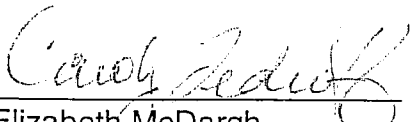
**Enforcement**

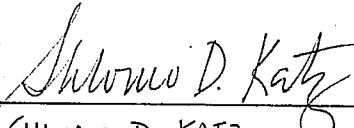
The parties agree that any alleged non-compliance with this agreement that comes to the Union's attention will be brought to the Agency's attention. The Agency will have thirty (30) days to correct the alleged non-compliance or to inform the Union that a dispute exists. If the parties cannot agree within fifteen (15) days thereafter, the matter may be referred to the Arbitrator.

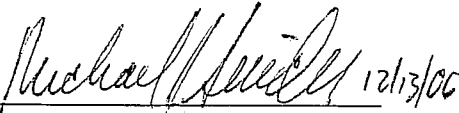
Executed this 13<sup>th</sup> day of December, 2006.

  
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Carolyn Federoff  
President, AFGE Council 222

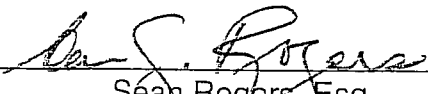
 12/13/2006  
\_\_\_\_\_  
Barbara J. Edwards  
Deputy Assistant Secretary for Human  
Resource Management

  
\_\_\_\_\_  
Elizabeth McDargh  
President, NFFE Local 1450

  
\_\_\_\_\_  
SHLOMO D. KATZ  
EPSTEIN BECKER & GREEN P.C.  
COUNSEL TO THE AGENCY

 12/13/06  
\_\_\_\_\_  
Michael J. Snider, Esq.  
Counsel, AFGE Council 222  
Counsel, NFFE Local 1450

Approved:

  
\_\_\_\_\_  
Sean Rogers, Esq.  
Arbitrator