

Hershel Goodwin

From: Sean J. Rogers [rogerssj@erols.com]
Sent: Tuesday, September 19, 2006 9:02 PM
To: Michael Snider
Cc: 'Peter M. Panken'; rogerssh@erols.com; carolyn_federoff@hud.gov; flsa; 'Daniel Abrahams'; 'Shlomo Katz'
Subject: RE: Agency Request for Information Re: Grievants.

Gentlemen,

Mr. Panken's e-mail and the thread the followed did not reach me due to a bad address. Mr. Snider's resent of the thread arrived this afternoon and I am reading in tonight.

I suggest we discuss this request tomorrow morning.

Thank you,
Sean J. Rogers

-----Original Message-----

From: Michael Snider [mailto:mike@sniderlaw.com]
Sent: Tuesday, September 19, 2006 3:55 PM
To: rogerssj@erols.com
Cc: Peter M. Panken; rogerssh@erols.com; carolyn_federoff@hud.gov; flsa; Daniel Abrahams; Shlomo Katz
Subject: RE: Agency Request for Information Re: Grievants.

Arbitrator Rogers:

I do not know if Mr. Panken's email made it to you, since he used a different email than I have for you. Nevertheless I thought it would be the right thing to do if I forwarded it to you. While I do that, allow me to give the Union's Response to the Agency's Motion.

The Agency is asking the Union to identify which exempt employees 'are at issue,' but we have repeatedly asserted that all exempt employees are covered by the Grievance, as you know. Now the Agency wants a list of all exempt employees at the Agency since June 2000? That is patently ridiculous, as the information comes from the Agency.

Thank you for your consideration.

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From: Peter M. Panken [mailto:PPanken@ebglaw.com]
Sent: Tuesday, September 19, 2006 1:44 PM
To: rogerssh@erols.com
Cc: Michael Snider
Subject: FW: Agency Request for Information Re: Grievants.

We respectfully request that the Union be directed to indicate which of the employees who have been classified as exempt are at issue in this arbitration. I have been informed that the union has never previously provided such a list. If it has it can resurrect it now easily. The document Mr. Snider refers to in this email string only states that the union will provide such a list but since it was never agreed to the union has not to my knowledge provided such a list. Now that the Union has the full NFC data, it is possible to specify which employees are at issue and which are not. If it is easier to have the list of those not at issue, that will be sufficient.

I am sorry to trouble you with this matter, but as you can see I tried but failed to get cooperation.

I

From: Michael Snider [mailto:mike@sniderlaw.com]
Sent: Friday, September 15, 2006 4:50 PM
To: Peter M. Panken
Cc: Daniel Abrahams; Erin Noble; Marsha Browne; Norman Mesewicz; Sam Hutchinson; Shlomo Katz; flsa; carolyn federoff
Subject: RE: Agency Request for Information Re: Grievants.

Peter:

We are no longer in the Grievance procedure and it is way to late to raise arbitrability questions.

We claimed all exempt employees are at issue, as well as non-exempt employees. Please read the Grievance carefully. If you know who the employees are, it would be a waste of my time to regurgitate that information to you.

I will also bring to your attention the proposed Resolution Cycle Procedure that we offered to follow with the Agency over a year ago, which was rejected, and to which I referred Dan Abrahams back in April. This issue would have been addressed therein but, alas, the Agency rejected that too.

Have a good weekend.

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From: Peter M. Panken [mailto:PPanken@ebglaw.com]
Sent: Friday, September 15, 2006 4:12 PM
To: carolyn federoff; flsa; Michael Snider
Cc: Daniel Abrahams; Erin Noble; Marsha Browne; Norman Mesewicz; Sam Hutchinson; Shlomo Katz
Subject:

I have reviewed the Union's grievance and noted that the union did not identify those bargaining unit members whose exempt status is at issue. You now have complete copies of the NFC data going back to the start of the period for which you are seeking recovery which identifies which employees are classified as exempt.

You are therefore in a position to identify by position and grade each bargaining unit individual who is classified as exempt and can indicate which are at issue and which are not at issue in this proceeding.

Since it is clear that the agency is entitled to such information, I respectfully request that you provide such a list to me as quickly as possible.

Thank you for your cooperation.

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