



Date: 05/22/12

To: Willie Mellen
NBA, APWU
8009 34th Ave S Ste 1250
Bloomington MN 55425-1797

Regional # E11C-4E-C11310930
Installation: Fargo ND
Grievant: Class Action
Local: 88KK4511

Decision: **SETTLED**
Issue Codes: 08.4330, 08.5000, 15.3000
Agency Rep: Jeffry R. Duba
Meeting Date: 05/22/12

Dear Mr. Mellen,

You and I discussed the above-captioned grievance at Step-3.

The question(s) at issue in this grievance is the scheduling of overtime on non-scheduled days.

After a full review of the information, contentions and arguments submitted by the representative(s) at Step 2, the decision has been made to SETTLE this grievance as follows:

"No language in the Step 1 Settlement dated December 3, 2010, for Union Number 88DK15610 specifically limits the settlement only to weeks in which a holiday falls. Therefore, employees will maintain their normal begin tour for an 8 hour overtime assignment, if desired, unless Management posts a different start time on the schedule the week prior. Continuing and ongoing violations in the future may result in monetary remedies."

This settlement is made without prejudice to either party's position, and is non-precedent setting.

Based upon the aforementioned, this case is **SETTLED.**

Jeffry R. Duba
Labor Relations Specialist
Western Area

Willie Mellen
NBA
APWU

cc: Western Area Processing Center
Manager, Labor Relations, Western Area
Manager, Labor Relations, District Office