

In the Matter of Arbitration Between:

American Federation of Government
Employees, AFL-CIO, Council of
HUD Locals 222,

Union,

Vs.

US Department of Housing and
Urban Development,

Agency.

Issue: FLSA Overtime

Arbitrator: Sean Rogers, Esq.

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PARTIAL SETTLEMENT AGREEMENT

This Settlement Agreement is entered into by and between the United States Department of Housing and Urban Development ("Agency") and the American Federation of Government Employees, National Council 222 ("Union"), collectively referred to as the "Parties." On June 18, 2003, the Union filed a Grievance of the Parties regarding FLSA violations and travel, and on December 24, 2003, the Union filed a Grievance of the Parties alleging violations of the Fair Labor Standards Act (FLSA) on behalf of all bargaining unit positions. 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 at the GS-10 and below level. 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

For those employees in positions the Agency wishes to exempt from the FLSA at the GS-10 and below levels, the Agency shall, by October 21, 2005:

1. Identify each employee, including name, job title, job series, grade, step, geographic location, and contact information.



2. For each identified employee, provide the position description and all available predecessor position descriptions since June 18, 2000, the specific exemption relied upon to exempt the employee, all information relied upon to exempt the employee and a detailed explanation as to how the employee is properly exempt, in the Agency's view, including any FLSA review and/or worksheet(s), the name of the individual(s) who made the determination to exempt each FLSA exempt employee and the date the decision was made.

If the Agency does not identify an employee as described in paragraph 1 and provide the information described in paragraph 2 for an employee/position, that employee/position will be reclassified to FLSA non-exempt status effective the beginning of the first full pay period after October 21, 2005. The affected bargaining unit employees are any listed employee in the Agency's Payroll Reports covering the period of June 18, 2000 through October 1, 2005 at the GS-10 level and below.

The parties agree to meet within thirty days after receipt of the above information and discuss possible resolution. Absent settlement of all issues, the outstanding matters will be dealt with as mutually agreed upon by the parties.

Damages, Attorney Fees

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

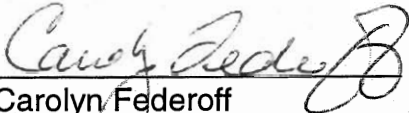
Cost of the Mediation on September 28, 2005


The Agency agrees to bear the cost of the Arbitrator for the mediation session held on September 28, 2005.

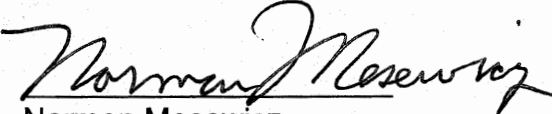
Disputes over Interpretation/Compliance

The Parties agree that any dispute over interpretation of this Agreement or compliance with this Agreement will be submitted to Arbitrator Sean Rogers, Esq. for binding resolution.

Executed this 28th day of September, 2005.


Carolyn Federoff
President, AFGE Council 222


Michael J. Snider, Esq.
Counsel, AFGE Council 222


Norman Mesewicz
Deputy Director
Labor and Employee Relations Division