

From: Jeff Lewis reformfaanow@gmail.com

to: Mark Wilson <mwilson@natcad.org>, Jay Barrett <rkmedez@gmail.com>

cc: Mike Hull <mhull@natca.net>, Anna Jancewicz <ajancewicz@natcad.org>

date: Tue, Nov 29, 2011 at 9:48 AM

subject: New Grievance for violation of FAA Order 3600.4

Hi Mark,

Attached is a page from FAA Order 3600.4, as received last week. I knew nothing of FAA ORDER 3600.4 and the precise illegality of the actions Agency took against me until less than a week ago. I have marked with an arrow the prohibition against Enforced Leave.

For the record, I was never formally suspended. Instead, I was told via phone on 2/16/07 to stay away. A week later, I received a memo signed by the ATM which directed me to return my badge and key, and advised I was on temporary administrative leave pending completion of an ROI. A month later (see attached), I received another memo from the same CCR ATM, this time briefly describing my lockout as relating to "new" misconduct charges (which had not been previously presented to me), and threatening disciplinary action if I failed to obtain a medical evaluation at my own expense [please note, I had received nothing from the RFS indicating my medical clearance had been temporarily suspended, and there was nothing in my entire medical file to support the medical clearance suspension.] I have also obtained Agency records showing that both of these memos were created by the AWP EAP Manager, Cindy Lopez-Hickson, after extensive coordination with AWP-10, AWP-7, and AWP-300.

The actual "Enforced Leave" commenced on 4/17/07. It was initiated retroactively, with an email the CCR ATM sent to me on 4/24/07.

The Enforced Leave continued through September 2007, and included six weeks of LWOP (four of which were repaid in October 2007). Of course, as you know, the remainder of this Enforced Leave is the basis for the "Make Whole" grievance I filed on 5/1/08, at the invitation of Glen Rotella, and as part of the settlement he had offered to close out a ULP I had filed. Then, too, you are aware that my filing of this "Make Whole" grievance on 5/1/08 precipitated a retaliatory adverse action, and I was removed on 11/6/08, 6-months shy of ATC retirement eligibility.


It appears to be a no-brainer: FAA Order 3600.4 was violated by AWP, on all three counts. The Enforced Leave was issued prior to AND during a period of advance notice of Adverse Action; the Enforced Leave was issued in lieu of formal suspension; and, the Enforced Leave was issued as a disciplinary measure, with the clear intent of denying me my Due Process rights (which was very effectively done, for more than four years).

Mark, I believe NATCA needs to grieve this matter. Please confirm that NATCA shares the opinion that Agency violated this prohibition against Enforced Leave. Please also confirm that NATCA is filing a grievance.


Thanks.

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 20050506..FAA Order 3600.4, pg.11, eff. 4-1-05; prohibition against enforced leave.pdf

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