



July 9, 2003

Cynthia Pettit  
Deputy Comptroller for Workforce Effectiveness  
250 E Street, SW  
Washington, DC 20219-0001

Re: FLSA Grievance

Dear Ms. Pettit:

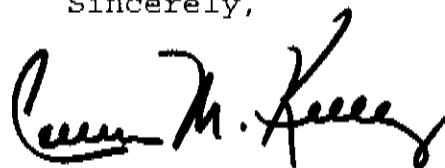
This grievance is filed pursuant to 5 U.S.C. 7103(a)(9) and the Memorandum of Understanding between the National Treasury Employees Union (NTEU) and the Office of the Comptroller of the Currency (OCC), dated February 26, 2003. It is filed on behalf of all bargaining unit employees who are or have been paid an incorrect overtime rate, or who have been "suffered or permitted" to work overtime with no pay.

This grievance challenges OCC's current and past exemption of any and all bargaining unit positions from coverage of the Fair Labor Standards Act (FLSA). Exempt employees of the government are limited to overtime pay at the GS 10, step 1 rate. 5 U.S.C. 5542(a)(2). Because the employees in question should properly be considered non-exempt from the FLSA, they are entitled to be paid the full time-and-one-half required by the FLSA. 29 U.S.C. 207. In addition, this grievance challenges OCC's failure to pay bargaining unit employees for work that was "suffered or permitted."

As a remedy, all past and present employees who have received less than the full time-and-one-half to which they are entitled in the last three years should be paid the difference between the overtime pay they received and the amount due under the FLSA. In addition to back pay, employees are entitled to liquidated damages, attorney fees, and any other remedy provided by law.

My representative in this matter is Caryl Casden.  
Please contact her at (202)572-5500 x7008 if you have any  
questions about this grievance.

Sincerely,

A handwritten signature in black ink, appearing to read "Colleen M. Kelley". The signature is written in a cursive style with a large, looping initial "C".

Colleen M. Kelley  
National President

cc: Barbara S. Liggett  
Steve Sharfstein