



# Amtrak Police Labor Committee

10 Station Place Suite 17 Metuchen, NJ 08840

## MEMBER FORM

F.O.P. Case No. FOP-2019-NYP001	Date 2/19/2019
Dept. Case No. Dept Case Number	Division New York
Type <input checked="" type="checkbox"/> Grievance - Rule 5 <input type="checkbox"/> Discipline Appeal - Rule 34	Date Hired 03/29/2007
Reporting Location New York Pennsylvania Station	Employee No. 00800501
Member's Name [REDACTED]	Rank PO
Member's Address [REDACTED]	
Commanders Name Deputy Chief Martin Conway	

1. Member's Statement of Grievance: Describe in detail the action giving rise to the complaint. Specify names, dates, classification, place, and site of violation, etc.

On January 25, 2019 [REDACTED] received his paystub dated January 25, 2019 for the pay-period of 12/31/18-01/13/19. Upon conducting a review, [REDACTED] noticed that he was missing 8 hours of holiday rest-day pay for New Year's Day that fell on his rest day and 8 hours of pay was recovered for "Other Pd Days".

Upon conducting an inquiry with the department's payroll clerk Hoplin Ford, Officer [REDACTED] was made aware that 8 hours of time was recovered because he used a sick day during his [REDACTED]. Further, Ford informed Officer [REDACTED] that according to a payroll system issue, he could not be paid holiday rest-day pay for New Year's Day which fell on his rest-day because of his prior pay as [REDACTED]. [REDACTED] last day of pay as [REDACTED] was December 28, 2018, since [REDACTED] was scheduled to return to patrol on Wednesday January 2, 2019 and work his full work week. Should he have been paid by the department as the [REDACTED] for Monday December 31, 2018 (8 hours), and Tuesday January 1, 2019 (8 hours) and then Wednesday January 2, 2019 (10 hours), Thursday January 3, 2019 (10 hours), Friday January 4, 2019 (10 hours) and Saturday January 5, 2019 (10 hours) it would have certainly placed him above his forty hours for the week causing the department to incur overtime.

After discussion with Richard Bush from Amtrak's Labor Relations, Officer [REDACTED] was advised that the corporations view is that during [REDACTED], he should not have accrued any leave time, since he did not render service in their view and that his leave of absence was only for the purpose of ensuring his time as [REDACTED] counted towards Railroad Retirement. However, upon a review of the current collective bargaining agreement, clear unambiguous language exists that the corporation should have been able to easily interpret, leaving Officer [REDACTED] and the FOP to wonder if this is another attempt by the corporation to re-write the contract without mandatory negotiations.

Rule 29 - Leave of Absence, more specifically [REDACTED] will be credited time on a leave of absence as continuous service for the purposes of vacation & personal leave days. Further, Rule 24 - Sick Leave, speaks to the qualifications required for earning sick leave, which [REDACTED] met since his time as [REDACTED] was considered as continuous service for vacation purposes. As the sick leave rule required him to meet the qualifications for vacation which he earned and used, the 8 hours of pay recovered from him were a clear violations of Rule 24 & 29.

William Gonzalez  
President

Steven Angelo  
Executive Vice-President

Mark Hoyer  
Secretary

Christopher Hogan  
Treasurer

John Castro  
Financial Secretary

David Brooks  
Trustee



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It is extremely important to note that since the FOP President (and AFRP Presidents prior) has been a full-time position, paid for by the corporation in accordance with Rule 45 – Duly Accredited Representatives, the corporation additionally violated Rule 45 as they neglected to pay him 40 hours of time that week for work performed without loss of pay. Every past President has accrued and used sick leave dating all the way back to 2003. Further, every Past President has received holiday pay on the holiday. The department will most certainly be grasping for straws attempting to refute that this couldn't possibly be a long established & accepted past-practice.

Finally, as Officer [redacted] was compensated by the corporation during his time as [redacted] his "Other Pd Days" he received on December 28, 2018 did bridge the holiday in accordance with Rule 13 – Holidays and therefore he should have received 8 hours of Holiday Pay for New Year's Day thus violating Rule 13. The corporation's inability to correctly administer payroll should not cause the officer a loss of wages that is contractually owed to him.

2. Specify the Article(s) of the Agreement which support the claim.

Rule 13 – Holiday & Personal Leave, Rule 24 – Sick Leave, Rule 29 – Leave of Absence,  
Rule 45 – Duly Accredited Representatives

3. What is the remedy and/or relief sought.

Make Officer [redacted] whole by compensating him with 8 hours of Sick Leave that was recovered by the corporation and by compensating him with 8 hours of holiday pay for New Year's Day that fell on his rest day.

Cease and desist the practice of denying the [redacted] the ability to use sick leave.

This grievance is subject to amendment by the grieving parties.

I hereby authorize the F.O.P. Lodge 189 Labor Committee to act for me in the disposition and settling of this grievance.

Members Name: [redacted]

Member's Signature: Click here to enter text. [redacted]

Submitted on behalf of the member [redacted]

Duly Accredited Representative

Name & Title: WILLIAM GONZALEZ  
PRESIDENT

Signature: [Handwritten Signature] Click here to enter text.

William Gonzalez  
President

Steven Angelo  
Executive Vice-President

Mark Hoyer  
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John Castro  
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David Brooks  
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NYP00 FN 000000-000000  
 NYP 000600301 B4

National Railroad Passenger Corp.  
 Attn: Payroll  
 10 G St. NE  
 Washington DC 20002

Tax Authority Exempt Adtl

**Statement**

Page 001 of 002  
 Period Beg/End: 12/31/2018 - 01/13/2019  
 Advice Date: 01/25/2019  
 Advice Number: 8005011182  
 Batch Number: 000000000823

**DAVID L MORALES-LEON**  
**691 COLGATE AVE**  
**PERTH AMBOY NJ 08861**

For inquiries on this statement please call: 866-247-2915

Rate of Pay 42.78  
 Overtime 1.5 0.00

Earnings	Hours	Current	Y-T-D
Regular Earn	72.00	3,080.77	3,080.77
Overtime	18.00	1,155.29	1,155.29
Other Pd Days		0.00	3,080.79
Unpaid Hours	8.00		
Retro Calc		-342.31	
<b>Gross Pay</b>		<b>3,893.75</b>	<b>7,316.85</b>

Deductions	Current	Y-T-D
*401(k) Pre Tax	116.81	219.50
*Spending Accts	38.46	76.92
*Med Pre Tax	114.00	228.00
*Mass Trns/Park	43.50	87.00
Union Dues	65.00	65.00
401(k) Loans	284.52	569.04
401(K) Roth	38.94	73.17
<b>Tot. Deductions</b>	<b>701.23</b>	<b>1,318.63</b>

\* denotes pre-tax deductions

<b>Net Pay</b>	<b>1,925.67</b>	<b>3,656.70</b>
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Quota	Accrued	Used	LumpSum	Balance
PersHol	30.00	0.00		30.00
PersLeav	10.00	0.00		10.00
SickLeav	616.00	0.00		616.00
Vacation	120.00	0.00		120.00

Taxes	Current	Y-T-D
Federal Withholding Tax	605.65	1,107.50
Federal Railroad Rtmt Tier1	229.27	429.35
Federal Railroad Rtmt Tier2	181.19	339.32
Federal Railroad Medicare	53.62	100.41
New Jersey Withholding Tax	0.00	0.00
New York Withholding Tax	197.12	364.94
<b>Total Taxes</b>	<b>1,266.85</b>	<b>2,341.52</b>

Wages-Current	Wages-YTD
3,580.98	6,705.43
3,697.79	6,924.93
3,697.79	6,924.93
3,697.79	6,924.93
81.96	163.92
3,580.98	6,705.43

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National Railroad Passenger Corp.  
 1 Massachusetts Ave NW  
 Washington DC 20001

Advice Number: 8005011182  
 Advice Date: 01/25/2019

Deposited to the account of  
 DAVID L MORALES-LEON

Account Number	Transit ABA	Amount
XXX2013	221276901	300.00
XXXXX4516	221272303	1625.67

THIS IS NOT A CHECK



NYPOD PH 000000-000000  
 NRP 000000001 BE

National Railroad Passenger Corp.  
 Attn: Payroll  
 10 G St. NE  
 Washington DC 20002

Tax Authority Exempt Addtl

## Statement

Page 002 of 002  
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DAVID L MORALES-LEON  
 691 COLGATE AVE  
 PERTH AMBOY NJ 08861

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The following is the breakdown of the Retro Calc category in the Earnings section on Page 1

Description	Period	Hours	Amt.
Other Pd Days	12/17/2018-12/30/2018	-8.00	-342.31
<b>Total</b>			<b>342.31</b>



THIS IS NOT A CHECK