

Jerome H. Ross

Arbitrator

6621 Weatherford Court
McLean, Virginia 22101

Tel: (703) 356-1429
Fax: (703) 356-1940
email: jhrossarb@aol.com

January 9, 2008

Colin P. Walle, President
NFFE Local No. 1998
P.O. Box 2221
Seattle, WA 98111

Steven J. Polson, Chief Labor-Management Negotiator
United States Department of State
2201 C Street, NW – Room 6217
Washington, D.C. 20520-2810

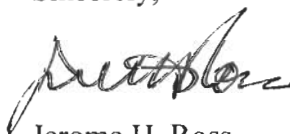
Re: Desk Adjudication Measurement on Overtime

Gentlemen:

I have received by fax on January 8, 2008, Mr. Walle's letter requesting "an order to Passport Services to comply with [the] order to apply the remedy that they fashioned (the new 0.875 factor) for 2007 to those offices that did not account for any nonproductive time (or accounted for less than that amount of nonproductive time) during 2007."

This letter constitutes an order pursuant to my Award dated October 23, 2007, under which I retained jurisdiction of the above referenced grievance "for the sole purpose of resolving any dispute concerning the appropriateness of the remedy under Article 18 [of the parties' Agreement]." The grievance was dated March 30, 2007. Although I have not retained a copy of the Agreement, it appears that the Award should be retroactive to the date prior to March 30, 2007, on which the Union was required to file the grievance under the contractual time limit. For example, if the Agreement specifies a 14-day time limit for filing a grievance at Step 1, the retroactivity would extend back 14 days prior to March 30, 2007. If the Agreement specifies a different timeframe for retroactivity of a remedy, the contractual date should be applied.

Sincerely,



Jerome H. Ross