

*Labor Management Relations Quarterly Meeting
Washington, D.C.*

January 20-22, 2004

Agenda Items: MANAGEMENT

No agenda items for Management.

Agenda Items: UNION

ISSUE: The union is concerned with the number of Institutions that have had a significant increase to their average case loads. The Union is requesting the following fact and figure information.

- A. Monthly average caseload numbers from each institution for the last two years.
- B. Number of CSW's assigned, and how many CSW positions were vacant during this time.
- C. Inmate population numbers during this period as well.

P.S. 5321.07 Unit Management Manual states, "Caseloads for Case Managers and Counselors will be reviewed by Management on a regular basis in an effort to minimize the negative impact that large caseloads have on staff." The union would like to discuss this statement, and its intended purpose.

Who: SCR
SME: Sue Beasley, CPD

Resolution: Agenda item was discussed at length. Additional information will be provided to the union by the next LMR Quarterly Meeting.

2. **ISSUE:** The Agency had stated that it is their position that Union Representation will not be allowed when an employee is called to provide a urine sample? The Union wants to have an open discussion as to why Management has taken that stance, based on agreements that were approved and signed off on at local institutions.

Who: SCR

SME: Joe Chapin, LMR

Resolution: It is the agency's position that random testing conducted under the Drug Free Workplace policy does not meet the definition of an investigation or examination as contemplated under the law. The union does not agree with this position. Both parties agree that any signed local agreements related to this issue (MOU's, institution supplements and local supplemental agreements) must continue to be honored under the current Master Agreement. Under reasonable suspicion testing both union and management agreed that a bargaining union employee would be entitled to a union representative if the employee reasonably believed that the examination would result in disciplinary action and requests representation.

3. **ISSUE:** The Union is requesting information as to how and where random lists for urine testing are compiled. How this information is disseminated to local institutions. If local administrators have input regarding random list? The Union is requesting the number of employees that have been tested more than once as random since testing began?

Who: SCR

SME: Jude Herges, HSD

Resolution: The Information, Policy, and Public Affairs Division gets an employee extract from the National Finance Center and the Public Health Service of all employees with the BOP who are listed as holding a Test Designated Position (TPD). The two employee extracts files are downloaded to a disk which is taken to the Department of the Interior (DOI), which has a generator program utilized by a number of Federal Agencies. The DOI random generator randomly draws 1.5% from this pool of numbers. The list of randomly selected employees are then downloaded to a disk and the DOI delivers this disk to the BOP. The selected names are

then down loaded to hard copies of the "Acknowledgment of Random Section for Employee Drug Testing" forms. The forms are then sent to the respective Wardens for distribution to the collectors, who then collect the UA test. In the event the Warden is selected, that name is sent to the respective RD so that no one has advanced notice of "selection." No local administrator, regional administrator, or national administrator has input into the random list. The BOP has chosen to have the random UA list generated by an independent third party to alleviate concerns about the list's integrity. Due to the fact the list is generated randomly there may be individuals who are selected more often than others. To date a small number have been tested twice.

4. **ISSUE: Safety Shoe Acquisitions**

Who: Phil Glover

SME: Bob Newport, Admin (1/21/04 @ 8:00 a.m.)

Resolution: A notice will be provided to the field that the procedures outlined in a memo dated 12/5/03 are illegal. While these procedures must be stopped, the union must be notified and given the opportunity to bargain over the changes to shoe purchases. Management can't unilaterally decide how the procedures are going to work to purchase shoes.