

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

May 28 - 29, 2003

Agenda Items: MANAGEMENT

1. **ISSUE:** Inmate Skills Reengineering Group

When: 5/28/03 @ 9:00 a.m.

SME: Joyce Conley, Admin

Resolution: Discussed the development and implementation of an assessment instrument to determine the strengths and weaknesses of inmates with respect to several life skills. Currently piloted at USP Terre Haute, FDC Philadelphia, FCI Beckley, FCI Coleman Low, FCI Tucson, and FPC Bryan. This is a volunteer program. The union has had the opportunity to be involved at all of the above named facilities. If the union or any staff member using this has any concerns or suggestions on how to improve this they should inform Joyce Conley and/or Bo Saylor. They may send any concerns and/or suggestions via e-mail.

2. **ISSUE:** Update on Training Management System

When: 5/29/03 @ 9:30-10 a.m.

SME: Florentino Morlote, Erickajoy Lee, Training & Staff Development

Resolution: Discussion item only.

Agenda Items: UNION

1. **ISSUE:** Is the Justice Department the agency that must absorb the 2.6% cut in order to pay for the President's other initiatives in the 2003 appropriations or will BOP absorb a 2.6% cut?

Who: ADMIN

SME: Hugh Hurwitz, Carol Durkee (5/28/03 @ 8-9 a.m.)

Resolution: Discussion item only.

2. **ISSUE:** In what areas, besides those under the January freeze, will the BOP cut costs in order to absorb a cut in funding and the unfunded raises from FY 2003? Are individual institution services going to be cut in order to keep Corrections, Food Service, and Medical at a safe level?

Who: ADMIN

SME: Hugh Hurwitz, Carol Durkee (5/28/03 @ 8-9 a.m.)

Resolution: Discussion item only.

3. **ISSUE:** In the OIG's report regarding drug interdiction efforts, what plans have the Executive Staff initiated to comply with the report?

Who: PRD, CPD

SME: Michael Garrett, John Vanyur (5/28/03 @ 9:30-11 a.m.)

Resolution: The OIG report and the agency's response can be found on the OIG website. This was a discussion item only.

4. **ISSUE:** The report indicates that the searching of staff should be done and limiting staff from bringing items into the prison. With this in mind, what indication do we have that staff and not inmate visitors are the real threat to bringing drugs into the institutions? What was relied upon by the OIG to determine staff were a big problem?

Who: PRD, CPD

SME: Michael Garrett, John Vanyur (5/28/03 @ 9:30-11 a.m.)

Resolution: The OIG report and the agency's response can be found on the OIG website. This was a discussion item only.

5. **ISSUE:** How many incidents of drugs being brought into inmates by staff during the last two years were found to be true? How many were overturned in a third party hearing?

Who: HRMD

SME: Christopher Wade, Joe Chapin (5/28/03 @ 9:30-11 a.m.)

Resolution: The union was given data from OIA concerning allegations of staff misconduct with respect to drug use/drug introduction.

6. **ISSUE:** It is requested that the CPL website and the AFGE website be added to those sites that are permitted to be accessed using the government computers. Staff while on non-duty hours can find valuable information on these sites.

Who: IPPA

SME: Sonya Thompson (5/28/03 @ 1-3:30 p.m.)

Resolution: Management agreed to allow access for all staff to the following two websites: www.cpl33.org and www.afge.org. It was agreed that the local institution and management may not agree to allow staff with limited access to link to or access additional union sites (i.e. the local union website) or other links from those two sites.

7. **ISSUE:** I would like to address the Agency's use of the ADR program of Labor Related issues. I would also like to address the provisions and guidelines for the ADR program regarding the Core Principles Governing of the EEOC. After reviewing the information provided by Bryan Lowry, SCRVP, it is clear that the Agency is not properly monitoring the use of this program. One example is the wording "Miscellaneous" to describe an ADR dispute issue. What is that telling us?

Who: OGC

SME: Mina Raskin (5/29/03 @ 10:30 - 11:30 a.m.)

Resolution: Mina Raskin created a "Miscellaneous" category to capture the occasions when an employee came to see the DRS but did not seek further assistance from DRS in resolution of their issue.

8. **ISSUE:** There were a few contractual issues being addressed by the institutional ADR person. This is clearly outside the EEOC guidelines. I have attached the EEOC Core Principles Governing the EEOC Commission ADR Program. I do not believe that currently this program is helpful to the membership mainly because the ADR person in the Agency has no authority. Core Principles Governing Commission ADR Programs: Any use of ADR under Commission auspices will be governed by certain core principles. Above all, any Commission ADR program must further the Agency's mission. It must also be fair, which requires voluntariness, neutrality, confidentiality, and enforce ability. Recognition of the differing circumstances that obtain in the Commission's District Offices suggests that ADR be flexible enough to respond to varied and changing priorities and caseloads. In addition, any EEOC ADR programs must have adequate training and evaluation components.

Who: OGC

SME: Mina Raskin (5/29/03 @ 10:30 - 11:30 a.m.)

Resolution: If there are any concerns about the ADR Specialist Pilot Program they may be addressed directly to Mina Raskin.

9. **ISSUE:** Why is the Agency refusing to honor the contract regarding grievance's that are properly filed? This includes refusing to bring witnesses the union lists that are a part of a case.

Who: HRMD

SME: Joe Chapin

Resolution: Discussion item only. At the local level it is important to make the local witnesses available. The agency and the union continue to disagree over the agency's responsibility to produce witnesses outside of the local institution. With regard to the filing of grievances, the union and management continue to disagree as to how this is being implemented in the field.

10. **ISSUE:** Sick leave abuse letters (condition of employment)- Who pays when staff are required by the Agency to get a doctor certificate for management?

Who: HRMD

SME: Joe Chapin

Resolution: The agency and the union disagree over whether or not the agency is required to pay for a staff member to obtain a medical certificate in support of the staff requesting sick leave. The agency agreed to publish a statement to the field concerning the use of caution in handling alleged sick leave abuse in accordance with Article 20 of the Master Agreement.

11. **ISSUE:** SPD for power house workers

Who: HRMD

SME: Joe Chapin

Resolution: This issue has been tabled for further clarification.

12. **ISSUE:** Dale spoke with Warden Felts on 1/21/03 about vacating posts. FCI has been vacating posts regularly stating that they have no monies to pay overtime. They have routinely been vacating Yard 3 on morning watch for bang ins. Then on Mondays and Thursdays, one yard officer is in the units backing count, while the other officer is at the rear gate with the trash truck. There is no one on the yard in case of body or fire alarm. Dale has put this issue on the LMR agenda for the past two months, but no one would address the issue. Warden Felts wrote down the information so that he could check on it. Dale told him very clearly that if someone was injured or killed due to the vacating of the yard or compound posts, the union would testify that the Agency was aware of this and chose money over security and safety. Warden Felts acknowledged that he would look into it and that he understood his concerns.

Who: HRMD

SME: Joe Chapin (on behalf of SCR)

Resolution: The union expressed their continued concerns with staff safety with regard to the issue of vacating posts.

13. **ISSUE:** A year process from grievance to arbitration decision. Why? Hire some more LMR staff or get ready for grievances on excessive time to arbitration.

Who: HRMD

SME: Joe Chapin

Resolution: The union expressed their concerns about the length of time it takes to get to hearing. The agency indicated it is doing the best it can, given the resources available.

14. **ISSUE:** Not honoring subpoenas. The grievance process should allow an equal playing field for both parties.

Who: HRMD

SME: Christopher Wade

Resolution: Discussion item only. The agency disagrees with the statement that they are not honoring subpoenas.

15. **ISSUE:** Training for handling handicapped inmates. Need to know how to handle inmates and how to put on restraints on specially handicapped inmates like those with no legs.

Who: CPD

SME: Tracy Johns, Frank Strada (5/29/03 @ 8-9:30 a.m.)

Resolution: When staff have questions as to how to apply restraints to handicapped inmates they will receive appropriate instructions from their supervisor.

16. **ISSUE:** Central Office and Regional Office not signing grievances again.

Who: HRMD

SME: Joe Chapin

Resolution: The agency agreed that a representative of the agency should sign receipt for the grievance. This signature is not an admission that the grievance was properly filed.

17. **ISSUE:** Delegating a subordinate manager to answer a grievance or reply to a grievance should not absolve the manager with whom the grievance is filed from being responsible.

Who: HRMD

SME: Joe Chapin

Resolution: Assuming the grievance is properly filed, the agency agreed that delegating a subordinate manager to reply to a grievance should not necessarily absolve the manager with whom the grievance is filed from being responsible.

18. **ISSUE:** Previous national LMR we were told that the Agency was going to be placing the special shake down gloves at each institution. They were demonstrated and the council gave it's blessing. Where are they?

Who: CPD, LMR

SME: Tracy Johns, Frank Strada, Joe Chapin (5/29/03 @ 8-9:30 a.m.)

Resolution: Joe Chapin advised that he would put out a reminder to the field that if staff request the use of such gloves, the institution is authorized to purchase them.

19. **ISSUE:** Why is Kim Woodring's computer sending out viruses to staff on her address book still after two months of the Agency knowing about it? Why doesn't the Central Office have the same safety protocols as does the prisons?

Who: HRMD

SME: Joe Chapin

Resolution: This issue has been resolved.

20. **ISSUE:** Negotiating hospital contracts with local hospitals- Who does it and what level can the union's get involved in to negotiate changes in working conditions? We are told it is at the regional level but no one ever lets us know when these contracts are being negotiated.

Who: HSD

SME: Hugh Hurwitz, Jan Sorenson (5/29/03 @ 8-9:30 a.m.)

Resolution: Hospital Contracts are negotiated by the National Contracting Office in Dallas with assistance from subject matter experts. The statement of work governs what is eventually in the contract. Issues with hospital contracts need to be communicated to the contracting officer's technical representative. Health services needs to know what the issues are, in addition to the lieutenants. Most issues have been handled appropriately when brought to the attention of Health Services. It is important to fix the problems as soon as possible and regular dialog needs to take place with Health Services. These issues may also be brought up at local LMR meetings. Management agrees to publish a message to the field that says, "If the Union at the local level has concerns with an outside hospital contract, the concerns should be brought to the attention of management directly (to the lieutenant, Warden, or HSA), or bring them up during a regular LMR Meeting."

21. **ISSUE:** When the Agency puts a condition of employment on employee's that warrants out of pocket expenses for the employee, why does the Agency refuse to pay?

Who: HRMD

SME: Joe Chapin

Resolution: This issue has been tabled. Someone from LMR will respond next week to Bryan Lowry.

22. **ISSUE:** Why is the Agency refusing to provide the SIS Manual to Local 922

Forrest City as awarded? The Agency appealed the award as granted to the local, then dropped the appeal.

Who: OGC

SME: Don Laliberte

Resolution: Don Laliberte has agreed to contact the agency representative regarding the FLRA decision.

23. **ISSUE:** Why is the Agency refusing to honor Article 18, Section D at USP Pollock? The Agency's refusal to intervene in a bad decision by the local Warden is going to cost the taxpayer's an enormous amount of money for no good reason.

Who: HRMD

SME: Joe Chapin

Resolution: This case is currently in litigation and the agency has no comment at the national level.

24. **ISSUE:** Pilot program canceling the 309 and 323 transfers and how they affect staff working in the Seg units and the possible abuse that management can and has taken regarding these procedures. Plus, this was implemented without notification.

Who: HRMD, CPD

SME: Joe Chapin, Tracy Johns, Frank Strada (5/29/03 @ 8-9:30 a.m.)

Resolution: Discussion item. Mr. Johns explained the mission of the pilot program and answered the union's questions about the transfer of inmates under this program.

25. **ISSUE:** I would like to discuss the EEO counseling phase of an EEO complaint for FBOP. There have been many occasions in the field when the EEO counselor has not issued the formal complaint documentation to the aggrieved individuals after the informal counseling phase has been completed. Some EEO counselors are telling the aggrieved party if they have a legitimate EEO complaint or not. This is outside of their authority. This was said by many of our members at the South Central Regional Caucus during the EEO

Training Session. There is no effective means in the field to monitor or govern the agency's EEO process to assure compliance with the statute. There are time thresholds that are not being met as a result of the EEO counselor's ineffectiveness during the EEO informal counseling phase of the complaint process.

Who: OGC

SME: Mina Raskin (5/29/03 @ 10:30 - 11:30 a.m.)

Resolution: Discussion item only.

26. **ISSUE:** Why is the Agency violating Article 18 in regards to not letting officers work more than one quarter on an armed post?

Who: HRMD

SME: Joe Chapin

Resolution: This issue has been resolved.

27. **ISSUE:** Is the Agency going to negotiate the change in working conditions of removing internet access from institutions (AOL, Yahoo, etc...)

Who: IPPA

SME: Sonya Thompson (5/28/03 @ 1-3:30 p.m.)

Resolution: This issue has been tabled.

28. **ISSUE:** Many institutions use GS-8 Correctional Officers to fill GS-9 Lieutenant vacancies on a regular basis without a temporary promotion. We view this as a violation of contract and policy, and request that temporary promotions be used in the future.

Who: HRMD

SME: Paula Mazzocante (5/29/03 @ 1:00 p.m.)

Resolution: The agency and the union disagree as to the application of the

bargaining unit merit promotion plan for temporary assignments to supervisory positions and whether or not a staff member can be forced to “act” in a supervisory capacity. Joe Chapin agreed to publish a message to the field asking that they be sensitive to the unions concerns with regard to temporary assignments to supervisory positions at a higher grade level without promotion; forcing people to “act” in a supervisory capacity against their will; and forcing employee union officials to act in a supervisory capacity against their will.

Joe Chapin, Chief, LMR

Daniel Bethea, SERVP