



American Federation of Government Employees Council of Prison Locals

Date: May 9, 2006

To: L. Cristina Griffith, Chief of LMR

From: Council of Prison Locals Executive Board

Re: LMR Agenda for May 31 & June 1, 2006

1. The Union would like to discuss any unresolved issues from the previous LMR meeting.
2. We would like to discuss the purpose of the DRS Pilot in the Federal Bureau of Prisons. Title 5 U.S.C subsection 7114 indicates that we (Union) are the exclusive representative of the bargaining unit and therefore DRS cannot supersede the Union's representative role. ADR is the recognized Alternative Dispute Resolution in the EEO Process. Therefore, what is the role of the DRS Pilot? What has it accomplished since the implementation of the pilot?
3. We would like to discuss with the agency what management is doing to identify barrier and management's efforts to hire and promote minorities and people with disabilities in the Federal Bureau of Prisons.

Example:

Advise managers about candidates available for placement in jobs under special hiring authorities, and exceptions.

Help managers determine the essential duties of the position, identify physical barriers and possible modifications that allow people with targeted disabilities to perform essential duties.

Help people with disabilities, peoples of color, females and other minorities get information about job opportunities, types of positions and how they are filled.

Work with public and private organizations involved in the placement of applicants with

targeted minorities and people with disabilities, providing information about their agency's program and job opportunities.

Monitor and evaluate selective placement program efforts and activities to determine their effectiveness, and make changes as needed.

4. We would like to negotiate or establish with the agency some method of acknowledging Council correspondence, e.g., grievances, data requests, informal resolutions, etc.
5. Is the agency offering administrative leave to bargaining unit employees dealing with the residual effects of the hurricane that came through the South-central Region last year, specifically the Beaumont, Houston, Baton Rouge area? These employees were living in temporary housing because of the damage to their homes. These employees' now need to be available to go on sight were their homes are being repaired to talk to contractors about the repairs, and other related issues in an attempt to reestablishing a normal life routine. Since this was a nature disaster that affects everyone in this area, bargaining unit employees are requesting administrative leave and have not received a response from the agency regarding the request. This is not related to the initial administrative leave that was granted immediately after the hurricane came through the area.
6. We would like to discuss each of the following:
 - a. The use of MP3 players in perimeter vehicles to listen to inmate phone calls.
 - b. Effects that the mission critical roster is having on staff job requirements.
 - c. The inability of the BOP to recruit and hire nurses and what steps the Agency is taking to find solutions to this problem.
 - d. Why the Agency doesn't utilize PHS staff to it's fullest extent.
7. What is the Agency doing about inmates who copyright their names and then place multi million dollar liens on staff who use these names? What action has the Agency taken regarding the reporting of these liens to the credit reporting agencies and the hoops staff are being required to jump through to get represented by the agency, and staff being reimbursed for having to check their credit reports on a monthly basis? Is the Agency automatically substituting themselves as the plaintiffs in these cases or does the employee have to request substitution?
8. It seems not all Wardens are looking at alleged sick leave abuse and warning letters as we did at the last LMR (agenda item 7). We would like to discuss ongoing concerns regarding this issue.
9. Now that the Law Enforcement Officers Safety Act (LEOSA) guidelines have been generated and sent out to the field, each employee has been or will have to be notified of their requirement to sign for this document. They are

also being informed that they must become familiar with the contents of this document. Why is it then, that we still have Supervisor's improperly reporting to the authorities (outside law enforcement agencies) that employees are not entitled to carry a weapon within the parameters of the Act and are not Law Enforcement Officials? The Union is requesting that the agency clearly define to their supervisors, through reasonable efforts reporting procedures along with the intent of this Act. It's clear that the interpretation that some supervisors have taken is incorrect, by addressing and defining this issue, hopefully it will lead to a better understanding of this Act and will help in the prevention of future incidents. We can give example's. We can also say that after Union involvement, the institution's in question did to their credit admit to a certain degree of supervisor error through providing inaccurate information to the outside law enforcement agency. Unfortunately, it was after the fact and in at least one case and the Officer had his weapon confiscated because of this mistake.

10. The policy on requesting Advance Sick Leave appears to be left to the discretion of the Warden. The Union is requesting that the agency clearly define the actual procedure that staff must following when requesting Advance Sick Leave. Here are several scenario's that we would like addressed:
 - a) Employee is hurt at work and is awaiting approval of workers comp, it's taken longer the anticipated and the staff member utilizes all of his or her sick leave, must they exhaust their Annual Leave prior to being approved the requested Advanced Sick Leave? Is this a proper method in requesting Advanced Sick Leave that is being utilized here?
 - b) Employee is hurt off duty and has requested Advanced Sick Leave after exhausting all their Sick Leave, do they have to exhaust their Annual Leave as well before being approved the requested Advanced Sick Leave?
 - c) Employee claims to have been injured at work, he or she submits the necessary paperwork required by DOL Workers Compensation, the claims examiner is dragging their feet on issuing a decision on the claim, the employee subsequently is put on AWOL status because he or she has exhausted all their Sick Leave and does not want to use his or her Annual Leave, under what grounds can the Warden deny the approval of Advance Sick Leave? Is the refusal by that employee to not use their Annual Leave a valid reason for denial?
 - d) Is their anywhere in policy that shows the agency require's the employee to request Advance Sick Leave within an specific time frame. (i.e. can it be prior to the exhaustion of other leave?)
 - c) How long should it take to have employee's request for Advanced Sick Leave approved or denied, provided that they submitted any and all necessary documents?

11. The Union is requesting that the following statistic's beginning in the year 2001 through the present be provided and broken down by calendar year.
 - a) The number of staff assaults committed by inmates and the institution in which the assaults took place.
 - b) The code(s) and the summary of the incident as it appeared on the 583 or other reporting document.
 - c) The number of staff assaults reported to the FBI or other Investigative Agencies broken down by institution.
 - d) The number of staff assaults referred/reported to the US Attorneys office for review or prosecution by institution.
 - e) The status or disposition of the referred staff assaults (i.e. prosecuted, dropped, ongoing, etc.) by institution.
 - f) What criteria does the agency follow or use when referring staff assault's to the US Attorney's office?
 - g) What procedures or practices does the agency follow when the US Attorney's office refuses to take a case? Can you provide examples of this?
 - h) Does the Agency utilize any other judicial branches, agency, department or other means in the prosecution of inmate when they assault staff? (i.e. local Magistrates, county or state court Judges, etc.)
 - i) Who is responsible for referring and investigating staff assaults?
12. The changes listed in the Employee Health and Infectious Disease Program Statements is not what was agreed to in the workgroup. This damages the workgroup and negotiation process. The changes requested in Employee Health are based on money NOT staff safety. Discussion is necessary.
13. We would like to discuss Physician Assistant's "special pay" and the reduction or elimination of Continuing Medical Education (CME).
14. Because Trufacts uses groupwise inputting staff member's partial social security numbers are available to inmates. When inmate medical co-payment data is entered by a staff member and that inmate requests a copy of the transaction report it includes the imputing staff member's groupwise address; example COA1234 . The inmate now knows who input data in the medical department as it is usually only one or two HIT's and now he can get 4 of the 9 digits of their social security number. This needs to be corrected.
15. **Lead Program:** Why isn't the Council informed of the LEADS program and made a part of it? What has this organization been tasked with and where are they in each of these tasks? Who is the overseer of this group?
16. **Official Time:** What were the numbers reported by this Agency for official time usage for FY 2004? How were they broken down and what system was

used to track and report these numbers to Central office?

17. **Sick Leave:** The Union wants to know what constitutes sick leave abuse?

Has the use of sick leave decreased or increased since the establishment of the Mission Critical Rosters? Is there a concerted effort to stop sick leave usage by the Agency as a whole and what is that program? Does the Agency track Family Medical Leave and Family Friendly sick Leave usage differently than just employee's sick leave?

18. **Assaults:** What are the assault rates on inmate on staff since the mission critical roster has come into existence? What are the assault rates on inmate on inmate since the establishment of the Mission critical roster. What is the criteria being used by the Bureau of Prisons to qualify an event as an assault on staff? Is there a written policy, rules, memorandums, or documents that establishes this criteria?

19. **Staff Safety:** Where do we stand on FPI recycling of computers at Atwater, Elkton, La Tuna, Marianna, Tucson and Texarkana? What procedures have been established to ensure the employees safety? Do we know who did not establish the proper safety procedures for this incident?

20. **Assaulted staff:** What is the status of the six staff recently assaulted in Chicago. What steps are being taken to ensure this does not happen there or in other places in the future? Has the agency considered getting lockers for staff so that they do not have to wear their uniforms into work? Better yet why not gun lockers and the problem is solved.

21. The Taft follow-up study of private v. public prisons (completed 11/10/05) should be made available for review and analysis.

22. **ADX Florence:** Custody positions are still being vacated on a daily basis on every shift. The complex consolidation negotiations were not completed regarding the Food Service 4/10 CWS and the Health Services Department rotation, yet management implemented the changes anyway. Discussion is needed.

23. Now that many facilities are reduced to one Legal Instruments Examiner (LIE), or 1 per 1500 inmates, why haven't some of these functions been transferred to Grand Prairie to decrease their work load?

cc: CPL E-Board

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