

**LABOR MANAGEMENT RELATIONS QUARTERLY MEETING  
FCI HERLONG, CA**

**JANUARY 28 THROUGH 29, 2009  
FCI Herlong, CA**

**Please see attached signed minutes language between the parties for:**

**Unresolved Items; May 2008 agenda; items #1 & #2 which  
concluded May 2008.**

**Unresolved items, August 2008, items #1, (#2 withdrawn because  
item was resolved), #3, #4, which concluded August 2008, which  
conclude August 2008.**

**A few items from December 2008 agenda were discussed see  
attached but was not concluded.**

**One item was addressed from January 2009 agenda item #2,**

**Unions Participants**

1. Bryan Lowry, Council President
2. Michael Castelle, NFPC
3. Dwayne Person, MXRVP
4. Tim DeBolt, WRVP
5. Dale Deshotel, SCRVP
6. Roger Payne, National Sec/Treasurer
7. Eric Young, SERVP ( left early due to family emergency)
8. David Gonzalez, President FCI Fairton
9. Mark Karakash, President Duluth
10. Adam Sisco, President FCI Herlong

**Agency's Participants**

1. L. Cristina Griffith, Chief LMR Security Branch
2. Christopher Wade, Deputy LMR Security Branch
3. Don Laliberte, Chief Labor Law Branch
4. Marion Walker, Secretary LMR Security Branch, Central Office

5/08

1/28/09

#2

This item was discussed at length without resolution. The union asserts that management is not following Article 3(d) by not sending local presidents ~~of~~ proposed national pilot programs. The agency does not agree ~~with~~ with this position, and agreed for any specific instances that violate our October 2004 meeting minutes. The union stated they would notify the agency of any specific violations, ~~and~~ and the agency will respond to the union on ~~these~~ any issues raised.

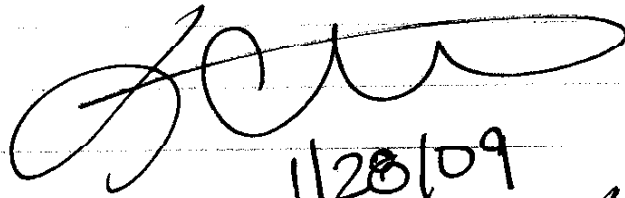
~~Michael J. [Signature]~~  
1-28-09

[Signature]  
1/28/09

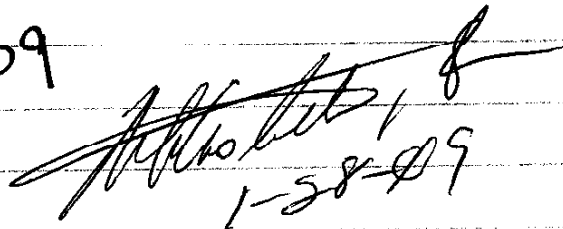
2/08  
(#1)

This issue was discussed, and the parties agree that Article 20, section b, requires that the Employer will notify and give the Union the opportunity to be present when the decision to require a medical certificate is discussed with the employee. The parties discussed, but could not agree whether a sick leave abuse counseling session (without the issuance of an abuse letter) constitutes a formal discussion.

~~This issue was discussed and the parties agree that the Master Agreement requires that the Employer will notify and give the Union the opportunity to be present when the decision to require a medical certificate is discussed with the employee.~~



1/28/09



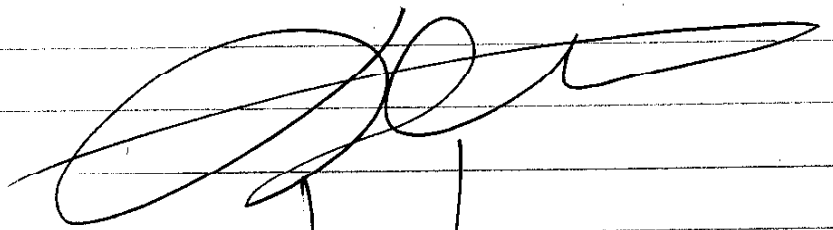
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8/08

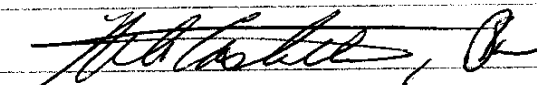
#4

1/29/09

The stated agenda item was addressed by the negotiation and implementation of the Special Management Unit policy. The union expressed concerns about the use of long-term overflow or "makeshift" SHU's in the agency. The union asserts there is no policy governing overflow SHU's, and that these units need to be defined as SHU's or SMU's, consistent with existing policy. Further, the union asserts that proper bargaining is not occurring at the local level. As ~~the~~ <sup>the</sup> issue <sup>is</sup> ~~was~~ <sup>is</sup> not on the agenda, the agency could not respond to their concerns. The union stated they will continue to address this issue through other available administrative processes and remedies. The union will give specific examples to agency where this is occurring, and further discussion between the parties will occur.



1/29/09

  
1-29-09

423

(#3) The agency agrees that it cannot unilaterally ~~be~~ terminate a compressed work schedule consistent with 5 USC § 6131.

M. A. ...  
1-28-09

J. ...  
1/28/09

12/08

#2

Discussion on this agenda item began in December, 2008. After much discussion, no resolution was reached. The union asserts that the timeframes taken to investigate allegations of misconduct are too long, and adversely impact staff. The agency recognizes the need for timely disposition of investigations, but asserts that circumstances (e.g., staffing, volume of cases) and the complexity of cases create longer timeframes for completing the investigation of staff misconduct.

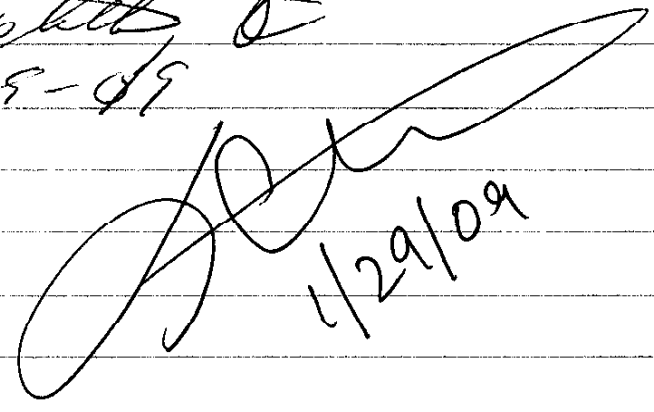
*[Signature]*  
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*[Signature]*  
1-29-09

12/08  
#3

The agency has the right to reassign staff under 5 USC 7106(a)(2)(A) for the efficiency of the service. Reassignments should not be for arbitrary and capricious reasons.

~~Michael L~~  
1-28-09

  
1/29/09

~~8~~  
12/08  
#4

The Rochester issue was discussed, and no staff were named or exposed in this incident. Procedures were put in place for mail handling procedures in 2001. The agency provided the union a copy of the procedures. ~~XXXXXX~~

*[Signature]*  
1-28-09

*[Signature]* 1/29/09



U.S. Department of Justice  
Federal Bureau of Prisons

Washington, D.C. 20534

MEMORANDUM FOR CHIEF EXECUTIVE OFFICERS

FROM: Mike Cooksey, Assistant Director  
Correctional Programs

Phillip S. Wise, Assistant Director  
Health Services Division

SUBJECT: Anthrax Threat and Mail Handling Procedures

The following information updates and consolidates previously issued guidance regarding mail handling procedures in light of the recently documented cases of anthrax among mail-handlers. This guidance is based on aggregated recommendations from other Justice Department components, the U.S. Postal Service and public health officials.

**Administrative and Engineering Controls**

The following preventive measures should reduce the risk and extent of occupational exposures to anthrax and other biological hazards:

1. Establish procedures for identifying, isolating and processing suspicious mail. Identifying suspicious mail is the first line of defense: Be aware of the following signs of suspicious mail:

- ▶ Evidence of a powdery substance (felt through the envelope, viewed when illuminated on a light table, etc.)
- ▶ Oily stains, discoloration, or crystallization on wrapper
- ▶ Strange odor
- ▶ Protruding wires
- ▶ Lopsided or uneven package
- ▶ Rigid or bulky package
- ▶ Possibly mailed from a foreign country
- ▶ No return address
- ▶ Return address which does not match postmark

- ▶ Restrictive markings such as "Personal and Confidential," and "to be opened by addressee only"
- ▶ Excessive postage
- ▶ Excessive securing material like tape or string
- ▶ Misspelled common words

**Anthrax Threat and Mail Handling Procedures**  
Page 2

2. Consolidate mail handling procedures to one centralized area. Select a location for opening mail that has an easily isolated ventilation system. Establish mail opening areas away from ventilating equipment or strong air currents. Consider the use of a Bio-safety enclosure (ventilation cabinet) that will filter out/contain potentially infectious airborne materials.

**Personal Protective Equipment**

The use of personal protective equipment (PPE) is optional for mail-handlers. The National Institute for Occupational Safety and Health (NIOSH) has not issued specific recommendations regarding worker protections for biological agents such as anthrax in the mail. However, respirators meeting the below listed requirements will provide protection.

If requested by the employee the following PPE is recommended:

**Gloves:** Latex or nitrile gloves can be worn. Gloves should be discarded after each use.

**Respirators:** A half-face type respirator with P100 or HEPA cartridges is recommended. Respirators should be issued in accordance with CFR 29 Section 1910.134, Appendix D. Staff must be medically cleared and trained in the limitations and appropriate use of any respiratory protection provided.

PPE can be disposed of without any special procedures, unless there is reason to believe that there has been an actual exposure.

**Mail Handling Procedures**

**Unopened Mail - Processing, sorting:**

Establish specific procedures for processing suspicious mail and reporting to the appropriate authorities. Treating mail with heat, steam, bleach, or other externally applied process does not render a suspicious package safe to open.

For suspicious unopened letter or packages

- ▶ Do not shake or open
- ▶ Place in a plastic bag or other impervious container to prevent leakage
- ▶ Wash hands with soap and water

Steve Stolarzyk - mailhandlingprocedures1

- ▶ Notify appropriate staff in accordance with institution procedures
- ▶ List all people who were in the room or area when the suspicious letter or package was recognized

Anthrax Threat and Mail Handling Procedures  
Page 3

Opened Mail:

For envelope or package spills of powder or suspicious substances:

- ▶ Do not try to clean up the powder
- ▶ Do not taste or smell suspicious substances
- ▶ Leave the immediate area, closing the door, or section off the area to prevent others from entering
- ▶ Notify appropriate personnel in accordance with institution procedures
- ▶ List all people who were in the room or area when the suspicious letter or package was recognized
- ▶ Shut off air handling system to affected areas, whenever possible, following discovery of a powder or suspicious substance

Consult with the FBI and emergency HAZMAT responders in accordance with institution procedures (the extent and breadth of investigative and containment efforts is determined on a case by case basis).

If an anthrax exposure is suspected, the decision to provide prophylactic antibiotics and conduct medical surveillance should be determined on a case by case basis in consultation with the FBI and public health officials. Identification of anthrax organism, anthrax disease, or credible intelligence, is ordinarily warranted prior to initiating medical surveillance.

**Training**

Staff sorting and/or opening mail must be trained in the above procedures.

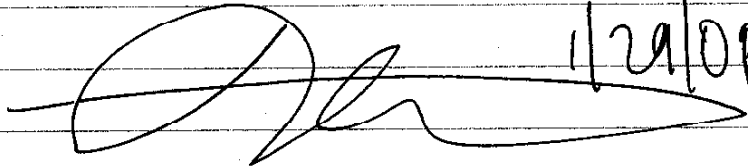
**Contact information**

Have established contact information posted in the mail handling area(s).

#5 Dec 2008

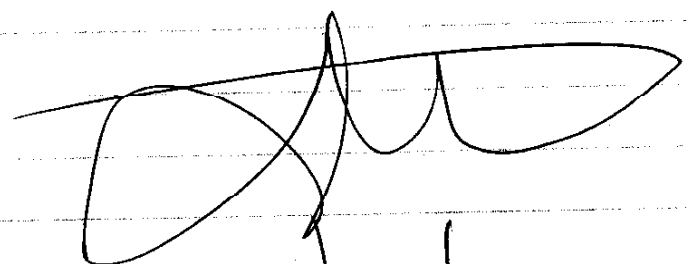
The agency will respond to the union with the appropriate information, if readily available, within 30 days.

~~Atchafalaya~~  
1-29-09

 1/29/09

12/08  
#6

This item was resolved prior to the meeting,  
and ~~the new uniform~~ timeframe ~~to be~~ to be  
the new uniform to June 1, 2009.



~~Atchells, Jr~~  
1-29-09

1/29/09

1/09  
#2

in place  
as of  
the date  
of this  
meeting

The agency will provide the <sup>current</sup> union policy chair, upon request, a copy of the negotiated policy ~~and~~ following LMR clearance. It is understood that no copies, in any form, will be disseminated by the union, prior to the publication of the policy. The ~~agency~~ agency will notify the union of the publication date of any negotiated policies. ~~If the policy is disseminated, this agreement will be null and void.~~

  
1-29-09

  
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