

From: L. Cristina Griffith
To: Employee Svcs/All Sites
CC: Bart Masters; Kiernan, Sheila
Date: 2/20/2009 8:14 AM
Subject: LEOSA Retiree Cards
Attachments: LEOSA-033005.PDF

Good Morning - a national grievance was recently filed related to the agency's procedures for retiree's seeking to obtain a LEOSA card. Accordingly, attached is the guidance sent out on this issue from Acting Assistant Director, W. Elaine Chapman, on March 30, 2005. This guidance should continue to be followed when requests are made from retirees. Note that any questions regarding this matter, should now be directed to the Consolidated Employee Services Center, Consolidated Benefits Unit, at (972)352-4205.

L. Cristina Griffith
Bureau of Prisons
Chief, Labor Management Relations
& Employee Security Branch
(202)307-6684 (phone)
(202)307-6857 (fax)



U
S
Department of Justice

Federal Bureau of Prisons

Washington, DC 20534
March 30, 2005

MEMORANDUM FOR EMPLOYEE SERVICES ADMINISTRATORS
EMPLOYEE SERVICES MANAGERS
CENTRAL OFFICE EMPLOYEE SERVICES OFFICE

//s//

FROM: W. Elaine Chapman, Acting Assistant Director
Human Resource Management Division

SUBJECT: Additional Guidance and Procedures for Bureau
Retirees to Obtain a Law Enforcement Officers
Safety Act Identification (LEOSA) Card

The Law Enforcement Officers Safety Act (LEOSA) of 2004 (P.L. 108-277) exempts qualified current and retired law enforcement officers from state or local laws which prohibit the carrying of firearms. In order to meet the requirements of LEOSA and DOJ on requirements regarding this exemption, Employee Services Offices (ES Offices) will issue **LEOSA Identification Cards** to eligible retirees who request them. These LEOSA ID cards will identify eligible individuals as retired law enforcement officers.

Effective immediately, the following procedures will be followed when BOP retirees request LEOSA ID cards:

- 1) Retirees must request the LEOSA ID from the nearest BOP institution or office.
- 2) Retirees must provide a copy of their final separation SF-50 to verify law enforcement coverage and show their current BOP Retirement Identification.
- 3) Retirees who do not have a copy of their final separation SF-50, may contact the Office of Personnel Management in writing providing their name, social security number, date of birth and dates of employment for:

National Archive & Records Administration
National Personnel Records Center
1400 ...

111 Winnebago Street
St. Louis, MO 63118

- 4) ES Offices will verify the SF-50 reflects no derogatory information regarding the retiree's departure from the BOP. If there is a case where derogatory information is present, the ES Office will contact their respective Regional Office to review and determine whether this information shall prevent the issuance of the LEOSA card.
- 5) ES Offices should issue the card and have the retiree sign a receipt (sample attached) indicating he/she received copies of the BOP memorandum dated 3/14/05, the Act, and the Department of Justice Guidance regarding implementation of LEOSA (see attachments).
- 6) ES Offices must maintain a tracking system of all LEOSA cards issued to retirees.

The new LEOSA ID cards are being forwarded from SEERS to each Regional Office for distribution to institution sites. Regional Offices will receive 500 cards each, which are similar to the previous BOP retirement cards, except the new LEOSA cards will include "Law Enforcement Officer" stamped in red on the card and a "traceable number" to the bearer. Regional Offices are responsible for tracking all cards issued to institution sites. If further assistance is needed, please contact the Staffing, Examining, Employee Relations Section (SEERS) at (202) 307-3177.

Attachments

Federal Bureau of Prisons
Guidance and Verification Procedures for Issuing
LEOSA ID to Retired Law Enforcement Officers

The Law Enforcement Officers Safety Act of 2004 (P.L. 108-277) (LEOSA or the Act) exempts qualified current and retired law enforcement officers from many State and local laws that prohibit carrying concealed firearms. When a request for a LEOSA ID is received from a retired employee of the Bureau of Prisons, Employee Services staff must ensure the former employee meets the following established criteria:

- ____ Retired, in good standing, from a primary or secondary law enforcement position, for reasons other than mental instability.
- ____ Before retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more, or retired after the probationary period due to a service-connected disability.
- ____ Retiree has a nonforfeitable right to benefits from a BOP retirement plan.

The ESC may issue an LEOSA ID if all of the above-listed criteria is met by the retiree.

The BOP will not be responsible for training or qualifying retirees to carry a firearm or verifying if a retiree has met the State's standards for training and qualification for active law enforcement officers to carry firearms during the most recent 12-month period. In order to be authorized under the Act to carry a firearm, a BOP retiree must qualify in accordance with State standards for active law enforcement officers, as provided in § 926C(d)(2)(b) enacted by LEOSA and the guidance from the Department of Justice.

Employee Services will establish a log following the procedures in Program Statement 3000.02, section 295.1, Bureau of Prisons Credentials, Identification Cards, for control and accountability of all LEOSA ID cards.

1. Grievant(s) AFGE, Council of Prison Locals

2. Duty Station: All Employee Services
Offices & facilities in the Federal
Bureau of Prisons

3. Representative of Grievance(s)
(name person)

Mr. Michael A. Castelle, Sr.

4. Informal resolution attempted with
Mrs. L. Cristina Murphy-Griffith, Chief, LMR & Security
Branch

5. Federal Prison system Directive, Executive Order, Statute violation: Program Statement 3713.21, 5 U.S.C. § 7114, 7116, 29 CFR §1614, Title VII of 1964, Title 5 USC § 2302 (b) Prohibited Personnel Practice "Abuse of Authority" Master Agreement, Article 4, 6 & 7, the Director's letter issued February 27, 2006, in reference to the Law Enforcement Officers Safety Act of 2004, but not limited to any other applicable laws, rules, regulations

6. In what way were each of the above violated? Be specific.

On February 27, 2006, a letter was issued from the Office of the Director, signed by Mr. Lappin, regarding the Law Enforcement Officers Safety Act of 2004 (P.L. 108-277; 18 U.S.C. §§ 926B and 926C; July 22, 2004) (LEOSA) as it pertains to Bureau of Prisons (Bureau) staff.

Currently there are numerous Employee Services Offices which are not allowing Bureau retirees, who want to take advantage of the identification card as cited in the Director's letter, to do so. This has a negative effect on bargaining unit staff. Employee Services Offices are refusing to order more retiree law enforcement identification cards. This action violates what management and the Union agreed to related to this issue. This is a continuing violation.

If any of the above is unclear to the agency please feel free to contact the representatives for the Union.

7. Date(s) of violation(s) The Union became aware on 12/18/08 and this is a continuing violation.

8. Request remedy (i.e., what you want All attorney, legal fees and expenses incurred in the processing this grievance will be reimbursed by the agency. That a cease and desist orders are issued to against the all EEO Counselors, Supervisors, Managers from further action of this nature. The grievant will suffer no reprisal, harassment, or intimidation, as a result of filling this grievance. That suitable compensations are granted and any other remedy the arbitrator deems appropriate to make the employee whole. That management be directed to comply with the intent and spirit of the February 27, 2006, letter issued from the Office of the Director, signed by Mr. Lappin, regarding the Law Enforcement Officers Safety Act of 2004, as referred in item 5 above correlated with item 6. That management pay the entire cost of arbitration based on this action being a prohibited personnel practice.

9. Person with whom filed
Mrs. L. Cristina Murphy-Griffith

10. Title
Chief Labor Management Relations and Security
Branch/Central Office

11. Signature of Grievant

12. Date signed

1/8/09

I hereby certify that efforts at informal resolution have been unsuccessful.

13. Signature of Grievant(s)

14. Signature of Representative