

*Labor Management Relations Quarterly Meeting
Washington, D.C.
August 25-26, 2010*

PARTICIPANTS

AGENCY

*K. M. White
Joey Meade
Christopher Wade
Michael D. Rank
Elizabeth Blackmon*

UNION

*Eric Young
Michael A. Castelle, Sr.
Tim DeBolt
James "Dale" Deshotel
Bill Gillette
Javier Villareal, FPC Sandstone
Dan Ditto, FCI Yazoo City
Jason Van De Hoef, FCC Beaumont
Allen Lowe, Bennettsville*

Subject Matter Expert

*Michael Tarkington, Grand Prairie
Darlene Ely, Administration
Frank Strada, Correctional Programs*

Unresolved March 2010 Issues

1. Mission Critical

Both MCR grievances were won by the Council in arbitration. FLRA denied the agency's exceptions, yet, management continues to extract post and positions off the rosters nationwide -- without first, affording notice or an opportunity to bargain over the changes. Even, when some local requests bargaining, and the agency concedes, the agency either ignore or implement the changes unilaterally. A perfect example, in a rare instance, management at FCC Coleman provided notice to the Union of its intentions to consolidate sick and annual rosters for the entire complex. Management requested the Local to submit proposals for the negotiations. When management did not get their way in the negotiations, management got up and walked out of the negotiations without going through all proposals presented by the Union -- never providing a real opportunity to the Union to fully bargain over the changes. The Local continued to ask why management refused to bargain in good faith, even, requested of management to provide its declaration that this issue was nonnegotiable. Management refused to do so, stating they will not make any declarations of nonnegotiability. The Local then, invoked timely Federal Services Impasse Panel's assistance -- even, provided notice to management. Management participated in the mediation process, however, refused to maintain the status quo. This is not the atmosphere we see that change is trickling down to the local level. The Local filed an unfair labor practice and is waiting for its request for assistance to be heard.

Will management change this Bush administration's attitude of not working closely with labor and reinvigorate Obama's initiatives to have the parties work more closer together for change?

Who: Joey Meade/Christopher Wade, LMR

Resolution: *The parties endorse the concept of good Labor Relations at the local level. Consistent with this view, the parties agree that when preparing quarterly rosters for the Correctional Services Department, Article 18, Section D will be consistently followed. Management at the local level may provide the union with a copy of the blank roster prior to the roster being posted, and should consider any concerns the union may have regarding the roster.*

LMR, in conjunction with CPD will ensure this message will be sent to CEOs at all levels.

The Mission Critical Roster award is currently under appeal.

2. EEO

Why is the agency systematically denying an/or not providing inadequate amount EEO Official Time to aggrieved parties? FCI Williamsburg, FCI FMC Rochester, FCI Mckean, FCI Schuykill is either being denied EEO Official or being granted an inadequate amount of EEO Official to prepare for the investigative phase, discovery, pre hearing conferences, etc. The Council also would like to note a recent decision which affirms the agency's role in the discovery process as it relates to admission, providing data or requested information, etc. This case is Terry E. Cox, Complainant, v Social Security, Appeal No. 0720050055 (See attached). This issue has been addressed in LMR before however, no proactive measures were implemented by the agency.

Who: Michael Rank, LLB

Resolution: *The parties will follow the provisions of P.S. 3713.23 and engage in an interactive process in the issuance of EEO Official Time. If there is a dispute over the EEO Official Time, the parties will contact the Ethics Office of the Federal Bureau of Prisons in an attempt to resolve the matter.*

3. Master Agreement

In accordance with the Master Agreement, Article 22-Equal Employment Opportunity, Section (a) "The Employer and the Union agree to cooperate in providing equal opportunity for all qualified persons. Nonetheless, the Union at no level is asked by the agency to be part of the National Presentation for ART. The agency gives one prospective and never addresses accountability for those who violated EEO laws or the nexus of this Prohibited Personnel Practice to the Standards of Employee Conduct.

Please explain why the Union has not been invited at the National Level to participate in the ART video presentation? Why is there no cooperation from this National Officer perspective and why isn't there any cooperation between the parties?

Who: Joey Meade/Christopher Wade, LMR

Resolution: *Deferred*

4. Unit Management

Years ago, Unit Team workers' caseloads were increased by BOP Central Office in a reorganization. Previously, the agency's Unit Management Manual considered a model a Unit Team to consist of, for every 250 inmates, there will be one (1) Unit Manager, two (2) Correctional Treatment Specialists (Case Managers), two (2) Correctional Counselors, and one (1) Secretary. What does the model consist of today?

Who: Joey Meade/LMR

Resolution: *The unit management staff to inmate ratios are as follows:*

Unit Manager: 1-500

Case Manager: 1 to 150-200

Counselor: 1 to 150-200

Unit Secretary: established locally

5. **Article 30 - Discipline and Adverse Actions**

Article 30, section d., recognizing that the circumstances and complexities of individual cases will vary, the parties endorse the concept of timely disposition of investigations and disciplinary/adverse actions. Although, there are no actual time frames incorporated into the agreement, there are instances where management imposed time limits on itself to ensure investigations are done timely. In example, the Director has asserted it should only take local investigations 120 days to do, and OIA cases a 180 days to complete. This was changed by him after he had previously agreed to 60 days for local cases and 90 days for OIA cases. The GC asserted in LMR to the Council, this would be more realistic – considering resources. Still, investigations are not being done timely.

Two arbitration awards on the same subject matter were rendered in favor of the Union recently by the same Arbitrator named Robert B. Hoffman. These cases were adjudicated at FCI Miami and FCI Tallahassee (see attachments). The Arbitrator overturned both cases – a discipline and an adverse action – as not being for just and sufficient cause or in the efficiency of the service all because each case was not completed timely. The Arbitrator has affirmed the parties’ agreement Article 30, section d., means what it says and put management on notice that lack of staff is no reason not to ensure discipline is not done timely. He overturned and expunged both cases from the employees’ personnel records. In all, this is the third decision in favor of the Council by different Arbitrators who basically has summarized, untimely discipline is not for just and sufficient cause. The other case was rendered by Arbitrator Howard Foster back in 2003 at FCI Petersburg. This case was also referenced in the OIG Audit Report by Justice, after criticizing BOP on the same subject matter we are here today for years, after the fact.

What is the agency doing to adhere to the parties’ CBA, Article 30, section d., is being adhered to ensure these actions are not hanging over bargaining unit employees’ heads?

Resolution: *The Agency is continually striving to improve the processing and final disposition of staff investigations. This includes closer monitoring to ensure expeditious disposition, utilizing additional staff resources to complete investigations. Additional staff resources are also being provided to LMR to expedite the review of proposals and decisions . The Union does not believe enough progress is being made. The Union requests the Agency utilize more resources, such as the being done in the Southeast Region.*

Will the agency consider, after an investigation is completed (at any level) that the action sustained will come forth immediately thereafter – to ensure it is not hanging over an employee’s head and/or is not adversely harming the employee professionally?

Resolution: *As stated above, the Agency continually strives to improve the processing and final disposition of staff investigations. The Agency continues to train managers to distinguish between performance and conduct issues. The Agency trains and encourages managers to use counseling to address performance issues when appropriate, and prior to determining if the issue is to be referred as misconduct.*

Does the agency believe, in this time of economic decline, is it essential to continue to expend taxpayers' dollars litigating the same matters over and over, again that has already been decided by three (3) neutral parties?

Resolution: *Each case will be considered on an individual, case by case basis and informal resolutions remain options available to management officials.*

Who: Joey Meade/Christopher Wade, LMR

Resolution: *Recognizing that the circumstances and complexities of individual cases will vary, the parties endorse the concept of timely disposition of investigations and disciplinary/adverse actions. The Agency continues to strive to improve the timeliness and disposition of staff investigations. The Agency will continue to train and enhance manager's ability to differentiate performance vs. conduct issues.*

6. **Arbitration**

Article 31, Section a., says "The purpose of this article is to provide employees with a fair and **expeditious procedure** covering all grievances properly grievable under 5 USC 7121." It is the Union's perspective that our parties' Collective Bargaining Agreement doesn't permit the Arbitrator to work around either the Agency's or the Union's calendars. For example, our CBA, is specific, Article 32, section (b)(5), states, "**the arbitrator selected shall be instructed to offer five (5) dates for a hearing.**" How can the grievance procedure be **fair** and **expeditious** when the agency is controlling when a hearing actually occurs. It cannot be an expeditious procedure when the arbitrations are being set to only LMR Specialists' calendars. Many of the Specialists have been known to strong-arm the arbitrators and Locals, instructing them to submit dates around their specific calendars instead of the arbitrators'. Many dates that are then submitted are one, and in some cases, two (2) years away. It is our opinion this is a direct violation of the parties' CBA as specified. We consider these unsavory tactics by the LMR Section and its representative to be unethical. These actions by these staff repudiates clear and plain, English language in Article 31, section a., and Article 32, section (b)(5). One full-time representative is on record stating, "It takes her a minimum of 80 hours just to prepare for a hearing." A Local representative – who is not on 100% official time litigating cases – isn't given reasonable amounts of official time to prepare, yet, management is controlling this process and the amount of official time local officials are given to prepare and litigate cases.

Who: Joey Meade/Christopher Wade, LMR

Resolution: *Deferred*

Unresolved June 2010 Agenda Items

7. **Grand Prairie (Retirement)**

The Council is receiving complaints from the field that retiring employees are not getting paid timely. One Local had a complaint of a retiree going into foreclosure – because he didn't receive his retirement pensions for more than six, after retiring. Other stories like this has arisen in Ashland and Petersburg. This is unacceptable. We know OPM is included somewhere in this process. However, since the agency's unilateralism – and consolidation efforts in Grand Prairie – this problem has persisted, whereas before these kinds of situations were isolated. This cannot continue to occur. We request this be fixed immediately.

Who: Michael Tarkington, Grand Prairie

Resolution: *Procedures for Processing Voluntary Retirements were discussed and are listed below. Questions regarding retirement processing should be addressed to: GRA-HRM/Processing.*

For the most efficient service, the Consolidated Benefits Unit prefers that the application for retirement be submitted six months prior to the official retirement date.

Contact the Consolidated Benefits Unit: via e-mail at GRA-HRM/Benefits@bop.gov. Please be sure to include in your request your name, SS#, institution, BOP ID#, work e-mail and any contact number(s).

Once the request is received, a Benefits Specialist will be assigned to assist the employee through the process. Most of the process will be handled electronically via Groupwise. Although the forms are sent electronically if there are any questions or concerns throughout the retirement process, the specialist would be more than happy to assist and can be reached telephonically.

Once the employee has received the retirement paperwork, it should be completed and back to the Benefits Unit no later than 120 days in advance.

Once the paperwork has been received by the Benefits Unit, the counselor will notify the employee that it has been received and if any additional information or documentation is required.

Retirement Paperwork is certified by the assigned specialist and forwarded to the National Finance Center (NFC) no later than 30 days prior to the retirement date.

NFC does not review the retirement package until the actual effective date of retirement. Please note that this does not impact or delay the processing of the final paycheck or lump sum annual leave payment. NFC will complete the necessary forms verifying the federal pay history and will normally forward the retirement package to the Office of Personnel Management (OPM) 30 days following retirement. Provided there are no complex issues, OPM normally authorizes interim payments within 10 business days after receiving a retirement package. This will only provide you with partial income while your retirement annuity is being processed. Please be aware that the time frames mentioned are estimates and there can be situations that occur that would cause these items to be delayed (e.g., a FERS worker retiring on the first day of the month).

Payments from OPM are disbursed on a monthly basis (in most cases no later than the 6th of the month). Any updates such as address changes, tax withholdings, allotments etc. can be set up directly with an OPM counselor or on line at www.opm.gov/retire.

OPM will notify the retiree of an assigned Civil Service Annuity (CSA) number. The retiree will need the CSA number when contacting OPM about any questions relating to retirement. The retiree can obtain the status of his/her retirement application at www.opm.gov. OPM will only withhold Federal income tax. If eligible for continued coverage with health and life insurance and wish to do so, health insurance coverage will continue while the retiree is receiving interim pay. OPM will begin withholding health insurance premiums retroactive to the commencing date of annuity, when they finish processing the application. Once OPM has conducted a final review of the retiree's retirement application, regular monthly annuity will be calculated and the retiree will receive their first full annuity, plus any additional monies due from the date of retirement. The retiree will also receive an

annuity statement from OPM and other information concerning his/her benefits. Make sure to retain this document, as this will be proof of annuity entitlement when applying for a loan (home, car, etc.) OPM's goal is to complete the retirement review process within 35 days from the date it first receives the retirement package. To start voluntary withholdings, please visit OPM's Retirement Services Online at: www.serviceline.opm.gov Once the retiree begins receiving regular annuity payments, OPM will send the retiree a Personal Identification Number (PIN). The retiree will need the CSA number and PIN to log in.

The Thrift Savings Plan will send the retiree forms approximately 30 days following retirement, to make a determination on TSP withdrawal options. There are two brochures that will be very helpful, "Withdrawing Your TSP Account" and "Important Tax Information About Payments From Your TSP Account". These booklets can be viewed at the following website: www.tsp.gov.

8. Grand Prairie (Beneficiaries)

The Council learned a 153-staff members from FCI Pekin discovered – from management – that Grand Prairie had either removed or lost numerous forms from their Employee Personnel Files during the scanning process. Staff was told the following forms were found to be missing: SF 1152 Designation of Beneficiary -- Unpaid Compensation of Deceased Civilian Employee; SF 3102 Designation of Beneficiary, Federal Employees Retirement System; and SF 2823 Designation of Beneficiary, Federal Employees' Group Life Insurance Pro. The North Central Regional Director was consulted about this during Regional Caucus and again, during an Institution Character Profile in Waseca. He said he would inquire about it. He responded by stating "GP told him this was an isolated incident." The Local in Waseca – handed him documents which demonstrated this was not isolated to one institution. The Council believes this is wide spread and requests this be corrected immediately.

Who: Michael Tarkington, Grand Prairie

Resolution: *Electronic OPF's (e-OPF) are currently being rolled out throughout the agency and will soon be available to all staff. Questions regarding the content of an employees OPF should be addressed to: GRA-HRM/Processing.*

9. Law Enforcement Training Center (GLYNCO)

The Council is requesting the Local in GLYNCO be given an opportunity to address new recruits in class at the Training Academy.

Who: Joey Meade/Christopher Wade, LMR

Resolution: *Deferred*

10. Master Agreement

Several LMRs ago, the parties at the national level agreed that the current green cover Master Agreement will be replaced by local management – when requested by employees or the Local. The instructions were never put out to the field. As a result, management is telling new employees as well as leaders in Locals that they can pull up the CBA on the Sallyport. Some institutions have all but refused to purchase new green back covers' Master Agreements, even, though the parties nationally have agreed this will be done.

Why does it appear we have to revisit the same issues in national LMR that was previously settled by the parties? Are the LMR Meeting Minutes being put out via GroupWise to all Institutions and lower level managers?

Who: Joey Meade/Christopher Wade, LMR

Resolution: *The parties agree, consistent with Article 41, Section d., of the Master Agreement, the Master Agreement should be provided to all new employees during Institution Familiarization Class.*

The Agency agrees to publish and furnish new copies of the green paper bound Master Agreement, consistent with needs at the local level.

11. **LEOSA**

We request BOP to adopt the same procedures it has at MDC Guaynabo, PR at all facilities which is provide all staff gun lockers (**Ops Memorandum Guaynabo, PR**). LEOSA authorizes our staff to carry weapons in an off-duty status. Staff commuting to and from work are in an off-duty status, yet the agency has implemented policies that violate the essence of the law. Therefore, the Council is invoking its right to formally negotiate institutional storage procedures for all Bureau of Prisons bargaining unit employees.

Who: James Wills, OGC

Resolution: *Deferred*

12. **Office of Internal Affairs (Staff Affidavits)**

The Council is requesting the Agency provide all staff that give a statement during a Weingarten investigation be given a copy of their affidavit, upon request, after they sign it.

Who: Vernon Ledesma, OGC

Resolution: *Deferred*

13. **Uniform Allowance**

The Council recently learned in the Western Region that management locally has been withholding uniform allowances from bargaining unit employees – who are deployed in the military. This was put out unilaterally by the Regional Employee Services Manager Becky Hale, without providing notice to the Council.

Who: Joey Meade/Christopher Wade, LMR

Resolution: *Deferred*

14. **Employee Rights**

The South Central Regional Vice President has had several communication disputes with the South Central Regional Director G. Maldonado. Mr. Maldonado does not give the appearance that he desires to work with labor. In fact, he demonstrates the complete opposite.

In LMR this past year, there were several question poised to management by this Council. “Are Executives, Wardens and other management officials held to the higher Standards, and are they held to the Employee Standards of Conduct?” Management stated, unequivocally, “Yes,” to both. Another question was asked and answered in the affirmative by management as well. It was, “Whether or not managers who have been found to have discriminated and/or violated policies, Master Agreement, and/or the law should be referred to the Office of Internal Affairs (OIA)?” Well, several attempts have been made by the RVP to the Regional Director to address serious concerns and violations by certain mgt officials at facilities in the region. However, nothing has been done as of this date on any issue raised. Instead, RD Maldonado gives the appearance that he condones this type of behavior by these various managers. It is the reason, we believe management is not held to the higher standard.

There are issues at FCC Forrest City with Mr. Maldonado and Warden Outlaw in reference to lack of manager accountability and not being held to a higher standard (failure to comply with policy and report to DEA).

The majority of the time, Mr. Maldonado instantly becomes confrontational and rather abrasive with the RVP – instead of addressing the legitimate and bona fide concerns raised by Dale Dechotel per Article 6, section b. (1). Just to specify some issues addressed with the Regional Director. FMCS 07-51976 involves a case in which management vacated visiting room posts in El Reno, where a little girl was molested by an inmate. Scott Willis and Lee Fested are some of the management officials still employed that was mentioned in the case. The Arbitrator sustained the Union’s grievance, yet, no one is held accountable for it. Another illustration (the Kelly Gatz’ case) involved an EEO Judge dismissing a case. But, on reviewed DOJ dissented and stated that Kelly had been discriminated against by certain management officials. Again, some of the very same management officials were involved in this case. It was conveyed in the award that Lee Felsted should be evaluated as to whether he should remain a supervisor of female staff. Yet, he is still a supervisor today. Moreover, the decision went on to state that Willis, Felsted and Benefiel should be given four (4) hours of EEO training. There has been no confirmation this has been done.

The Complainant was awarded compensatory and punitive damages as a result – along with restored annual leave and sick leave. The complainant, Kelly Gatz is now working in the mail room because she feels uncomfortable being around Lee Felsted and Scott Willis. There is another case sustained against Willis for violating labor law – bypassing the Union, even, after having knowledge of a Memorandum Of Understanding, yet, nothing appears to have curbed his behavior – no one referred, investigated and/or disciplined as if this date. This gives the appearance and impropriety that the RD condones this type of behavior. Does the Director?

Who: Joey Meade/Christopher Wade, LMR

Resolution: *Deferred*

15. **Computer Access**

The Council is requesting management provide the Union computer access in the meeting location for all policy negotiations, Labor Management Relations Meetings while in Washington, DC; and, also when the Master Agreement negotiations' recommences.

Who: Joey Meade/Christopher Wade, LMR

Resolution: *Deferred*

16. **Alternative Dispute Resolution**

When an employee elects to participate in a statutory process to redress discrimination claims in the EEO process, he or she is permitted the opportunity to elect to partake in the agency's alternative dispute resolution program. If this is approved by the EEO Officer, a mediator is contacted and brought in at the agency's expense – to assist in informally resolving the employee issue (s). There have been several occasions where these Mediators have engaged in inappropriate behavior. At one facility in the Southeast Region, on a couple occasions, the representatives were told they could not participate in the ADR session even, in their role as Union advocates assisting employees. The second issue is complaints from various other Union officials that these individuals participating in this process are identifying themselves as FBI Agents – flashing their credentials, intimidating the representative and complainant present utilizing the above described antics. As a result, each ADR session ended abruptly. It is the Council's perspective that this is not the role of a neutral third party in ADR – as a Mediator.

Who: Mina Raskin, OGC

Resolution: *Deferred*

17. **Contracting with Prior Bureau of Prison Employees**

Is there any regulations to prevent high level Bureau of Prisons Employees from setting up and/or working on, then retiring into a CEO role with said contract companies?

Resolution: *The post-employment bans are found in 5 CFR §2641 and 18 USC §207. These restrictions apply to all federal employees (where applicable), and are specifically stated in the Standards of Employee Conduct, P.S. 3420.09, #22.*

How much has the contract with MDI cost the agency?

Resolution: *The requested information has been provided to Phil Glover in response to a data request (5 U.S.C. 7114).*

What type of security screening and background checks are in place to check MDI employees that set up things such as outside medical trips?

Resolution: *The employees of the contractor entering the institution shall meet certain security requirements as required by Bureau of Prisons Program Statement 3000.03. The following investigative procedures are performed:*

National Crime Information Center (NCIC) check;
DOJ-99 (name check);
FD-258 (fingerprint check);
Law Enforcement Agency checks;
Vouchering of Employers;
Resume/Personal Qualifications;
OPM-329-A (Authority for Release of Information);
Complete Contractor Pre-employment form
National Agency Check and Inquiries (NACI) check (if applicable); and
Urinalysis Test (for the detection of marijuana and other drug usage)

Who: Joey Meade/Christopher Wade, LMR

Darlene Ely, ADM

18. Contracting With Federal Bureau of Prison Employees

After the review of medical contract companies by OIG and the hundreds of thousands of dollars in fraudulent charges made, is there any other actions taken by the agency other than hiring another contract company to review each charge made and how many millions will this cost?

Who: Darlene Ely, ADM

Resolution: *OIG conducted an audit of contract medical services and determined there may have been over-billing by M.D.I. at FCC Butner. The BOP has provided OIG with additional information regarding billing services.*

The agency has hired a bill adjudication service (P.G.B.A.)

19. Contracting With Federal Bureau of Prison Employees

Who is over the consolidation of pharmacies at complexes? Was it intentionally designed to waste money, delay the time inmates receive medication, require more staff (contract), help pharmacist avoid patient counseling as required by State law in many states and in general avoid inmate contact? How much does the consolidation cost each institution?

Who: Chris Bina, HSD

Resolution: *Deferred*

20. Contracting Out Positions and/or Work

What A76 studies has the agency completed and will the agency provide the Union a copy of the studies?

Resolution: *The BOP has completed two streamlined A-76 studies (Springfield and Rochester). Once these contracts expire, they will not be renewed.*

Does the agency believe they have to comply with Executive Orders/Statutes/Law on contracting out?

Resolution: *Yes, the agency follows all applicable Laws and Executive Orders on contracting out.*

Does the agency believe they can currently contract out work without doing a A76 study?

Resolution: *The agency is prohibited from using BOP and/or FPI funding to conduct A-76 studies, consistent with DOJ's appropriation bill.*

What areas does the agency intend on contracting out without doing A76 studies?

Resolution: *The agency is prohibited from using BOP and/or FPI funding to conduct A-76 studies*

Who: Darlene Ely, ADM

August 25-26, 2010 Agenda Items

Agenda Items: AGENCY

1. Article 18 - Less than Lethal Munitions

Who: Frank Strada, CPD

Resolution: *The agency discussed the need to change current policy to reflect manufacture's recommendation regarding shooting less than lethal munitions away from center mass and instead at the large muscle groups and the naval and the legal liability for staff. The agency will provide the Union President (Council of Prison Locals) a copy of the manufacturer's recommendation for less than lethal munitions, and the union will respond to the agency's request to change policy.*

2. Standards of Employee Conduct

Who: Joey Meade, LMR

Resolution: *Deferred*

Agenda Items: UNION

1. Article 18 - Correctional Services Rotation

Several institutions have implemented changes in past practices concerning the Correctional Services Rosters and the three-year shift rotation. The rotation has not been strictly adhered to for many years - because it's impractical and has a disparate impact on staff. But, now after all these years, the Western Regional Director is implementing changes in practice that have been in effect since 2003. If the agency at the national level feels that the Correctional Services Departments are operating outside of the Master Agreement in regard to the three year rotation and wants to change what has developed into a past practice, they should maintain status quo until negotiations are completed.

Who: Frank Strada, CPD

Resolution: *The agency agrees to disseminate the following e-mail to all Regions and institutions:*

“Please be advised that as we end the three year cycle (as prescribed by the Correctional Services Branch), that there may be a number of staff who did not rotate through all three primary shifts during the prior three years. The Master Agreement states, that it is “expected” that all staff rotate. The responsibility to meet this “expectation” to rotate is on both the employee and the employer. This process should be ongoing for the entire three year cycle, and not require implementing drastic changes at the end of the three year cycle in order to require all staff to rotate through all three primary shifts. Planning should occur at each institution at the onset of the three year cycle to ensure a process is in place to capture all affected staff during the three year period. Adding quarters to the cycle to meet the rotation provision of the Master Agreement is not consistent with the intent of the Master Agreement, or with the guidance from the Correctional Services Branch.

As a reminder, all staff begin with a “clean slate” with the new three year rotation period in February 2011.

The Assistant Director, HRMD will discuss with the Western Regional VP and Western Regional Director the current issue involving the three-year rotation period in that region.

2. Article 25 - Reduction in Force/Reorganization (UNICOR)

The Council received notice via an electronic email transmission from Paul Laird, Assistant Director UNICOR explaining the Bureau’s desire to close numerous factories around the country which affects bargaining unit employees. The Council believes this is a unilateral action on the behalf of the Agency which has more than de minimis impact on the working conditions for hundreds of bargaining unit employees. The Council requests to bargain this unilateral change.

Who: Joey Meade, LMR

Resolution: *Deferred*

3. Compressed Work Schedules

UNICOR is requiring bargaining unit staff to fill out a form for a Compress Work Schedule. P.S. 3000.02, states in section 640.1 -COMPRESSED WORK SCHEDULES in the purpose and scope: To provide general information regarding compressed work schedules and to specify the procedural guidelines for submitting and obtaining clearance for compressed work schedules. This policy applies to **non-bargaining unit employees (employees) only**. Bargaining unit employees are bound by the terms of any applicable collective bargaining agreement. The contract states in Article 18 section b., “The parties at the national level agree that requests for flexible and/or compressed work schedules may be negotiated at the local level, in accordance with 5 USC.” This is a violation of the parties’ contractual agreement.

Who: Mike Rank, OGC

Resolution: *Deferred*

4. **Allegations**

When you have allegations made against you, what effect does that have on your career, if any? Does the BOP have a reference check question for supervisors to fill out on bargaining unit staff – who rate best qualified – Has the staff member been disciplined in the last two (2) years? Does this prevent an individual from being transferred? Does this prevent staff from receiving awards and/or promotions?

Who: Ann Scarpone, HRMD

Resolution: *Deferred*

Correctional Services - Emergency Response

Numerous medium security facilities lack sufficient abilities to respond to disturbances on the recreation yards and/or compounds throughout the nation. Some of these facilities have towers and/or elevated berms which permit staff to visually observe staff and inmates in the Recreation Yards or compound. At some facilities, towers have all been vacated by management in recent years. Previously, this elevated plane of view permitted staff the ability to respond appropriately to an incident on the Rec Yard/Compound – which permitted OP/Tower to protect staff or inmates from other assaultive inmates leveraging weapons. Some FCI's have elevated planes of view, while others do not. Why is this? Shooting between two metal fences w/razor wire is not a viable option. Those who do not have this accessibility are then forced with the decision to risk, not only their own lives, but the lives of others. This does not provide for clean shots. There have been numerous documented incidences over the course of years which staff have had to shoot into yards – some even, this year.

Who: Frank Strada, CPD

Resolution: *Agenda item discussed between the parties. The union will submit its recommendations for consideration, to Design and Construction Branch, through LMR.*

Eric O. Young, SERVP **Date**
Council of Prison Locals

Joey M. Meade, Chief **Date**
Labor Management Relations Branch

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When you have allegations made against you, what effect does that have on your career, if any? Does the BOP have a reference check question for supervisors to fill out on bargaining unit staff – who rate best qualified – Has the staff member been disciplined in the last two (2) years? Does this prevent an individual from being transferred? Does this prevent staff from receiving awards and/or promotions?

Who: Ann Scarpone, HRMD

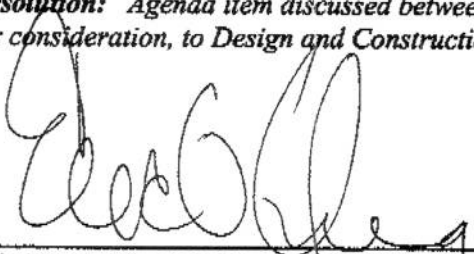
Resolution: Deferred

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Eric O. Young, SERVP
Council of Prison Locals

Date


Joey M. Meade, Chief
Labor Management Relations Branch

Date

9/15/10