

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

*February 23-24, 2005*

Agenda Items: MANAGEMENT

1. **ISSUE:** OIA Issues

Who: John Dignam (2/24/05 @ 2:00 p.m.)

*Resolution: John Dignam came to the meeting to discuss Weingarten concerns. The issue was discussed and both parties agreed to bring concerns over Weingarten to each other's attention.*

Agenda Items: UNION

**ISSUE:** We would like to discuss any tabled or unresolved issues from the previous LMR meeting.

Who: LMR

*Resolution: There are no tabled or unresolved issues from the previous LMR meeting.*

2. **ISSUE:** Some institutions are not in compliance with the Smoking Policy decision. The smoking shelters are not accessible to all staff, and in some facilities staff are being told they cannot smoke at all.

Who: LMR, Steve Tussey, HSD (2/23/05 @ 8:00 a.m.)

*Resolution: At a video conference Cristina Griffith articulated to all wardens that there should be at least one smoking shelter within the secure*

*perimeter of their institution. She also reiterated that the FSIP decision states that all smoking shelters must have reasonable accessibility to staff and a measure of protection from the elements.*

3. **ISSUE:** Managers at several locations are telling employees that staff and inmate smoking will be prohibited in all facilities beginning in the spring of 2006. Is this true?

Who: Steve Tussey, HSD (2/23/05 @ 8:00 a.m.)

*Resolution: The prohibition against smoking and tobacco use will apply to inmates only. Staff smoking is permitted as stated in the smoking policy.*

4. **ISSUE:** Some institutions are still using GS-8 Correctional Officers as Acting Lieutenants while some Lieutenants are available, and they are vacating posts for this to occur.

Who: Mike Sepanek, CPD (2/24/05 @ 9:00 a.m.)

*Resolution: Management stated that captains were directed to not continue the routine practice of pulling correctional officers to serve as acting lieutenants on day watch.*

5. **ISSUE:** Management is trying to re-negotiate Compressed Work Schedules that were signed off in 1999 by the Central Office because they are being altered and signed off on by management.

Who: Don Laliberte, OGC

*Resolution: Prior to making any changes to terminating a compressed work schedule management must follow the criteria at 5 U.S.C. 6131. In accordance with 5 USC 6131, a determination to propose the termination of a negotiated compressed schedule must be based on an adverse agency impact. An adverse agency impact according to the statute means "(1) a reduction of the productivity of the agency; (2) a diminished level of services furnished to the public by the agency; or (3) an increase in the cost of the agency operation (other than a reasonable administrative cost relating to the process of establishing ... a compressed schedule". 5 USC 6131(c)(3)(D) states "Any such schedule may not be terminated until - (i)*

*the agreement covering such schedule is renegotiated or expires or terminates pursuant to the terms of that agreement; or (ii) the date of the Panel's final decision, if an impasse arose in the reopening of the agreement [to terminate]..."*

6. **ISSUE:** What is the delay in paying the employees at USP Terre Haute on their Portal decision? How many employees have been paid, and how many have yet to be paid? What is the total payout?

Who: LMR, NCR

*Resolution: The damages portion of this matter is scheduled to go to hearing the week of February 28, 2005.*

7. **ISSUE:** How much was the Director's and Regional Director Holt's national cash award that they recently received?

Who: Sheila Kiernan, HRM (2/24/05 @ 8:00 a.m.)

*Resolution: Their national cash award was 20% of their base salary.*

8. **ISSUE:** Is there any mechanism in place to monitor the Agency's Administrative EEO Process from potential or proceed problems? If so what is in place. e.g. Timeliness of Informal EEO Counseling process, Full Time and Collateral Duty Counselor performing their duties in accordance with EEO Statute, etc. Is there any evaluation process for the Collateral Duty EEO Counselors?

Who: Mina Raskin, OGC (2/24/05 @ 10:30 a.m.)

*Resolution: The EEO office responded to the union's concerns.*

9. **ISSUE:** What is the status of the DRS Pilot? How is the Agency measuring the program's effectiveness? What is the time frame of ending or completely implementing this program?

Who: Mina Raskin, OGC (2/24/05 @ 10:30 a.m.)

*Resolution: The DRS pilot is being administered by the Regional Directors*

*and the Regional Vice Presidents in their respective regions. The time frames are in the agreements between the Regional Directors and Regional Vice Presidents.*

10. **ISSUE:** How is the Agency monitoring the EEO ADR Program? How is the Agency measuring the program's effectiveness? Is the Agency willing to implement a questionnaire mutually monitored by labor to gauge the efficiency of the program?

Who: Mina Raskin, OGC (2/24/05 @ 10:30 a.m.)

*Resolution: Discussion item only.*

1. **ISSUE:** Wouldn't it be effective to have the names of the EEO Office Staff along with their individual contact information and responsibilities made accessible to bureau staff? We would like to have this information given to the Council at the LMR Meeting to address potential concerns.

Who: Mina Raskin, OGC (2/24/05 @ 10:30 a.m.)

*Resolution: A list of EEO office staff and their contact information was provided to the union.*

12. **ISSUE:** What training if any is available or given to local management at the institution level regarding the statutory requirements of the EEO Process in the Federal Bureau of Prisons. There have been reported problems forwarded to me regarding the collateral duty EEO Counselors/Full Time EEO Counselors in the field. I received documented complaints from aggrieved parties at the following institutions; FCI Sheridan, FCI Fairton, FCI Ft. Dix, FCC Petersburg, FCC Beaumont, FCC Butner, FCC Coleman, MDC New York (just to name a few). The EEO Counselors informed the aggrieved parties they do not have an EEO Case, which is a direct violation of 29 CFR 1614.105(G), and there are allegations that several of these Collateral Duty Counselors are receiving guidance from local management.

Who: Mina Raskin, OGC (2/24/05 @ 10:30 a.m.)

*Resolution: The EEO office responded to the union's concerns.*

13. **ISSUE:** What processes have main Justice put into place to monitor the

Bureau of Prison's Administrative EEO Program?

Who: Mina Raskin, OGC (2/24/05 @ 10:30 a.m.)

*Resolution: There is a formal (No Fear Act) and informal (462 reports) process in place that monitors the Bureau of Prisons EEO program.*

14. **ISSUE:** Is the EEO Office of the Bureau of Prisons aware of the role the Union has in the EEO Process, e.g. filing grievances on issues, attempting informal resolution, etc.?

Who: Mina Raskin, OGC (2/24/05 @ 10:30 a.m.)

*Resolution: The EEO office addressed the union's concerns on this issue and both parties will continue open dialogue.*

15. **ISSUE:** The Union is requesting the percentage that each BOP Facility is currently staffed. The Union is requesting that these figures be as current as December 2004.

Who: Brad Gross, ADM (2/23/05 @ 1:00 p.m.)

*Resolution: The information that was requested was provided to the union.*

16. **ISSUE:** The Union is requesting the percentage that each BOP Facility has been staff quarterly, going back to December 2001. If the agency keeps its system of records weekly, monthly, quarterly, or yearly, based on this requested information that the Agency provided as documented.

Who: Brad Gross, ADM (2/23/05 @ 1:00 p.m.)

*Resolution: The information that was requested was provided to the union.*

17. **ISSUE:** The Union is requesting a breakdown of overtime money spent at each Institution. The Union is requesting the amount of overtime paid at each BOP Facility, with a breakdown as to whether the overtime was inmate based on medical reasons (hospital trips, medical appointment), funeral trips, bed side visits, housing units' staff shortages/added security needs, maintenance, or Unicolor related.

Who: Brad Gross, ADM (2/23/05 @ 1:00 p.m.)

*Resolution: The information that was requested was provided to the union.*

18. **ISSUE:** The Union is requesting, based on these numbers, if the Agency knows through their system of records if some overtime such as mandatory for housing units was payed out because of a shortage of Correctional Services staff as specific Institutions.

Who: Brad Gross, ADM (2/23/05 @ 1:00 p.m.)

*Resolution: The Central Office does not maintain this information and it would have to be obtained by each institution.*

19. **ISSUE:** The Union is requesting approximately how many Correctional Officers at each BOP facility is short as of December 2004, and prior to the Creation of the Mission Critical Rosters.

Who: Brad Gross, ADM (2/23/05 @ 1:00 p.m.), Mike Sepanek, CPD (2/24/05 @ 9:00 a.m.)

*Resolution: The agency is still working on this report and will provide it to the union within 10 business days.*

20. **ISSUE:** Is the Agency planning to change the Correctional Services complement currently in place? If so, the Union is requesting all information and guidelines that were used to determine current complements, as well as reasons for a change, or any changes in law that justify this action.

Who: Mike Sepanek, CPD (2/24/05 @ 9:00 a.m.)

*Resolution: The agency indicated that they are not planning on changing the Correctional Services complement currently in place at this time.*

21. **ISSUE:** The Union is requesting the current management to line staff ratio bureau-wide. The Union is requesting that this record date back annually as far back as the Agency keeps it system of records.

Who: Sheila Kiernan, HRM (2/24/05 @ 8:00 a.m.)

*Resolution: The ratio of management to line staff is 1 to 4.7 and information was provided dating back to 2000. In addition, instructions on how to use key indicators were provided to the union.*

22. **ISSUE:** Does the Agency currently have records in place to reflect if this ratio has increased? If so, what positions were removed from Management/Supervisor to bargaining or non-bargaining positions?

Who: Sheila Kiernan, HRM (2/24/05 @ 8:00 a.m.)

*Resolution: The ratio in December 2003 was 1 to 4.5 and the ratio in December 2004 was 1 to 4.7.*

23. **ISSUE:** Are Lead Positions considered part of the Management ratio? If not, why are Leads not bargaining unit employees'?

Who: Sheila Kiernan, HRM (2/24/05 @ 8:00 a.m.)

*Resolution: Lead Positions are not part of the Management ratio as they are not supervisors. Whether or not Leads are part of the bargaining unit depends on their specific duties as stated in 5 U.S.C. 7112.*

24. **ISSUE:** At the last LMR Meeting, Management answered that each position will be evaluated based on their specific duties and responsibilities. As a result, some formerly excluded positions could possibly be included in the bargaining unit. Has the Agency evaluated any positions since October?

Who: Sheila Kiernan, HRM (2/24/05 @ 8:00 a.m.)

*Resolution: Management is unable to provide information other than for the Central Office.*

25. **ISSUE:** Have any positions that were excluded from the bargaining status now been placed back into bargaining status? If so, can the Agency identify which ones, and each specific Institution in which they are located?

Who: Sheila Kiernan, HRM (2/24/05 @ 8:00 a.m.)

*Resolution: Management is unable to provide information other than for the Central Office.*

26. **ISSUE:** During October 2004 National LMR Minutes, Item 20 under resolution states that the Agency agrees that bargaining obligations must be fulfilled in accordance with appropriate laws, rules, regulations, and agreements when changes take place. Based on this, why has the Agency failed to give proper notification to the Union regarding recent changes to the Correctional Services Roster? Why is the Agency refusing to negotiate these changes nationally and locally?

Who: LMR

*Resolution: This issue is in pending litigation.*

27. **ISSUE:** The Correctional Services rosters that the Agency previously distributed to the national Union were unofficial, unapproved, and incomplete. The Union is requesting a copy of all C/S Rosters that have been approved by the appropriate Regional Director's.

Who: LMR

*Resolution: Management will get this information from each region and submit it to the union during the March Master Agreement negotiation session.*

28. **ISSUE:** The Union is requesting information pertaining to contract guard services. The Union is requesting the gross amount the Agency spent on contract guard services annually as far back as it keeps its system of records.

Who: Brad Gross, ADM (2/23/05 @ 1:00 p.m.)

*Resolution: The agency provided the requested information to the union.*

29. **ISSUE:** The Union is requesting the following specific information on each specific Institution that has a contract with a guard service;
- a. Identify each Institution and dollar amounts paid out annually as back as the system of records is kept.

*Resolution: The agency provided the requested information to the union.*

- b. What security level of inmates does each specific contract service have the authority to monitor in accordance with current statutes, laws, and regulations?

*Resolution: Each contract guard service has the authority to monitor minimum and low level inmates.*

- c. Specific institution(s) that authorizes armed contract service's. The security level of the inmates supervised by the contractor's. Also specify the dollar amount paid out at each location that requires armed contract services.

*Resolution: The agency provided the requested information to the union.*

- d. If waivers are required by certain security levels to allow for contract guard services, what are the criteria of the waiver and contract guard services? Who requests these, and who authorizes these waiver contracts? The Union is requesting a copy of any authorization allowed by law.

*Resolution: CPD is not aware of any waivers. The process for obtaining a policy waiver is in P.S. 1221, Directives Management Manual.*

Who: Brad Gross, ADM (2/23/05 @ 1:00 p.m.), Mike Sepanek, CPD (2/24/05 @ 9:00 a.m.)

30. **ISSUE:** The Union is requesting open dialogue on all issues and information provided by the Agency, to include the budget and changes in working conditions in Correctional Services.

Who: LMR

*Resolution: Discussion item only.*

31. **ISSUE:** The Union would like to know if the Agency intends to print additional copies of the Master Agreement, since supplies at most facilities are depleted.


Who: LMR

*Resolution: The agency will look into this issue and get back to the union prior to the next LMR Quarterly Meeting.*



---

Cristina Griffith



---

Phil Glover