

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

*February 22-23, 2006*

**Agenda Items: MANAGEMENT**

1. **ISSUE:** E-Quip Presentation

Who: Dennis Smith (2/23/06 @ 8 - 9 a.m.)

*Resolution: A presentation was given on this matter.*

2. **ISSUE:** BOP-CAREERS Presentation

Who: Jimmy Powell, Regina Sullivan (2/23/06 @ 9 - 10 a.m.)

*Resolution: A presentation was given on this matter.*

**Agenda Items: UNION**

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

Who: LMR

*Resolution: All LMR agenda items from the previous meeting were responded to by the agency.*

2. **ISSUE:** How many facilities in the BOP are going to change to an Electrified Perimeter Fence? If any, which facilities and when are the projects scheduled to begin? If any are going to change to an Electrified Perimeter Fence, this procedure should be negotiated with the Union.

Who: Linda Thomas, CPD (2/22/06 @ 9:30 - 10 a.m)

*Resolution: The executive staff agreed to test the use of electrified perimeter fences at seven USP's. They are USP Coleman I & II, USP Terre Haute, USP Hazelton, USP Pollock, USP Tuscon, and USP McCreary. A contract to begin installation of the fences should be awarded by early summer 2006.*

3. **ISSUE:** Protective Custody Inmates (Witsec): Why is the staffing changed in a matter of

hours from armed escort procedures to just having a staff member driving them to a bus station or airport which could be an hour away? The inmate is still a risk for outside danger which puts the staff member in danger.

Who: Linda Thomas, CPD (2/22/06 @ 10 - 10:30 a.m)

*Resolution: Prior to release from custody, the unit team and appropriate personnel should review an inmate's records to determine the appropriate staffing levels, if needed, and mode of transportation (e.g., town driver, taxi, public transportation, government vehicle) upon release.*

4. **ISSUE:** Policy Waivers: Why is this not negotiated with the union at least at the local level? Policy or institution supplements are negotiated, but if the policy is done away with or changed because of a waiver there is no negotiations or notification.

Who: Pete Jones, IPPA (2/22/06 @ 11 - 11:30 a.m.)

*Resolution: This matter was discussed. Management should have adhered to the October 2003 LMR meeting minutes and will send out a reminder on this issue. The union asserts that any waiver to any national policy should go through the Council E-Board.*

5. **ISSUE:** We would like to discuss the overall working condition changes and impact when doing away with overtime and/or developing augmented rosters, and the need for negotiations at the local level.

Who: LMR

*Resolution: The issue was discussed and the parties were unable to come to a resolution. The union's position is that any scheduling changes that impact on work conditions or conditions of employment will be negotiated in accordance with the Master Agreement prior to implementation. The agency does not agree with the union's position that any schedule changes are negotiable.*

6. **ISSUE:** How many facilities in the BOP are currently conducting a 3:30 p.m. count and if they are we request copies of the policy waiver to conduct the 3:30 p.m. count instead of the 4:00 p.m. count. P.S. 5500.12, Correctional Services Procedures states, "The daily 4:00 p.m. count and 10:00 a.m. count will be stand up counts" and "The official count is to be taken at specific times during each 24-hour period." Currently there is at least one facility, USP Hazelton, that is conducting a 3:30 p.m. without an approved waiver.

Who: Linda Thomas, CPD (2/22/06 @ 10:30 - 11 a.m.)

*Resolution: Management stated that there are seven reported institutions that have a stand up count other than 4:00 p.m. Further information was provided to the council on*

*this issue.*

7. **ISSUE:** The agency is using subjective criteria to issue sick leave abuse letters to discourage sick leave use. The Union would like to discuss the criteria used to determine abuse.

Who: LMR

*Resolution: The union asked for criteria used to determine abuse and the definition of "questionable." The union raised concerns about blatant use of sick leave abuse letters. Management stated that sick leave usage should be reviewed on a case by case basis, when determining questionable usage. Consideration should be given to extenuating circumstances for sick leave usage.*

8. **ISSUE:** What is the Agency doing to develop an effective strategy for an inclusive workforce regarding the disabled and those prospective employees covered by Title VII?

Who: Don Laliberte, LLB and HRMD (2/22/06 @ 12:30 - 1 p.m.)

*Resolution: A meeting occurred between Mike Castelle and Carlos Rivera, Affirmative Action Branch, outside of the meeting.*

9. **ISSUE:** The Agency seems to be discouraging employees from using OWCP, or requesting a reasonable accommodation for permanent or temporary disabilities. Discussion is requested.

Who: Don Laliberte, LLB and Cindy Pike, HSD (2/22/06 @ 1 - 1:30 p.m.)

*Resolution: Management will send out a directive to the field reminding managers of the requirement to provide workers compensation forms to staff in accordance with the workers compensation policy and DOL regulations.*

10. **ISSUE:** There are institutions in the Federal Bureau of Prisons that have poor hiring practices regarding minority employees. Discussion is requested.

Who: Don Laliberte, LLB and Sandra Burks Farrior, HRMD (2/22/06 @ 12:30 - 1 p.m.)

*Resolution: A meeting occurred between Mike Castelle and Carlos Rivera, Affirmative Action Branch, outside of the meeting.*

11. **ISSUE:** We would like to discuss the following Health Services issues;
- what measures are in place to ensure appropriate staffing levels
  - the Agency's inappropriate application and forced implementation of PCPT
  - the displacement of Pharmacy Tech's without notice

- the disparate treatment of Pharmacy Tech's by not grand fathering them in just as was done for PA's, X-ray tech's and Lab tech's
- the intent of the Patient Care Program Statement
- The agency's failure to follow the Patient Care Program Statement in reference to on-call.
- MRSA.
- A doctor at Butner who had his PCAP taken away.
- CME
- Are inmates with HBV, HCV and HIV now allowed to work in Food Service? While this may be a community standard item, since we are in a prison and can control it, why don't we?
- staff are being told that an inmate can deny treatment for TB

Who: HSD (2/22/06 @ 1:30 - 3 p.m.)

*Resolution: Some discussion on the above issues occurred. The union filed a national grievance over PCPT and displacement of Health Services staff.*

12. **ISSUE:** Retirement: It seems that we are having a lot of people who can't get their retirement checks straightened out. Can the Agency explain what is causing this and provide information or training on how staff can better prepare for this? Many of our staff are only getting a small check to survive on for six months.

Who: Jimmy Powell, HRMD (2/23/06 @ 10 - 10:30 a.m.)

*Resolution: Issue was discussed. Grand Prairie will provide guidance to the field on using the correct law enforcement retirement code.*

13. **ISSUE:** Grand Prairie: We need to know how our personnel files are going to be sent, and how we will go about reviewing the parts of our personnel files that can not be copied but may be reviewed.

Who: Jimmy Powell, HRMD (2/23/06 @ 10:30 - 11 a.m.)

*Resolution: Issue was discussed and further discussion occurred to resolve this matter.*

14. **ISSUE:** Roster Rotation

The Union wants to know the Agency's position on the following;

- if this includes Sick and Annual
- when the beginning of the current three year cycle started
- when the last quarter for the 3 year cycle ends
- if the current computer program keeps track of the quarterly assignments

- if that information is available to Union officers
- The Union would like to know if a person waits six months into the current 3 year rotation to do a particular shift if the person has to do that same shift by six months into the next rotation or if he/she can wait until the end of the next three year cycle to do this rotation.

Who: Linda Thomas, CPD (2/23/06 @ 12:30 - 2 p.m.)

*Resolution: Discussion item only.*

15. **ISSUE:** Vacation Rosters: In the Agency's opinion;
- do total leave year schedules have to ensure that all staff who are eligible have the appropriate amount of weeks to take their vacation?
  - If staff requests for annual leave are lost or the staff member does not turn in a vacation request must the agency ensure that there are enough weeks available for the staff to take their vacations?
  - When staff cancel scheduled vacations and there are no more leave slots for the rest of the year do staff lose their vacations?

Who: Linda Thomas, CPD (2/23/06 @ 12:30 - 2 p.m.)

*Resolution: The union raised the concern of the decrease in the number of annual leave slots at institutions. Management stated that it agreed that use or lose leave should be taken into consideration when determining the number of slots for the year.*

16. **ISSUE:** Atlanta Mission Change:
- When the agency decided to do the mission change in Atlanta, out of the 220 positions to be lost there was not one management position. Why?
  - Why are management positions like EPO or SIA not even slated to be down graded?
  - Many management positions are graded too high for an FCI.

Who: LMR

*Resolution: Nine management positions were abolished. Currently, management positions are not going to be downgraded, but the Agency will continue to re-evaluate the need for the positions as USP Atlanta continues to go through a mission change. Due to multiple missions at USP Atlanta, a determination was made to retain higher grades for department head positions.*

17. **ISSUE:** We would like an update on the erroneous VRA appointments.

Who: HRMD (2/23/06 @ 11 - 11:30 a.m.)

*Resolution: Issue was discussed and continues to be unresolved. Updated information was and will continue to be provided to the union. The issue of waiving the probationary year was requested and an answer will be provided.*

18. **ISSUE:** What protections are employees guaranteed when signing a Form B?

Who: Brian Ross, OIA (2/23/06 @ 2 - 2:30 p.m.)

*Resolution: In compliance with the Master Agreement, Article 6, Section f., the Warning and Assurance to Employee Required to Provide Information form (BP-194) is used during official administrative inquiries pertaining to employee misconduct. Prior to questioning any employee during an administrative inquiry where the employee may be subject to disciplinary action based on his or her responses, the employee is given this form to notify the employee that 1) the inquiry is an official administrative inquiry regarding misconduct, 2) the purpose of the interview is to obtain information to determine whether administrative action is warranted, 3) the employee has a duty to reply fully and truthfully, 4) neither the employee's answers nor any information or evidence gained from the employee can be used against the employee in any criminal proceeding, 5) the employee's answers may be used in the course of agency disciplinary proceedings, and 6) the employee may request the presence of a representative during questioning.*

19. **ISSUE:** What conditions make it appropriate to vacate a Mission Critical post?

Who: Linda Thomas, CPD (2/23/06 @ 2:30 - 3 p.m.)

*Resolution: Due to pending litigation on this matter, the Agency will not provide a response.*

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Cristina Griffith, Chief, LMR

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Date

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Bryan Lowry, President, CPL E-Board

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Date