

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

January 17 - 18, 2007

Agenda Items: UNION

1. **ISSUE:** We would like to discuss any tabled or unresolved issues from the previous LMR meeting, to include issues 2, 3, 4, 5, 6, 12, 14, 17, 19, 23, & 24.

Who: Christopher Wade, LMR

Resolution: See attached addendum.

2. **ISSUE:** Frequently during OIG interviews, staff are not provided copies of their statements or the written notification of charges listing what they are being charged with or interviewed about. Discussion is needed.

Who: Don Laliberte, LLB; OIA (1/17/07 @ 8a - 10a)

Resolution: OIA will talk to OIG about the Kalkine warning and present the union's concerns about not getting a copy of the assurance form.

3. **ISSUE:** What is being done by the Bureau of Prisons to address the acute staffing shortages in the Western Region, especially in California? Why isn't inmate movement slowed down during these times of staffing issues to alleviate work load?

Who: Cristina Griffith, LMR; Joe Moorhead, CPD (1/17/07 @ 10a - 11a)

Resolution: The Western Region is pursuing bonus options for various positions, i.e. relocation, education, and recruitment. Institutions are working diligently in hiring staff, especially Correctional Officers, by working multiple certificates, recruitment at military installations and various large job fair events, and use of internet advertising as well as local newspaper publications. Institutions are also utilizing the Veterans Recruitment Program . This program provides monetary compensation from the military to qualified staff members for "on the job" training if employed by the Bureau of Prisons. Additionally, institutions as well as the Regional Employee Services Department is monitoring staffing levels, to include separations and the reasons for those separations, in order to develop retention strategies. The Western Region has requested that inmate designations be slowed down at specified institutions until staffing levels are increased.

Additionally, several institutions have consolidated inmate populations and temporarily closed down inmate housing units. Discussion will occur between the WRVP and appropriate HRMD personnel.

4. **ISSUE:** We would like to discuss concerns about PHS employees competing for and being placed on the same assignment and annual leave rosters as bargaining unit employees.

Who: HSD; LMR (1/18/07 @ 8a - 10a)

Resolution: This issue was discussed at the LMR Quarterly Meeting in July 2004. The parties agree that the Master Agreement should be adhered to with respect to the roster procedures.

5. **ISSUE:** We would like to discuss the agency's unilateral name change to the Affirmative Action and Diversity Management Program 3713.21.

Who: AAB (1/17/07 @ 11a)

Resolution: Sandra Burks Farrior will send out a note to all CEO's informing them that any name changes should not occur until the new policy has been through the policy process. She also stated that the National Fair Practices Coordinator will be sent a copy of the e-mail sent to all CEO's.

6. **ISSUE:** Bargaining unit personnel transfers are being halted as a result of Agency initiated administrative investigations. Since bargaining unit staff often pay for their travel to their new duty station, why can't the agency OIA or OIG investigate them at their new duty station, since every facility has an assigned OIA Agent and OIG office servicing a particular institution? This would eliminate the negative impact on staff who have sold or already in the process of selling their homes and have placed deposits on a new residence, etc.

Who: OIA; LMR (1/17/07 @ 8a - 10a)

Resolution: OIA does not dictate or require that moves or transfers be halted due to administrative investigations.

7. **ISSUE:** Why does the Local administration at FCI Oxford refuse to provide a copy of the Institution Character Profile (ICP) as requested by the local Union, stating that "it is one of a number of methods the BOP uses to assess the organization, which includes climate and program performance of its institutions. Specifically, it is a tool used by the Director

and Regional Directors, to gauge staff and inmate morale, professionalism, communication, and community relations. Accordingly, the request for a copy of the most recent ICP is denied.” Is this position shared by Central Office LMR?

Who: LMR

Resolution: The parties did not agree about the routine dissemination of the ICP to the Union. The local will be provided a copy of the ICP report.

8. **ISSUE:** Why has the agency not put out the program statement on employee health as agreed? This was agreed to in the work group over 2 years ago? When will this be put out?

Who: HSD (1/18/07 @ 8a - 10a)

Resolution: This matter was discussed. Contact to schedule the meeting will occur within the next two weeks.

9. **ISSUE:** What is the delay in background investigations and the delay in the agency acting on what is found?

Who: Dennis Smith, SBIS; LMR (1/18/07 @ 12:30p - 1:30p)

Resolution: Due to time constraints, this agenda item was not discussed at the table, and will be moved to the next LMR Meeting agenda.

10. **ISSUE:** What institutions have implemented the Electronic Medical Record, fully or partially? Only 3 institutions were on the "pilot". What is the agency's interpretation of a "pilot" and when does it become implementation without notification or the opportunity to negotiate?

Who: HSD (1/18/07 @ 8a - 10a)

Resolution: This issue was discussed. Management indicated that BEMR is being used at Englewood, Sea Tac, Houston, El Reno, Los Angeles, USP Lee, Elkton, Danbury, Marianna, Lewisburg, FCC Coleman, Lexington, McKean, Estill, Leavenworth, and Herlong. The union orally invoked to negotiate over this matter. Management indicated that notice was given in 2005, and several times in 2006 over this matter, and the union did not timely invoke to negotiate.

11. **ISSUE:** Is Gerry Maldonado having OIG or OIA agents follow people that are on official time in the South Central Region?

Who: OIA; LMR (1/17/07 @ 8a - 10a)

Resolution: Issue was withdrawn by the Union.

12. **ISSUE:** Is Gerry Maldonado having OIG teach ART code of conduct or any other subject at Annual Training?

Who: OIA; LMR (1/17/07 @ 8a - 10a)

Resolution: This issue was discussed. The union's position is that some staff perceive this as intimidation. Management stated that the Agency's purpose is not to bring OIG in to intimidate staff.

13. **ISSUE:** Why are the staff at FCC Beaumont being allowed to apply under FDC Houston local vacancy announcement and not the staff at FPC Bryan? FPC Bryan is only 11 miles further than USP Beaumont. (Beaumont=88 miles/Bryan=99 miles)

Who: LMR

Resolution: Several years ago, due to the number of staff commuting from the Houston metropolitan area to Beaumont, the decision was made to accept applications at FDC Houston from Beaumont staff, and FCC Beaumont would accept applications from FDC Houston staff. The intent was to allow staff maximum consideration for jobs within the area. FPC Bryan was not included, as at that time, there were no staff living in the Bryan area who had expressed an interest in promotional opportunities at Houston. However, due to the small difference in mileage, we will reevaluate this request. Management will get back to the SCRVP with an answer.

14. **ISSUE:** Are contract background investigator's authorized to contact staff on the employee's off duty hours? If so, when is this acceptable?

Who: Dennis Smith, SBIS (1/18/07 @ 12:30p - 1:30p)

Resolution: Due to time constraints, this agenda item was not discussed at the table, and will be moved to the next LMR Meeting agenda.

15. **ISSUE:** Does the Agency believe its appropriate for contract background investigators to do interviews at an employee's home, during non- duty hours? Is the Agency aware of this practice? Where this has occurred does the Agency agree that the employee should be fully compensated?

Who: Dennis Smith, SBIS (1/18/07 @ 12:30p - 1:30p)

Resolution: Due to time constraints, this agenda item was not discussed at the table, and will be moved to the next LMR Meeting agenda.

16. **ISSUE:** Why is Region interfering with local negotiations? Are the Wardens empowered to negotiate on behalf of their institutions or do we need to invoke all negotiations with Region and Central Office from now on?

Who: LMR

Resolution: Due to time constraints, this agenda item was not discussed at the table, and will be moved to the next LMR Meeting agenda.

17. **ISSUE:** Is it the position of the Agency that Union Officials at the local level do representational duties at home on their own personal time and the agency pay them as if it is a part time job or is it the Agency's position that the Union Officials at the Local Level receive the same fair amount of time to prepare and research on Official Time to provide fair representation?

Who: LMR

Resolution: Due to time constraints, this agenda item was not discussed at the table, and will be moved to the next LMR Meeting agenda.

18. **ISSUE:** Why does the Agency still expect pre and post shift duties? The bottom line is that all Correctional Rosters need to have an overlap, why has this not been done across the board?

Who: Don Laliberte, LLB; Joe Moorhead, CPD (1/17/07 @ 10a - 11a)

Resolution: Due to time constraints, this agenda item was not discussed at the table, and will be moved to the next LMR Meeting agenda.

19. **ISSUE:** Is Central Office going to Audit Maldonado and have him followed around by OIA to ensure he is not committing Fraud, Waste and Abuse. He has asked for OIA to follow around Union Officials, has there been a formal complaint. If so; who is under investigation.

Who: OIA; LMR (1/17/07 @ 8a - 10a)

Resolution: Item was previously discussed with the Regional Director outside of the LMR Meeting.

20. **ISSUE:** Why are staff offices and desk being searched after normal hours with out the knowledge of the Warden's and central office by SIS and SIA?

Who: OIA; LMR (1/17/07 @ 8a - 10a)

Resolution: Item was previously discussed with the Regional Director outside of the LMR Meeting.

21. **ISSUE:** If our budget is so tight, why are the Warden's and Managers receiving new furniture and remodeling of their offices every three years when there are offices of the collective bargaining that have leaks, furniture from the 70's and look like they should be condemned and nothing is being done to fix them in 15 years.

Who: LMR

Resolution: Due to time constraints, this agenda item was not discussed at the table, and will be moved to the next LMR Meeting agenda.

22. **ISSUE:** Collective Bargaining Employees at work who are injured and receive benefits under workman's comp are being harassed. One was re injured after a supervisor decided to go against a TAD letter signed by the Warden. A grievance has been filed. Why would the Agency be so negative and reactive when a positive and proactive approach would be so much more effective and fair. Is management just plain mean or just ignorant to the laws.

Who: Ron Day, HSD (1/18/07 @ 8a - 10a)

Resolution: The Agency stated that consistency includes the nature and extent of the injury, the positions available, and the mission of the institution. Similarly situated employees should be treated in a similar manner. Harassment should not occur in any instance. The parties disagree over the documentation required by the Agency. Wardens are reminded to follow the OWCP policy and adhere to the TAD process.

23. **ISSUE:** When the agency requests I & I matters be submitted to them over a proposed change in working conditions is it the agency's belief that this stops the agreed upon negotiation process listed in the Master Agreement? An example of this would be in Beaumont Texas where the agency is trying to combine rosters between the different institutions. The agency does not want to submit their proposals such as a roster but wants the Union to give to them only matters for Impact and implementation negotiations and then the agency declares them non negotiable and moves on with what they want to do. Is the Agency trying to stop negotiations over procedures and appropriate arrangements ?

Who: LMR

Resolution: Due to time constraints, this agenda item was not discussed at the table, and will be moved to the next LMR Meeting agenda.

24. **ISSUE:** If the agency requires mobility statements in some jobs in the Bureau of Prisons how is it that the agency believes that it can require staff to move from institution to institution without a mobility statement?

Who: HRMD

Resolution: The issue about mobility statements and commuting distance was discussed. The Agency will provide the relevant regulation to the Union next week.

25. **ISSUE:** What is the determination of the Bureau of Prisons to be commuting distance? How far can an employee be required to drive to a different work station without compensation?

Who: HRMD

Resolution: 5 CFR 330.604(e) and 5 CFR 351.203 defines the local commuting area as the geographic area that usually constitutes one area for employment purposes as determined by the agency. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and can reasonably be expected to travel-back and forth daily to their usual employment.

26. **ISSUE:** When employees who are in a shared service receive discipline, who proposes the discipline, who decides what discipline they are to get, and how does an employee know his direct line of supervision? What policy is used to establish this direct line of supervision where multiple institutions are involved?

Who: LMR

Resolution: This item was discussed. Generally, an employee's "home" institution is who proposes and determines discipline.

27. **ISSUE:** We would like to discuss the agency paying retention bonuses to Medical Department Staff and Correctional Officers at facilities where it is hard to fill positions and the Federal Workforce Flexibility Act of 2004, Section 203. Are retention bonuses made under the Act, and if so where, what positions, and how much are they paid?

Who: HRMD, HSD (1/18/07 @ 8a - 10a)

Resolution: The issue was discussed. A chart identifying available incentives will be posted on Sallyport citing the relevant statutes and regulations. Recruitment and retention bonuses are initiated at the local level and routed through the Central Office for approval.

//SIGNED//
Cristina Griffith, Chief, LMR

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Tim Debolt, Vice President, Western Region

October 2006 Unresolved Agenda Items - Addendum (Agreed to by the parties on 1/18/07)

2. **ISSUE:** The union would like to discuss the Agency using the budget to violate negotiable changes in working conditions, e.g. shared services at complexes, issuance of safety equipment, etc.

Resolution: Mr. LeBlanc will send out a memorandum to all Regional Directors with the intent of it being shared with all wardens regarding following the Master Agreement and appropriately bargaining changes in conditions of employment that affect bargaining unit staff.

3. **ISSUE:** The Union would like to discuss the Agency's failure to monitor or work with the Union in regard to honoring negotiated policies, e.g. PS 3713.23 as it related to the number of trained collateral duty EEO Counselors being assigned to each institution.

Resolution: The EEO Officer and Fair Practices Coordinator will discuss EEO counselor issues as they arise.

4. **ISSUE:** We would like to discuss the assignment of a Warden's Secretary as a collateral duty EEO Counselor, which gives the appearance of a conflict of interest, and has an adverse affect on the integrity of the process as it applies to staff participation in accordance with Management Directive 110, Chapter I, ll @1-2.

Resolution: This issue was discussed. The union wants on the record that they feel this selection is a conflict of interest in accordance with MD 110. The EEO Officer and Fair Practices Coordinator will discuss any conflict issues that arise with the EEO Counselor program.

5. **ISSUE:** We would like to discuss procedures in place to clean and sanitize the strings used to hold the Bureau Escort badges worn around the necks of Central Office staff.

Resolution: This agenda item was withdrawn by the Union.

6. **ISSUE:** We would like to know the non-discriminatory reason why the Executive Board of the Council of Prison Locals are treated differently when it comes to issuing identification badges to gain access to all Bureau of Prisons facilities in the Central Office, compared to visiting management staff.

Resolution: This agenda item was withdrawn by the Union.

12. **ISSUE:** There are occasions when employees are asked to send personal information, e.g. social security numbers, over the LAN to Grand Prairie. What options do employees have if they are not comfortable with this?

Resolution: This item is tabled and will be moved to the next LMR Meeting agenda.

14. **ISSUE:** Is it true that all money saved at the institutions cannot be turned back into the region to be used, but must be used at the local institution?

Resolution: No, this is not true.

17. **ISSUE:** Why are they opening an RDAP Spanish speaking only position at Bastrop when they only have two inmates awaiting the Spanish RDAP? Why did we go to the cost of transferring so many inmates to LaTuna for RDAP Spanish if they are going to open the same program at Bastrop?

Resolution: This item is tabled and will be moved to the next LMR Meeting agenda.

19. **ISSUE:** The warden at Waseca allows Unit Team staff the opportunity to pick the non-custody post when a loan is needed, in violation of a locally negotiated agreement.

Resolution: This issue has been resolved.

23. **ISSUE:** Current Agency policy mandates that the inside housing unit keys and the outside unit door keys must be separated at institutional lock down each night. What institutions have been given a policy waiver in regard to this issue?

Resolution: Current national policy does not mandate outside unit door keys to be separated at institutional lock down each night.

24. **ISSUE:** Does the agency have the right to mandate TDY assignments in a non-emergency situation without bargaining, and if so, under what authority?

Resolution: In non-emergency TDY situations, any appropriate negotiations will occur consistent with the Master Agreement.