

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

December 3-4, 2008

PARTICIPANTS

AGENCY

*L. Cristina Griffith
Christopher Wade
Don Laliberte
Elizabeth Blackmon*

UNION

*Bryan K. Lowry
Roger Payne
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Dwayne Person
Dale Deshotel
Tim Debolt
Eric Young
John J. Washington - FCI Estill
Dennis Shea - FCI Pekin
Jeff Roberts - FCI Forrest City*

Subject Matter Expert(s)

*Mina Raskin (EEO)
Chris Barnes (IPPA)
Sonia Thompson (IPPA)
Yvonne Hinkson (Ethics)*

Unresolved Items: February 2008 agenda

12. **ISSUE: Background Investigations.** It continues to be the practice of the Federal Bureau of Prisons to remove employees from employment who have what is called "derogatory" information arise in their background investigations, without affording the employees due process. The BOP has continued this practice, even after, several decisions have been overturned by the Council of Prison Locals. *See Edmonds, Grisenti and B.Perez cases.* All cases were handled by LMR. In each case, Arbitrators have overturned agency decisions of falsification because intent element or burdens were not met. All ruled the same, each case was held not in the efficiency of service. Other Locals have also prevailed in similar cases which are not listed herein, but had the same conclusions.

The Council has a serious problem with employee being removed from employment because of background related issues, especially, after employees have completed their probationary period. This has become a epidemic nationwide. Employees are often removed without any official investigation being conducted and even, though policy requires an official investigation be initiated. Employees are being removed even though they still meet the Employer's minimum guidelines for hire. In other words, they just removed like probationary employees as if they do not have any collective bargaining or competitive service rights. This is wrong. In the process, it not only violates the CBA, it violates several national policies (e.g., Office of Internal Affairs, Standards of Employees Conduct and the Human Resources Manual).

Although, policy and the Master Agreement indicate the decisions of disciplinary/adverse actions' rest with the CEO/Warden, recently, this does not appear to be the case. The Council has been routinely informed by the Director, after the OIG audit, LMR now reviews, sets and approves disciplinary/adverse actions for each Institution nationwide — to ensure discipline is fair, consistent and equitable across the board. Regional Directors have basically, stopped granting waivers since the OIG Audit. Nationwide, guidance has been routinely past down by higher authority, informing CEOs they no longer cannot retain relatively good workers. They have been forced to continue to remove competitive service employees from their positions, if any derogatory information arises in their backgrounds, for any reason, even, if the employee is

not on probation and meet the minimum guidelines for hire.

The Council has a major problem with this new practice. More important, it changes national policy and the current CBA, particularly, Article 30. Employees are not being treated fairly and equitable across the board per Article 6. In retrospect, there have been numerous decisions which have been challenged by the Union which overturned removals for background related reasons. Yet, management has increased its efforts to get rid of employees, the quicker the Union gets them back. In each of these cases, the employees are relatively good employees – who had been promoted and fulfilled their duties at the satisfactory level. In each case, an Arbitrator ruled the agency's decision exceeded the bounds of reasonableness, yet management's practice and position have not changed or cease.

The CPL needs management to reassess its position. Otherwise, we will be forced to file a national level grievance. We believe if the Federal Bureau of Prisons has granted waivers in the past to employees (s), it must continue to do so. Derogatory information arising in an employee's background should not automatically result in termination. If this path continues, and is not stopped, current employees at a whole will be affected no matter what length of service they have which will automatically result in employees not being treated fair and equitable. The agency has a duty to abide with the CBA for the life of it. It cannot change its position in the middle of the game, especially, were similarly situated employees have meet the Employer's guidelines for hire, received waivers and continue to be employed today.

Remedy: Cease and desist the practices of removing employees from their competitive service positions/status like probationary employees; Return to the status quo ante in granting waivers to employees who meet the employer's guideline for hire –even, if derogatory information arises in the OPM background investigation. Treat employees fair and equitable like similar situated employees BOP wide. Ensure a timely, official and objective investigation is commenced by Office of Internal Affairs in background related cases.

Who: Cristina Griffith, LMR

Resolution: Pre-employment issues arising in background investigation will be evaluated on a case-by-case basis. Consistent with the Master Agreement, Article 30, a. 1, in exceptional circumstances, the Council of Prison Locals President may request a stay for

consideration.

Unresolved Items: May 2008 agenda

Agenda Items: UNION

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

Who: Cristina Griffith, LMR

Resolution: Resolved

2. **ISSUE: TOWERS.** The union proposes that the agency cease from not staffing towers at USP'S in lieu of electric fences. The union's position is that towers prevent the loss of life, and electric fences only prevent escapes. UPS Florence's recent riot is a prime example of why towers should remain manned. Towers also provide an advantage in preventing escapes as well.

Who: Linda Thomas, CPD

Resolution: Deferred

3. **ISSUE:** Several specific instances will be provided by the Union. In general, reasonable official time is not being provided as required by law at some facilities. Several arbitrations are pending and many will follow if resolution is not reached.

Who: LMR

Resolution: LMR Representatives (Central Office) do not approve official time. Official time is requested and approved in accordance with the Master Agreement. Currently, there is no national official time form in existence. Normally, the incurrence of overtime should not be the sole basis of an automatic denial of official time. The timing of the request and the immediacy of the need for official time should be considered.

4. **ISSUE:** What are the time frames to retire or dead file an inmate's file once they release from BOP custody? Is it 30 days from the time the documents are received or is it 30 days from when the inmate releases?

Who: LMR

Resolution: The Agency responded that the time-frame is thirty (30) days from when the inmate releases. This is stated in the Correctional Systems Manual, Section 307.

5. **ISSUE:** Bastrop

- a.) When informal resolution was attempted, the Union representative was instructed by the A.W. to go ahead and file because he has the U.S. Treasury behind him, so he did not care how much it cost.
- b.) Refusal to negotiate. The Union at Bastrop was informed that management will no longer negotiate Institution Supplements. Associate Warden Kosco informed the Union that they were negotiated nationally so he had to duty to bargain.
- c.) Failure to follow National and Local policy. I was given a grievance response from warden Maye concerning the failure to follow inmate personal property policies. warden maye responded(in writing) that the Institution A&O handbook was what was being followed, it allowed inmates to purchase \$290.00 worth of commissary and they could buy all they wanted as long as they could keep it in their designated space.
- d.) Management has now placed a locking device on the front door to our lobby, prior to even getting to the metal detector and xray machine. Staff reporting to work between the hours of 4:10pm and 6:00 am now have to call control center and get them to pop the door open just to get into the lobby. we invoked our right to negotiate, it was ignored.
- e.) we have been informed that we have a two hour watch program in affect. We have escape risk inmates that are required to check in with staff every two hours, whatever staff they want to, that staff in turn is required to call control center and report the inmate has checked in. if the inmate does not report the I guess they send a search party for them? We invoked, they ignored it.

Who: LMR

Resolution: The agency does not agree with the facts as stated, as they are incomplete or out of context. The agency informed the union that most of the items listed are pending either an unfair labor practice charge or a grievance. Without conceding the facts stated in agenda item 5, the parties agree that the Master Agreement, Article 3, sections d and e, must be adhered to regarding policy negotiations. Without conceding the facts stated in agenda item 5, the parties agree that the Master Agreement, Article 31, section b, which states, "The parties strongly endorse the concept that grievances should be resolved informally and will always attempt informal resolution at the lowest possible level before filing a formal grievance", will be adhered to. The union withdrew item 5c.

6. **ISSUE:** FCC Oakdale

Deputy Captain Rios, AW Jarvis, and HRM McClosky seem to be incapable of remaining professional concerning the way they communicate with the Local and the staff. It seems they are sore due to the recent arbitration decision on terminating an employee without just and sufficient cause. The warden has not responded to the Local President.

Who: LMR

Resolution: This issue was resolved locally prior to the meeting.

7. **ISSUE:** DSCC Grand Prairie

What are the criteria for awards, promotions, and evaluations? Are there limits on outstanding evaluations? What is the policy on Sentence Computation 5601?

Who: LMR

Resolution: The criteria for awards, promotions, or evaluations are established in the HRM Manual. DSCC has no limits on the number of outstanding evaluations.

The policies governing sentence computations are: P.S. 5880.28, New Law Sentence Computation Manual; P.S. 5880.30, Old Law Sentence Computation Manual; P.S. 5880.32, D.C. Sentence Computation Manual.

8. **ISSUE:** Why is there no evidence on grievance responses that the Warden, Regional Director, or Director has seen the grievance? The signature is from a lower level manager, not who it's filed with. Is it an attempt to remove themselves from the process?

Who: LMR

Resolution: The parties agree that the intent of Article 31 is that if properly filed, the grievance should be responded to by any persons or designees stated in Article 31 (f)1,2,3,4, and 5.

9. **ISSUE:** FMC Carswell

The warden is overworked . Warden Chapman did not have time to meet with the Local President to discuss why the negotiation team walked away from the table. How do we resolve issue at the Local level without the warden making time?

Who: LMR

Resolution: Resolved at local level.

10. **ISSUE:** LaTuna

Are we going to allow Warden Bragg to retaliate against the Local President with bogus charges for trying to represent the employees? Bragg was discussing two different EEO cases with the line staff. He's still on the job, and there's no investigation on him.

Who: LMR

Resolution: Union withdrew.

11. **ISSUE:** USP Pollock

When is the agency going to lower the inherent danger to staff to the lowest possible level? Is the agency asking for funding to build more prisons and alleviate overcrowding?

Who: LMR

Resolution: Union withdrew.

12. **ISSUE:** Beaumont FCI, USP

Is Beaumont a complex? Will services be consolidated?

Who: LMR

Resolution: FCC Beaumont is a complex. Some services at Beaumont are consolidated. The discussion occurred regarding whether shared services and consolidation are the same thing. The agency stated that whether they are the same or not, any changes in working conditions that affect bargaining unit staff require notice to the union and any required bargaining, prior to implementation, consistent with laws, rule, or regulation.

13. **ISSUE:** At some locations transitional inmates are placed in a regular housing unit but treated as if they were housed in a Special Housing Unit, causing numerous security concerns and potential hazards for the staff working in these units. We would like to know how many of these "Transitional Units" are in use bureau wide, and discuss the Union's safety concerns.

Who: LMR

Resolution: The union stated their concern with these transitional units, which are essentially "overflow SHU's". Since the initial time this was placed on the agenda, the union has stated that this is occurring at USP's and FCI's, and no staffing to address these informal SHU's.

After much discussion, the union agreed to provide specific examples where these units are occurring, and the agency will look into examples given, and respond to the union within ten (10) days of the date the information is received from the union.

14. **ISSUE:** This was agreed to at the October 2004 LMR on Pilot Programs. Is this being done?

ISSUE: We would like a discussion of all Pilot Programs regarding notifications and time limits on such pilots, who sets completion time

frames, etc.

Who: LMR

Resolution: When a decision is made to have a pilot program, regardless of whether it is a local, regional, or national pilot, should said pilot affect conditions of employment as outlined in appropriate case law, regulation, or the Master Agreement, the union at the appropriate level must be notified and given the opportunity to bargain prior to implementation, in accordance with the regulations

Who: LMR

Resolution:

Unresolved Items: August 2008

Agenda Items: UNION

1. **ISSUE:** Discuss and resolve all tabled LMR agenda items from previous minutes.
Who: LMR
Resolution:

3. **ISSUE:** Discuss Oxford refusing to allow the union to sit in on sick leave abuse meetings per master agreement.
Who: Christopher Wade
Resolution: Deferred

4. **ISSUE:** Discuss the hostile atmosphere that is being created in Oxford towards the Union by non union members and managements inability to deal with this issue.
Who: Christopher Wade
Resolution: Deferred

5. **ISSUE:** Discuss the nursing shortage in Rochester, the Warden changing the nursing

schedule, his refusal to work with the union, changing a compressed schedule and refusal to negotiate. Also discuss after complaints from inmates on their lack of care, staff have said Warden Terrell went around asking the inmates who put them up to making the complaints.

Who: Cristina Griffith, LMR

Resolution: Deferred

6. **ISSUE:** Management Unit facilities have been designated by the Bureau of Prisons. Currently, the CPL is in policy negotiations pertaining to this issue. But, due to recent revelations that occurred in USP Atwater --untimely death of Officer Rivera--the CPL believe it is necessary to bring these issues personally to the Director for immediate action and for his input.

Special Management Unit will houses various levels of inmates or inmates who display a potential or have the ability to disrupt the orderly and safe operations of any prison. Since the SMU was developed by management to control inmates similar like the inmates that killed Officer Rivera -- who had been deemed unrehabilitative, we request the following be considered by the Director prior to a SMU being opened. Our recommendations are appropriate arrangements and should be considered prior to placing any staff in harms way.

We ask the Director consider the following:

1. Request funding from Congress to fund the total operations of the Bureau's Special Management Unit.
2. Hire staff to work in the SMUs or consider a facility that properly has in place staffing to accommodate the needs of SMUs (e.g. Psychology Staff, not limiting Drug Treatment Specialist, Medical Staff, Education, and Unit Team members) to attend to the needs of inmates and to fulfill the duties required and requested in SMUs.

Who: CPD

Resolution: Deferred

LMR Quarterly Meeting - December 3,4, 2008 - Page 10 of 23

DECEMBER 2008 AGENDA

Agenda Items: MANAGEMENT

1. **ISSUE:** Electronic Posted Picture File

Who: Sonia Thompson, Chris Barnes; Information, Policy & Public Affairs

Resolution: Presentation was given on the Electronic Posted Picture File. Should this program be implemented, appropriate notice will be given to the union and any required bargaining, prior to implementation, consistent with law, rule, regulation or Master Agreement.

Agenda Items: UNION

1. **Grievance Procedure/Arbitration**

It has and continues to be the practice of the agency to convolute response letters to grievances with unorthodox threshold issues. Although, the parties agreed last year these issues will be limited, Wardens and Regional Directors still raise threshold issues as standard response language in grievance responses. In example, the most commonly used threshold issue asserted by these managers is still the issue of whether or not a grievance lacks "specificity." There is no agreed upon language in the parties' Agreement which indicates this issue can be raised - like timeliness - yet we see it raised more than it in almost every response letter.

5 USC Section 7121(a)(1) specifies that the negotiated grievance procedure must meet very specific criteria. It stipulates the following: 1)It must be **fair and simple**; 2) permit both the union and individual employees to file grievances; and 3) provide an opportunity for arbitration of disputes submitted by either the union or the agency. 5 USC Section 7121(b)(1).

Again, the Council agrees with the sentiments expressed in an arbitration award by Arbitrator Robert J. Irwin. He stated the following: "**Although the Agency's suggestion that it might have**

LMR Quarterly Meeting - December 3,4, 2008 - Page 11 of 23

to comb through "thousands" of regulations, statutes, and rules to determine the grounds for the grievance is not unreasonable, the reciprocal answer to that suggestion would require that a relatively unsophisticated Grievant, unschooled in the myriad of possible rules, regulations, and statutes, as well as the Master Agreement, and without the experience and training of a human resources professional, would be required to comb through thousands of regulations, statutes, and rules to determine which of them may have been violated by the Agency." The Arbitrator believes that is asking for too much of the employee or the Union which case law indicates are legally untrained professionals. Obviously, we agree. We believed the agency is convoluting the grievance responses with these unorthodox issue as a means of intimidating employees to prevent them from filing grievances. We ask that this stop.

Lastly, it is also proper to note, it is not productive or necessary to waste or spend tens of thousands of tax payers' dollars on transcripts for agency representative to continue to argue these issues at hearings and loose them. Often, we see LMR Specialist spending all day arguing these threshold issues into transcripts taking hearings into additional days unnecessarily. Again, we contend it is an all attempt to intimidate employees in the exercising of their rights - which according to the Statute is suppose to be fair and simple. To continue permitting these individuals or managers to cloud response letters with these threshold issues is nothing more than waste, fraud and abuse. It will force the **Council** to file a grievance, if it continues.

Remedy: We request legitimate threshold issue be raised and stop the redundant same language being raised or expected in response letters to formal grievances. In addition, we request the agency cease and desist raising unnecessary threshold issues at arbitration hearings. Again, the Council is not asserting cease and desist in every threshold issue, or even, the Specificity threshold issue, but, clearly, the broad abuse going on in the field needs too corrected. We respectfully ask written guidance be put out in the field - to all Employee Services Managers; Regional Employee Service Managers and RDs, not to engage in such actions with a copy of this letter served to Council.

LMR Quarterly Meeting - December 3,4, 2008 - Page 12 of 23

Who: LMR

Resolution: Deferred

2. Investigations and Disciplinary/Adverse Actions:

The Bureau of Prisons frequently does not complete internal investigations in a timely manner, nor does it effectuate discipline timely. The BOP was cited in an OIG report to Congress for their investigations consistently going beyond the 90 day guidelines established by OIA. Last year, LMR informed the Council it was readjusting those times frames to realistic periods. Yet, investigations at many institutions continue to surpass guidelines set by management back in November 2008. The Council continues to see investigations and discipline/adverse actions typically taking more than six (6) months to more than three (3) year. Do you believe discipline/investigations should be immediately resolved? How can such untimely investigations or discipline/adverse actions be in the efficiency of service years after the fact? What can be done to further expedite the process; and what can bring this in compliance with Article 30 - timely disposition of investigations and discipline/adverse actions?

Who: John Dignam, OIA; Cristina Griffith, LMR

Resolution: Deferred

3. Merit Promotion:

(1) Wardens in the field have been removing employees from their permanent duty assignments - citing it is in the efficiency of service. Yet, in the reassignment letters, Wardens have indicated, "It is not a disciplinary/adverse action." Please answer the following questions: Do you believe a Warden has a right to remove an employee from a job he or she has obtained through merit promotion, without cause, if the employee is fulfilling the minimum standards or requirements of the job? (2) Do you believe the Warden should exhaust policies (e.g., Performance Improvement Plan, Log Entries, etc.) which gives an employee an opportunity to improve first, before these extremes are taken? In example, if an employee was a Contract Specialist or SIS Technician fulfilling the requirements of the job, do you believe a Warden can

LMR Quarterly Meeting - December 3,4, 2008 - Page 13 of 23

arbitrarily and permanently move these employees into another full time position (e.g., Correctional Officer, etc.) - a position they were not hired to do; and without exercising such avenues first before a permanent change is made? If yes, what authority or CBA language grants Wardens' such rights?

(2) PS 3000 dated 12/19/2007 chapter 3, page 31, 12. Determining basic eligibility. Applicants are considered eligible for the position if they meet or will meet minimum OPM qualification standards, time-in-grade requirements, and any specified selective placement factors within 30 days after the closing date of the announcement. The announcing office will make a determination whether the applicant meets minimum requirements and certify the qualifications rating sheet.

USA Jobs online application user guide page 4: Question. Do I have to meet time in grade by the closing date of the announcement? Answer.. yes. Applicants must meet all experience and time in grade requirements by the **closing date** of the vacancy announcement.

The employee here was rated ineligible because of time in grade. She was less than thirty (30) days from her year. According to the policy and our Employee Services Manager she should have been rated eligible. Can this override the USA Jobs user guide?

Who: Ann Scarponc, HRMD

Resolution: Deferred

4. Article 27 - Health and Safety

A suspicious white powder was sent in the mail to the Federal Medical Center Rochester. Staff was exposed to this substance. There is no universal standards or precaution in place to avoid exposure to staff. This situation initiated in the Federal Bureau of Prisons and assistance had to

come from an outside source. Therefore, making us unaware of what happen in the interim from the time the substance was received and report to the time it was contained? Who was potentially exposed? And, what procedures are in place to protect these individuals?

Who: Ron Day, HSD

Resolution: Deferred

5. Locality

The Council is asking what area (city and state) does BOP has its WS employees classified under (the prevailing rate system) by facility?

WS employees at the Federal Correctional Institution in McKean, Pennsylvania was wrongly calculated under the Prevailing Rate System since 1989. All had been wrongly classified and placed in the Pittsburgh wage area when they should have been classified for the wage system in Buffalo, New York area. This is per OPM. The pay rates in the Buffalo wage area are significantly higher than Pittsburgh.

The Council knows this may have been an oversight by the agency. It is our goal to ensure everyone (wage grade) is classified in the right area. To verify this, as the exclusive representative, we need this information gather and collated by facility and what area (city and state) does the BOP have the WS employees classified by facility.

What mechanisms has the BOP put into placed to prevent such wrong classifications in the future as new facilities open and those that are presently in existent? Have all facilities classifications been checked recently - to ensure they are classified in the right city and state? And, if this check has been made, what other facilities have been identified by management that also classified their WS employees in the wrong area?

Who: Jeff Barnes, HRMD; Christopher Wade, LMR

Resolution: Deferred

6. Uniform

LMR Quarterly Meeting - December 3,4, 2008 - Page 15 of 23

UNITEC has recently sent this same message to thousands of bargaining unit members. "When the Federal Bureau of Prisons designed a new uniform program, **they never consulted** their uniform suppliers. They claimed that there was a Wear Test (a Field Study) for the new uniforms, but declined to show the results to us when we asked to see them. They claimed that their decision to use ALL-COTTON FABRIC was CAREFULLY CONSIDERED. We, as well as all the other BOP Uniform Suppliers, PLEADED for reconsideration. We said that using ALL-COTTON was a recipe for failure. Our pleas were not heeded; our recommendations for the use of a more suitable fabric and a better uniform design were ignored."

UNITEC went on to say, "Unfortunately, we were right. Unfortunate for you and unfortunate for us. Our attempts to accommodate a poor uniform specification didn't go well. The fabric did not perform. We had manufacturing problems. We tried to implement damage control by crediting back thousands of dollars and offering thousands of replacements. Still, we watched as our reputation took a huge hit. And many of our BOP customers, who have been loyal to Unitec (Suburban Uniforms) for YEARS, have been hurt. Words cannot express how deeply we regret what has happened. To each and every one of you, let me say, personally, "I'm sorry." So, now and FINALLY, the BOP has seen the error of its ways. We are now re-introducing the new BOP uniform made with a permanent-press polyester-cotton blend. **The problems have been solved.** Will you consider purchasing your uniforms from us again?"

Remedy: Extend the times frame for employees to be in the Uniform from January 9, 2009 to January 8, 2010.

Who: Cristina Griffith, LMR

Resolution: Deferred

7. UNICOR COMPUTER RECYCLING

5 U.S.C. 5545(d), 5548(b)

LMR Quarterly Meeting - December 3,4, 2008 - Page 16 of 23

§ 550.901 Purpose.

This subpart prescribes the regulations required by sections 5545(d) and 5548(b) of title 5, United States Code, for the payment of differentials for duty involving unusual physical hardship or hazard to employees.

[56 FR 20344, May 3, 1991]

§ 550.902 Definitions.

In this subpart: *Agency* has the meaning given that term in 5 U.S.C. 5102(a)(1).

***Duty involving physical hardship* means duty that may not in itself be hazardous, but causes extreme physical discomfort or distress and is not adequately alleviated by protective or mechanical devices, such as duty involving exposure to extreme temperatures for a long period of time, arduous physical exertion, or exposure to fumes, dust, or noise that causes nausea, skin, eye, ear, or nose irritation.**

§ 550.905 Payment of hazard pay differential.

(a) When an employee performs duty for which a hazard pay differential is authorized, the agency must pay the hazard pay differential for the hours in a pay status on the day (a calendar day or a 24-hour period, when designated by the agency) on which the duty is performed, except as provided in paragraph (b) of this section.

Remedy: The Council is requesting the agency head pay Environmental Differential Pay (EDP) to all staff working at UNICOR Recycling Facilities that is involved in the destruction of computer components or the collection sites of computer components to be transported to UNICOR Recycling Plants. Facilities are not limited to (FCI Marianna, FCI Elkton, USP Atwater, FCI Texarkana, FCI Miami, etc.).

Who: Marianne Cantwell, Industries, I,E & VT

Resolution: Deferred

8. **FBOP Administrative EEO Process**

The Bureau of Prisons recently discontinued the practice of utilizing Collateral Duty EEO Counselors at each individual institution. However, the parties have not established the appropriate arrangement for the Full Time EEO Counselor, e.g., method to maintain confidentiality during the Counseling session, alternate contact procedures outside of duty hours, impact on P.S. 3713.21 (Full Time EEO Counselor's Role), etc. The agency has the right to use full time EEO Counselor pursuant to applicable EEO Statute. However, the issue would be that policy does not indicate the appropriate procedures to utilize contact and other related procedures. Program Statement 3713.21 Affirmative Action & Diversity Management must be changed to reflex the role of the full time EEO Counselor.

Remedy: Return to the Status Quo Ante, until negotiations has been completed pursuant to all applicable federal rules, laws and regulations.

Who: Mina Raskin, EEO; Don Laliberte, LLB

Resolution: A written response was provided to the union prior to the meeting (12/3)*. The union does not agree with the agency's respons. The agency stated that the agency did not discontinue the Collateral Duty EEO Counselors.

*In short, the agency stated that there has been no change in working conditions. Further, the agency asserts that Full-Time EEO Counselors were contemplated during the negotiations of P.S. 3713 in 2004/2005. Thus, the agency asserts it has no duty to bargain over this issue.

The union disagrees with the agency's position and will address this issue with the appropriate administrative remedy.

9. **UNION DUES**

The Consolidated Employee Services Center at Grand Prairie, Texas handles the human resource functions of Bureau of Prisons employees. Our collective bargaining agreement says that dues' deductions will begin no later than the second full pay period following receipt of a properly completed SF-1187. Prior to Grand Prairie, Union representatives would hand carry the 1187 to the in-house Human Resource Office (now the Employee Services Office) and they would promptly process the dues' allotment. Since the inception of Grand Prairie and the failure of the agency to negotiate any aspect of this consolidation of this department, the forms are now sent out there by Employee Services - where in many cases weeks and months go by without processing the 1187s. Hundreds, if not thousands of dollars in dues that would ordinarily be accumulating are lost. The CPL has evidence from a variety of Locals all over the country, much of it unsolicited, concerning lost or late dues deductions, ongoing incidents of delay in withholding dues for new members and redirecting dues for transferring employees.

Over the last several months, this has been addressed in LMR meetings. Tim Debolt has submitted two data requests, to which the agency have not responded. As you know, unreasonable delays in Union dues deductions are an unfair labor practice, even if inadvertent.

Who: Ann Scarpone, HRMD; LMR

Resolution: Deferred

10. Guest of the Union visiting the institution

It is the understanding of the Union that the Ethics Office and Phil Glover did a memorandum on the Union Guest visiting local institutions. The Union would like to revisit this Memorandum. This is base on a conversation that Dwayne Person, Md-Atlantic Regional Vice President had with Mrs. Hinkley and Sam (last name unknown) of the ethics office. Please keep in mind that the Union don't have a copy of said memorandum and would like a copy of any prior agreement of Union guest visiting local institutions.

Who: Yvonne Hinkson, Ethics; Don Laliberte, LLB

Resolution: Union endorsed organizations such as Benefits Architect may present information at union meeting or in the union office, but may not enroll or solicit staff on the site. The union may sponsor lunch-and-learns or other information sessions which staff may attend in their off-duty or break time and which may be held in a break time may be held in a staff lounge or other similar space. It is understood that neither Federal Employees nor the Bureau may sanction or endorse any product or service.

11. FCC Forrest City

Is extremely short of staff. They have had numerous medical staff quit or transfer. Medical staff are not being retained and there are no retention bonuses like Devans, FCC Yazoo City, etc. The staff in Forrest City are not being treated in the same manner as other similarly situated employees. The agency appears to continue to treat staff in a disparate manner and increased work load and staff shortage will lead to a medical disaster and law suits. The agency appears to want to replace bargaining unit positions with contract staff. This appears to be the main goal.

Who: Don Laliberte, LLB

Resolution: Deferred

12. FCI Oxford

a) The Oxford Executive staff have changed the Correctional Services scheduled annual leave roster without working with the Union or any negotiations. The Union has worked with management on this roster in years past without any issues. Now with the changes, the exclusion of the Union and reduction in of number of weeks all made by the Oxford Captain has resulted in numerous problems. The Captain made it clear to the Union he can do what he wants. The AW now admits they need to work out when it comes out again the following year. Too late for the mess that was created this year.

b) The Oxford Executive staff once again is changing the Correctional Services Rosters giving

LMR Quarterly Meeting - December 3,4, 2008 - Page 20 of 23

the Union only several days notice before the roster is put in place for the next quarter. The Oxford Captain once again is making numerous changes with total disregard for the Union.

c) The Oxford Captain also has stated they will start this quarter enforcing the 3-year rotation. The 3-year rotation has not ever been enforced there and now he wants to do it all in one quarter.

d) The Oxford Executive staff once again has issued numerous sick leave letters without notifying the Union. The Oxford Captain will not inform the Union of the criteria used. He will not allow the Union to be present when issuing the sick leave letters. He will not tell the Union the total number issued. The Oxford Captain informed staff they will be required to have doctors' slips and the Office of Internal Affairs will come in and start investigating staff who use sick leave if they fail to provide Doctors slips.

e) The Oxford Executive staff is abusing the Dispute Resolution Agreement. The Union has raised concerns about comments made by one of the Dispute Resolution Specialists in Oxford in regards to using the position to get around the Union. The Union has requested that he be removed. This has not been done after several months of saying they would remove the person the Union is not in agreement with. They are violating the original agreement put in place years ago. If the Union in the NCR no longer has any say in who is placed in this position, this program needs to be removed from the NCR.

Resolution for all these issue is simple, follow the master agreement, laws, and MOU and work with the Union, not against them.

Who: Christopher Wade, LMR

Resolution: Deferred

LMR Quarterly Meeting - December 3,4, 2008 - Page 21 of 23

13. FCI Milan

The Milan Executive staff has removed approximately 80 slots from the Correctional Services Scheduled Annual leave roster. The Milan Captain did this by informing the Local President of this change and stated he considered informing him in passing were negotiations. The Milan Executive staff made these changes to cover the Military Reservist training. They no longer have enough Scheduled annual leave weeks to cover all the Correctional Officers scheduled leave they are eligible for. Military orders are fluid and are always subject to change which will only create more problems in dealing with the leave schedule. Our Military should not be blamed because the Milan Executive staff have decided the Correctional Officers will not be scheduled the leave they are due because of the number of Officers serving in as Reservists in the Military. A grievance on this issue will be filed in Milan. But we are concerned it will be attempted in other institutions in the Region creating problems for our Military men and women. This is creating a hostile work environment for our Reservists.

Resolution, revert to previous scheduled annual leave rosters. Make is clear to the Executive staff at Milan that bringing an issue up to the Union President in passing is not considered negotiations.

Who: Christopher Wade, LMR

Resolution: Deferred

14. USP Terre Haute

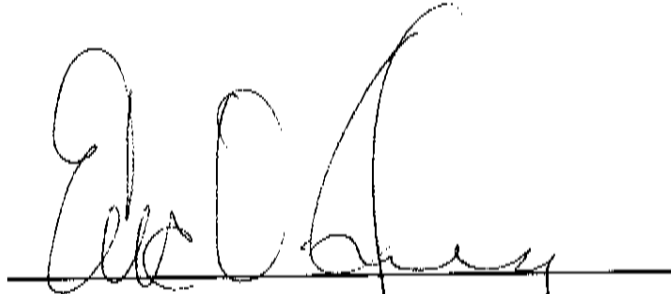
Management at USP Terre Haute has refused to assign two (2) extra compound officers on evening watch (daily) and two (2) extra compound officers on day watch (weekend and holidays) in accordance with a directive issued by the Director Harley Lappin. They do place

LMR Quarterly Meeting - December 3,4, 2008 - Page 22 of 23

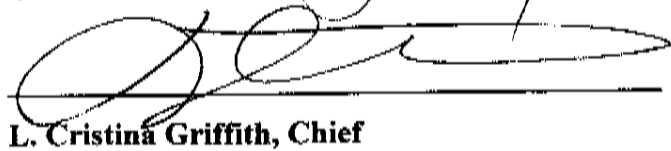
make his directives look like just a show of for staff safety WITH NO SUBSTANCE.

Who: Cristina Griffith, LMR

Resolution: Deferred



**Eric Young, Southeast Regional Vice-President
Council of Prison Locals**



**L. Cristina Griffith, Chief
Labor Management Relations & Employee Security Branch**