BP-S176.037 **FORMAL GRIEVANCE FORM** CDFRM MAY 94

U.S. DEPARTMENT OF JUSTICE **FEDERAL BUREAU OF PRISONS**

1. Grievant(s)	2. Duty Station
American Federation of Government Employees Council of Prison Locals CPL-33 Local #0306	LOW SECURITY CORRECTIONAL INSTITUTION ALLENWOOD PA
3. Representative of Grievant(s)	**4. Informal resolution attempted with (name Person)**
American Federation of Government Employees Council of Prison Locals CPL-33 Local #0306	Jerry Martinez, Warden LSCI Allenwood Dave Ebbert, Warden FCI Allenwood Richardo Martinez, Warden USP Allenwood

5. Federal Prison System Directive, Executive Order, or Statute violated:
5 USC 7106 (a) (1)
Master Agreement, Article 5, section a., (1)
Article 6, section b., (2), (3), & (6)
Article 27, section a.
Electronic Searches of Bureau of Prisons Staff Agreement, #1, paragraph 1 & 3
Any other statute, rule, or regulation germane to this issue

6. In what way were each of the above violated? Be specific.
The parties entered into an agreement in November 8, 2007 and subsequently implemented it's terms throughout the Bureau of Prisons' institutions which established procedures to be adhered to while conducting searches of staff entering each institution. On January 28, 2008, the Agency implemented procedural changes as outlined in a memorandum titled "Staff Entrance Procedures-Additional Guidance". The Agency changed the original procedure of having each staff member solely responsible to clear the metal detector, and, the screening officer contacting his/her supervisor if a staff member could not clear, to a new policy which has the screening officer apply a standard of 'reasonable assurance' which the Agency defines as a "decision making standard" that balances the need for safety & security with the need to in-process staff as quickly as possible. This new procedure requires of this non-supervisor screening officer a responsibility of " initially determining wether 'Reasonable Assurance' exists". Abdicating the authority to set an internal security practice (decision-making standard) to non-supervisory staff violates Management's right to determine it's internal security practices. In the parties' CBA, both sides agree that management will not relinquish it's rights under 5 USC 7106 while executing it's responsibility to keep the inherent risk of the correctional environment to it's lowest level. With the implementation of management's procedures in it's January 28, 2008 Additional Guidance memorandum, management has violated both. The application of the 'Reasonable Assurance' standard is a subjective, non-uniform standard, ever-changing with the assignment of each newly assigned officer, that fails to keep the inherent risk at it's lowest level in that it does ensure positive identification (and, thus, preclude it's introduction into the institution), of dangerous, security threatening contraband. Moreover, the application of this standard is discriminatory, in that it's application seems to be utilized in the majority of situations to pass female staff who's undergarments contain metal foundational pieces or fasteners. This standard allows female staff to be subject to less scrutiny while their male counterparts are not equally afforded consideration under this standard and thus are subject to a higher, more absolute, and un-excepted standard.

7. Date(s) of violation(s)

January 28, 2008 and continuous

8. Request remedy (i.e., what you want done)
Positively demonstrate statutory and contractual compliance through affirmative and immediate actions which would preclude any further violations of the afore mentioned directives by compelling the Agency to reclaim it's statutory obligation to determine it's own internal security procedures, direct management to re-assert the procedures as incorporated in the Electronic Searches of Bureau of Prisons Staff Agreement, rescind the Agency's procedures/requirements for the screening officer to make determinations on "Reasonable Assurance", require the Agency to review it's staff search policy as it is and/or will be implemented to identify any inequitable treatment of staff based on gender and take affirmative steps to remove those inequalities, and require the Agency to review it's staff search policy as it is and/or will be implemented to ensure that the inherent risk of the correctional environment is kept at it's lowest level possible while still preserving management's 5 USC 7106 rights.

Any other remedy deemed necessary and appropriate

9. Person with whom filed	10. Title
Jerry C. Martinez	Warden - LSCI Allenwood
11. Signature of recipient	**12.Date signed**

I hereby certify that efforts at informal resolution have been unsuccessful.

13.Signature of Grievant(s)	14. Signature of Representative
Edward J Rodarmel, President Local #0306 *for*	Edward J Rodarmel, President Local #0306

Record Copy - Agency; Copy - Union Local; Copy - Council of Prison Locals; Copy - Grievant