

*Labor Management Relations Quarterly Meeting
Brooklyn, NY*

October 15-17, 2003

Agenda Items: MANAGEMENT

1. **ISSUE:** FPI providing uniforms for uniformed staff

SME: Steve Schwalb, FPI

Resolution: There was a discussion concerning federal prison industries producing uniforms for staff. These would be distributed by an outside vendor. Nothing we (FPI) would do with regard to the uniform will impact the union and management's ability to change the uniform at some future date. The union indicated they would support this initiative provided management was willing to change the current uniform. Additionally, the uniform allowance as outlined in the master agreement will not be affected as a result of this initiative. Management and union agreed to a mutual goal date of October 1, 2004 for a new uniform and UNICOR to be the sole source for these uniforms. A workgroup will be formed next week with Cristina Griffith as the coordinator. Ideas will be exchanged starting over the next few months with a final in person meeting the week of January 18, 2004 in Washington, D.C. Final recommendations for the Executive Staff will be determined at that meeting.

2. **ISSUE:** Update on legislation affecting FPI

SME: Steve Schwalb, FPI

Resolution: Discussion item only.

3. **ISSUE:** Update on factory closings, reorganizations, etc.

SME: Steve Schwalb, FPI

Resolution: This was an informational briefing. Steve Schwalb discussed the status of reorganizations that were started last year but also discussed a more detailed review of the new changes that will be announced in mid-October in response to UNICOR's cost/cash controls initiative. UNICOR intends to provide the standard advance notice to Phil Glover and his regional VP's.

4. **ISSUE:** Update on FPI staff being used to supervise inmates temporarily laid in by FPI

SME: Steve Schwalb, FPI

Resolution: Discussion item only.

5. **ISSUE:** "LMR Meeting" during Master Agreement and policy negotiations

SME: Joe Chapin, LMR

Resolution: The union and management recognize the importance of Master Agreement and policy negotiations and will make an effort to reduce the amount of side bar meetings that occur during negotiations.

6. **ISSUE:** Unilateral dismissal of arbitrators

SME: Cristina Griffith, LMR

Resolution: Discussion item only.

7. **ISSUE:** Joint policy workgroups

SME: Joe Chapin, LMR

Resolution: Joe Chapin updated the union on a joint policy initiative and indicated there would be increased efforts at resolving policy issues through workgroups. The union reminded management that the policy

language agreed upon by the parties during the workgroup process may not be unilaterally changed by either party once it has been agreed to.

8. **ISSUE:** Attendance at policy negotiations for union officials

SME: Cristina Griffith, LMR

Resolution: Discussion item only.

9. **ISSUE:** Working together while protecting management's rights

SME: Joe Chapin, LMR

Resolution: Discussion about when either party exercises their rights under the statute, that this should not be a signal that we are not "working together."

10. **ISSUE:** ISM Mail survey at select institutions

SME: Joe Chapin, LMR

Resolution: Discussed union's concerns about the increased work created for ISM staff in counting the various types of mail. Agreed that local union and management can work out this issue at the local level and it is recommended that assistance from others be given to these staff, if needed, in carrying out this assignment once issues are resolved.

Agenda Items: UNION

1. **ISSUE:** Management at FCI Texarkana put Local 2459 on notice, that effective December 28,2003 they will no longer pay shift overlap overtime. Management is changing the portal regarding this issue. The union is asking for an explanation as to when staff are expected to respond, etc.

Who: SCR

SME: Tamara Chrisler, OGC

Resolution: The agency agreed that the discontinuance of overtime in this specific circumstance should not take place until procedures and arrangements bargaining has been concluded in accordance with appropriate laws, rules, and regulations.

2. **ISSUE:** Management has put staff on notice at the CCM Office in San Antonio, Texas, that they are going to be required to go through metal detectors and be subject to random search when reporting to work. The Union is requesting a full explanation, to include negotiated building contract and consideration of a separate entrance.

Who: SCR

SME: Tamara Chrisler, OGC

Resolution: Both parties agreed that although this is under the control of another agency, this does not preclude the parties from discussing it, in that there are work related issues involved. Mr. Chapin agreed to discuss this with appropriate management officials.

3. **ISSUE:** The Union is requesting clarification regarding Delco-Remi pulling their contract out of FCC Beaumont.

Who: SCR

SME: Joe Chapin, LMR and Steve Schwalb, FPI

Resolution: Delco-Remi pulled out of their contract because they lost their contract with their commercial customer.

4. **ISSUE:** Milan Issues: Lydell Tanner: discharged - no investigative report provided, only the captains memo on the "briefing" done by the FBI agent, no form A, no form B, no representation, no due process. Bill Melick, rigged investigation,(vital info left out), Unit manager flagrantly lied, triple jeopardy (lost 4.5 hours of pay without an awol finding, M/S on performance evaluation, and letter of reprimand, in that order) over sick leave procedure (they seem to think they can rewrite the master agreement. Dick Monahan, issued sick leave abuse letter no pattern, no 3 day absence, no nothing. We have grieved all of these and are refusing to attend LMR until these are resolved in a satisfactory manner. Also we are only asking that the managers be found guilty of gross abuse of authority so we can proceed to the courts and take their money.

Who: NCR

SME: Cristina Griffith, LMR

Resolution: Union withdrew prior to the meeting.

5. **ISSUE:** Greenville Issues: a. Warden refuses to ban all indoor smoking. Claims they are waiting on something to come from Central Office in November. b. Vehicles: FPC inmates get to drive the new ones. Staff have to drive the old ones. c. Denial of Official Time. Especially for handling grievances and researching new policy proposals. d. Inmate UA's have to be done in the STAFF bathroom. Management will not make appropriate arrangements. e. Roster adjusting Correctional Officers to Monday-Friday when they take scheduled annual leave. In other words, Custody only gets 5 days off; when a person who already works Monday-Friday gets 9 days off. (The weekend before and the weekend after).

Who: NCR

SME: Cristina Griffith, LMR

Resolution: Union withdrew prior to the meeting.

6. **ISSUE:** Sandstone Issues: a. Why can management waive a policy at the National Level without negotiating with the Council. The two policies in Sandstone are the Protective Custody Manual that states there will be two Counselors. This policy has been waived from Central Office and Regional Director Hershberger for 2 years. b. The VA training program that would allow Veterans hired under the VRA to collect some of there GI Bill money is non existent at FCI Sandstone. The Affirmative Action Committee has stated that this is not a local issue but a national one. We have new hires who would be able to get about another 6 or 7 hundred a month for 2 years from there own GI bill money.

Who: NCR

SME: Sheila Kiernan, HRMD

Resolution: Management agreed that if a waiver to policy changes working conditions of staff notification to the appropriate union official should take place prior to the actual implementation of the waiver. This does not apply to waiver authority specifically granted in a particular policy. It only applies to waivers as described in PS 1221.66 Directives Management Manual. Staff members interested in the Veterans OJT Benefit Program should contact the EDM at the appropriate level for eligibility and enrollment information. It is important that all Chief Executive Officers (1) thoroughly review all institution proposals submitted to the VBA, (2) ensure all proposals are enacted at the facility as prescribed and approved by the VBA, and (3) ensure all activities are completed and all hours are accurately documented prior to submitting final certification documents to the VBA.

7. **ISSUE:** USP Florence Issues: a. The Pilot program that is currently going on in all USP's canceling 309/323 transfers.

Who: NCR

SME: Joe Chapin, LMR

Resolution: The union is concerned about this being implemented without appropriate I & I bargaining. Management did not agree that this particular issue was negotiable. The union is concerned about the impact this pilot has on the safety of staff. Management agreed that the union at the appropriate level should be notified in accordance with the master agreement prior to the implementation of a pilot. The union requested information as to when the pilot will end.

8. **ISSUE:** The Union would like to discuss what strategy/approach the Agency is planning to bring the BOP into compliance with the "No fear Act". As of October 1, 2003. The Act will effect Program Statement 3713.17 Discrimination and Complaint Process, based on the provision of

the “No fear Act”. That mandates the discipline of a supervisors or managers that is found guilty of discrimination to a subordinate employee. The section is presently not mention as a mandate in PS 3713.17.

Who: OGC

SME: Tamara Chrisler, OGC

Resolution: Management and the union discussed the MD715 and the No Fear Act. Appropriate bargaining may occur in accordance with appropriate laws, regulations, and the master agreement in relation to any changes to policy.

9. **ISSUE:** The Council is requesting an overview regarding the pilot program being put into place, where the Agency will be paying full time EEO Counselors, and the effects, to include questions and answers.

Who: OGC

SME: Tamara Chrisler, OGC

Resolution: This issue was discussed and the union raised concerns regarding accessibility to counselors and implementing the pilot without notifying the union. The EEO officer and Mike Castelle will discuss these issues subsequent to the meeting.

10. **ISSUE:** It appears that we are starting to have some issues with OIA agents and representation. We seemed to have had this under control in previous years. We would like a discussion and reminder put out regarding the granting of representatives during investigative interviews.

Who: OGC

SME: Tamara Chrisler, OGC

Resolution: OIA training occurred in September where agents were reminded of an employee's rights under Weingarten during investigatory interviews. The union will monitor this issue and notify management of any concerns.

11. **ISSUE:** The Union would like to address the issue regarding remote access to our Bureau and UNICOR LAN System for the E-Board Members. This would give us any opportunity to review our institutional email, keep up with changes within or particular institution, without going inside the institution.

Who: IPPA

SME: Joe Chapin, LMR

Resolution: Provided that there are no computer security issues the agency agrees that the national E-Board may be granted remote access. The union agreed to provide necessary information to management to facilitate this.

12. **ISSUE:** Does management anticipate a continuing resolution? If so, if we lose funding levels, as we did last year, what program areas will be cut or eliminated?

Who: ADMIN

SME: Sheila Kiernan, HRMD

Resolution: A continuing resolution is currently taking place. If continued, some institutions will have delayed activations, but salary funding should remain at current levels. It is undetermined at this time what other program areas may be affected.

13. **ISSUE:** Please provide an update on the FPI factory reorganizations. Where are we at with staff assignments, inmate employment levels and work load?

Who: FPI

SME: Steve Schwalb, FPI

Resolution: See Management Issue #3.

14. **ISSUE:** The Union has a question concerning FEHB, why do employees have to stay with health insurance for a whole year before changing? If you have a poor health insurance provider or one that doesn't meet your specific needs why can't you cancel or change when needed?

Who: HRMD

SME: Sheila Kiernan, HRMD

Resolution: IRS tax rules on premium conversions prohibit canceling or changing coverage except during open season.

15. **ISSUE:** Why are employees charged with AWOL and loss of pay before an investigation is initiated and completed? In many cases, employees are charged with AWOL for de minimus periods of absence or tardiness, for the first occurrence or without previous warning or counseling.

Who: HRMD

SME: Sheila Kiernan, HRMD

Resolution: The union expressed their concern that employees should be placed in administrative leave status until the AWOL allegation is investigated. The agency is unwilling to pay staff for work not preformed under these circumstances. Both parties disagreed with regard to this issue.

16. **ISSUE:** What is the criteria used to determine sick leave abuse? For example, how far back is the employee's record reviewed, how many days or requests for sick leave warrant abuse, and over what period of time?

Who: HRMD

SME: Sheila Kiernan, HRMD

Resolution: The union expressed their continued concern regarding the issuance of sick leave abuse letters. Management reminded the union that a memorandum was sent to the field regarding this issue after the May 2003 LMR meeting. Management indicated each case has to be reviewed on its own merits. The union indicated that supervisors cannot automatically assume sick leave abuse because an audit was conducted on one's sick leave records. Supervisors need to be sensitive to what might have been going on in the employee's life at the time (major illness, family member illness, etc.).

17. **ISSUE:** Discussion of the Hatch Act. I believe some Wardens and at least one Regional Director are putting out that this legislative activity is against the Hatch Act. The Hatch Act is designed to control political activity on federal ground. You can't tell people to vote for a candidate. You can't put out political information. Also, you can't raise money for political candidates.

Who: OGC

SME: Tamara Chrisler

Resolution: This issue was discussed and was unable to be resolved at the table. The union and management are going to discuss further in the next couple of weeks.