

1. Grievant(s):

American Federation of Government Employees
Council of Prison Locals C-33

2. Duty Station:

Federal Bureau of Prisons (Nationwide)

3. Representative of Grievant(s):

Bryan Lowry

4. Informal resolution attempted with:

Cristina Griffith, Chief of Labor-Management Relations
Harley Lappin, Director, Federal Bureau of Prisons,
Whitney LeBlanc, Assistant Director,
ES, Gerry Maldonado, SCRD

5. Federal Prison system Directive, Executive Order, Statute violation:

Master Agreement, to include:

Article 3, Article 6, Section b.-6

Article 27, Section a., e. 5 USC, Chapter 7116 a.

6. In what way were each of the above violated? Be specific.

The Federal Bureau of Prisons has and continues to engage in a course of conduct that is detrimental to the safety and health of its employees by failing to reduce the inherent hazards to the lowest possible level as required. Specifically, the Agency has unilaterally created and implemented modified (SHU) Special Housing Unit's to include, but not limited to the following institutions: FCI-Three Rivers, FCI-Pollock, FCC-Victorville, USP-Lee, FCI-Otisville, FMC-Lexington, USP-Terre Haute, FMC-Carswell, FCC-Butner, USP-Hazleton, FCI-Herlong, MCC-San Diego, USP-Florence, USP-Atwater, FCC-Tallahassee, and USP-Lewisburg. These specific locations are only examples, this list does not include each specific location in which these modified/transitional units exist and were created to alleviate overcrowded SHU Operations. These Units also mirror in some regard (SMU) Special Management Units which were newly created to handle disruptive inmates and gangs. These modified Units house the same type of disruptive inmate normally placed in the Special Housing Unit which otherwise would pose a threat to the secure and orderly running of an institution. The Agency is violating National Policy regarding the unsafe operations and unsafe staffing ratio's of these specific units, based on the security threat the inmates in these units pose to staff and inmates alike. The Agency has placed its employee's in grave danger and has greatly raised their inherent hazards in accordance to the parties Master Agreement by changing working conditions that are unsound, and the operations in these modified/transitional units are not consistent with current (SHU) Special Housing Unit or (SMU) Special Management Unit Policies which were both negotiated with the Union. Implementation of these newly created units is a direct repudiation of current negotiated policies. These newly implemented procedures are also inconsistent from location to location. The Agency has failed to create written policy and procedures which fails to identify standards of staff and inmate accountability when assigned to these specific assignments and posts. The Agency has not proposed National Policy or Institutional Supplement changes to the Union in regards to these transitional/modified units. The Agency has also failed in most cases to change normal housing unit Post Orders to reflect the warranted security procedure and practice changes necessary to deal with disruptive and more aggressive inmates this unit houses. This irresponsible act by the Agency poses a potential threat not only to the safe and orderly running of the facility, but also places a vicarious liability on staff where sound correctional judgement could be the gage of lawsuits where serious bodily injury or loss of inmate lives occur. Lack of responsible planning, as well as implementation of procedural change that is inconsistent to current negotiated policy fails to provide staff a reasonable expectation of the standards of responsibility they will be held to while they are assigned in these modified/transitional units. This action is an abuse of authority, is considered a prohibited personnel practice, and places staff in a situation which could cause them serious bodily injury and/or loss of life. On February 4, 2009 the Union faxed a data request to the Agency regarding unilateral implementation of modified/transitional housing units in existence which has went unanswered at this time.

7. Date(s) of violation(s): Current/Ongoing

8. Request remedy (i.e., what you want done)

Immediate compliance with the Master Agreement, law, rule, and regulation. Immediate cease and desist of current unsafe operations. Negotiate over any changes in policies, practices, or procedures involving safe operations in accordance to current policy. Immediate order to safely staff these units in accordance with current Special Housing Unit and Special Management Unit policies and procedures. A posting of the decision regarding the Agency's unsafe action in violation of the parties Master Agreement which unilaterally raised inherent hazards regarding the safety of staff.

9. Person with whom filed:

Harley Lappin

10. Title:

Director, Federal Bureau of Prisons

11. Signature of recipient:

12. Date signed

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

13. Signature of Grievant(s):

AFCE / Council of Prison Locals

14. Signature of Representative:

[Handwritten Signature]

Record Copy - Agency; Copy - Union Local; Copy - Council of prison Locals; Copy - Grievant
(This form may be replicated via WP)

This form replaces BP 176(37) Dated October 1994