

***Labor Management Relations
Quarterly Meeting Minutes
Central Office, Washington, DC
February 21-22, 2018***

Participants

Agency

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Union

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August 10-11, 2016 Agenda Items
Agenda Items: UNION

1. Upward Mobility Plan

JL
Pursuant to Article 23 of the CBA, all institutions require an upward mobility program where announcements are geared to fill vacancies. Thus, the Union would like Management to identify the number of institutions who have and don't have an updated program. Once identified, the Union request instructions to be sent out to all CEO's to put such plan in place.

Resolution: On December 7, 2017, the acting Assistant Director of the Human Resource Division sent a memo to all CEOs reminding them of the Upward Mobility Program requirements. At that time, nearly all institutions had an Upward Mobility Program in place. Previously, this matter was discussed during video-teleconferences held on November 20, 2016 and February 23, 2017 with all Human Resource Administrators, advising them to ensure the institutions in their region have an Upward Mobility program in place.

CCU.

2. Use of Force

JR
The Agency has determined the failure to respond to an emergency (failure to use force) subjects' employees to disciplinary action pursuant to Program Statement 3420.11, Standards of Employee Conduct. The Union asserts such charge conflicts with Agency Policy, specifically Program Statement P5566.06, Use of Force and Application of Restraints, where the immediate use of force provides discretion. The Union believes the above referenced charge pertaining to the failure to use force, changes working conditions when it comes to exercising judgement.

Resolution: Institution staff are law enforcement officers and are required to respond immediately, effectively, and appropriately to all emergency situations, Staff are also required to adhere to the Use of Force and Application of Restraint Policy (PS 5566.06). The parties agree that this matter may be the subject of ongoing discussions.

November 29 – December 1, 2016 Agenda Items Agenda Items: UNION

1. Grand Prairie Red Flagging Applicants

JR
The Agency has added another layer to the promotion/selection process for job openings. Apparently, staff at Grand Prairie have been assigned to review applications for what appears to be lies, exaggerations, plagiarism etc. If these employees believe the applications fall within these categories, they are "Red Flagging" the applicant and unofficially sending the Warden and Associate Wardens an email, indicating that, even though they are on the record sending the application back as best qualified, they are off the record recommending not to hire/select the applicants, due to such belief. This process is not within policy and does not afford the employee a chance to defend himself of these allegations and is preventing them from being selected for the positions.

Resolution: Pending and continuing

2. Vouchers for Job selections/promotions

JR
The Agency's system of Vouchering is not based on accurate information and no clear procedures are being utilized to ensure a fair voucher system. The Agency is allowing managers to rate employees lower on the vouchers, then their evaluations reflect. An example is, the employee receives an Outstanding Evaluation for the year/quarter and then on the voucher for the same elements, like Communications, is checked Average. This issue was brought up and the Warden responded, that more training is needed on proper vouching procedures. The lack of procedures for proper vouchering, is harming employees across the Bureau.

Resolution: Pending and continuing

CCU

3. Performing the duties of a higher graded position

The Agency is not following procedures for promoting employees after 21 days, when they are performing the work of a higher graded position. An example is a WS-7 Gardener working as a WS-8 General Maintenance Foreman for more than 21 days is not being promoted as the policy dictates, or another example is assigning a GS-9 Counselor to perform the duties of a Unit Manager for more than 21 days and not being promoted and paid for the work. Also, another one they do at many places is have GS-8 Officers perform the work of a GS-9 lieutenant for more than 21 days and not pay them as well.

Resolution: Merit Promotion section of the Employment policy states that bargaining unit employees who are assigned to a higher graded position for three full weeks or more and who is qualified will be temporarily promoted without competition and will receive the rate of pay for the higher graded position effective the first day of the first full pay period of the assignment. Temporary promotions will not be made for less than three weeks. This does not apply to positions when rotation among assignments is part of a career development program.

March 14-16, 2017 Agenda Items

Agenda Items: UNION

1. Serving Warrants, Subpoenas or Arrest at Work Sites

On February 8, 2017, MDC Guaynabo, in conjunction with other law enforcement agencies effectuated an arrest of an employee on institution grounds. Despite the parties practice, the arrest continued at the Institution parking lot, failing to conform with the established appropriate arrangements. As you're fully aware, bargaining unit staff arrive to and leave from work possessing and storing their personal weapons on institution grounds. The arrest of this individual elevated the inherent hazards, contributing to a probability of revisiting the June 2006 tragedy of FCI Tallahassee. Thus, the Union request compliance with the established appropriate arrangements, or in the alternative, a directive to the Warden to negotiate procedures ensuring the appropriate arrangements pursuant to Article 6 Section (m) of the Master Agreement.

Resolution: Pending and continuing

2. Supervising Detained Employees

On February 8, 2017, the Agency authorized the detention of an employee at MDC Guaynabo. Pursuant to Policy, Statute and provision set forth in the Master Agreement, Management determined the area where the employee will be housed and staff assigned to supervise the detained officer. However, the employee alleged to be deprived from receiving essentials, medical attention, hot meals, recreation etc., placing staff in catch 22 situations. The Union request Management to acknowledge bargaining unit staff assigned to supervise the employee were not in the position to ensure and/or deprive the detained employee any of his rights under the law and policy.

Can.

Resolution: Pending and continuing

June 21-22, 2017 Agenda Items

Agenda Items: UNION

1. Workplace Violence Protections:

JK
The Occupation Safety and Health Administration (OSHA) has revealed several facilities to not have a comprehensive workplace violence prevention program, resulting in correctional staff being victimized suffering bites, contusions and abrasion injuries when interacting with inmates. Therefore, in the interest of workplace health and safety, the Union recommends pro-active steps to be undertaken to address workplace violence associated with supervising dangerous offenders in a correctional setting.

Resolution: Pending and continuing

2. OIA Referral Forms:

JK
Despite several sustained rulings, the agency continuously fails to include OIA Referral forms, investigative reports and supporting materials as part of an employee's investigative package, requiring FOIA and/or data request pursuant to the Statute. Notwithstanding third-party decisions, the form's and investigating reports as required, local HRM's continue to withhold information causing unnecessary delays in the disciplinary process.

Resolution: Pending and continuing

August 9-10, 2017 Agenda Items

Agenda Items: UNION

1. Disciplinary Investigations Union Officers:

JK
In instances where representatives are subjected to disciplinary investigations, the Agency fails to separate the protected activity and the actionable misconduct. Understanding the Agency controls most aspects of misconduct investigations, the flagrant misconduct standards which apply is non-existent in the Agency's referral forms, Form B, Investigative Report, letter proposing disciplinary action or letter informing staff of disciplinary action to be taken.

Resolution: Pending and continuing

Car.

2. Post Implementation Bargaining:

SR
Pursuant to Article 3 of the Master Agreement, proposed policy issuances will be subject to negotiations prior to implementation. Additionally, the parties contract states absent an overriding exigency, such proposed change and implementation will be postponed pending the outcome of negotiations. However, Management fails to address and/or inform the Union of any overriding exigency when deciding to impose and implement said changes prior to completing negotiations. Therefore, to further enhance positive labor management relations, Management must inform the Union the overriding exigency it faces to ensure appropriate negotiable proposals are submitted.

Resolution: Pending and continuing

3. Promotions & Transfers:

SR
Several CEO's have notified bargaining unit staff their promotions are being held in abeyance and/or withdrawn due to a hiring freeze. Understanding the hiring freeze has ended, the Union request a directive to be sent out to have CEO's comply with the promotions and transfers of bargaining unit employees.

Resolution: Pending and continuing

February 21-22, 2018 Agenda Items

Agenda Items: UNION

1. Administrative Leave Request:

SR
The parties' discussed the matter extensively, where Management is exploring options of lowering the level of approval for administrative leave due to adverse weather. As you're fully aware, on September 8 & 20, 2017, Hurricanes Irma and Maria provoked conditions where staff were unable to report to work. Staff were then instructed to request other leave to avoid disciplinary action pursuant to program statement 3420.11. As of this date, the Director of the Federal Bureau of Prisons (the approving official) has failed and/or refused to respond to request for administrative leave, a violation of Policy which impedes staff from exercising an appeal process.

Resolution: Pending and continuing


2. Workers Compensation Policy:

SR
The parties' discussed the matter extensively, where Management is exploring options of lowering the level of approval for administrative leave due to adverse weather. As you're fully aware, on September 8 & 20, 2017, Hurricanes Irma and Maria provoked conditions where staff were unable to report to work. Staff were then instructed to request other leave to avoid disciplinary action pursuant to program statement 3420.11. As of this date, the Director of the Federal Bureau of

Prisons (the approving official) has failed and/or refused to respond to request for administrative leave, a violation of Policy which impedes staff from exercising an appeal process.

Resolution: Pending and continuing


3. Official Credentials:

 Bureau identification cards or credentials are used by staff to verify Bureau employment for the purpose of explaining the eligibility to carry a concealed personal firearm under LEOSA. However, misinformation over the use of Bureau credentials and its association with LEOSA has been put out during an Ethics Slide Show at Annual Refresher Training. The Union request this misinformation to be rescinded, informing staff that such identification cards or credentials can be used to verify employment and explain the eligibility to carry a concealed personal protection firearm under LEOSA.

Resolution: Pending and continuing

4. Nationwide Staffing:

The Agency initiated processes directing Regional Directors to have Wardens identify unfilled positions at the institutions. It has been reported these unfilled and/or vacant positions are to be eliminated as a result of the BOP's proposed budget request by OMB and the administration. This means thousands of authorized positions nationwide will be gone, if enacted. Therefore, the Union would like to know the impact and/or effects this will have on current quarterly and daily rosters pursuant to Article 18 of the parties' Master Agreement?

 The Union also is requesting clarification as to whether modified operations will be implemented at some facilities due to the already stretched and thin workforce who are currently operating below mission critical levels in every department?

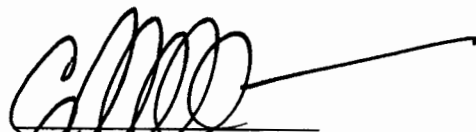
In addition, the Union is inquiring as to when the Agency is scheduled to formally notify the Council of this; and when it will inform the inmate population of these impending changes, changes which have an adverse effect onto staff and inmates at each institution, if and when this budget request goes into effect?

Resolution: There is no impact on the current quarterly and daily rosters. All rosters are prepared in accordance with the provisions of Article 18 of the Master Agreement. Modified operations, if any, will be in accordance with the Master Agreement and law.





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Christopher Wade
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