

***Labor Management Relations  
Quarterly Meeting Minutes  
Central Office, Washington, DC  
November 14-15, 2018***

***Participants***

**Agency**

*Christopher Wade  
Janice Humbertson  
Marqueta Andrews  
Beth Reese  
Tiffany Lee*

**Union**

*Jay Rivera  
Darrell Palmer  
William Boseman  
Robert Swanson  
Regina Warren  
Jorge Fermin  
Jeremy Jenkins  
Marco Sanchez  
Sandy Parr  
Ricardo Ramirez  
Don Drewitt*

**September 12-13, 2018 Agenda Items**

**Agenda Items: Agency**

**1. Uniform implementation date**

**November 29 – December 1, 2016 Agenda Items**

**Agenda Items: UNION**

**1. Grand Prairie Red Flagging Applicants**

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: The subject of this agenda item is currently pending litigation.***

## **2. Vouchers for Job selections/promotions**

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: The subject of this agenda item is currently pending litigation.***

## **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: The Union withdraws the Agenda as the parties resolved matter locally.***

### **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.

***Resolution: The Union withdraws the Agenda as the parties resolved matter locally.***

## **June 21-22, 2017 Agenda Items** **Agenda Items: UNION**

### **1. Workplace Violence Protections:**

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-actives 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:**

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:**

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 not to be taken.

***Resolution: Among other things, an Investigator considers whether the Union representative's actions fall within protected activity.***

## **2. Post Implementation Bargaining:**

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:**

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. Workers Compensation Policy:**

The Agency's Workers Compensation Policy is not being applied in Grand Prairie, MSTC, and Glynco. Agency Officials claim these places are not considered "institutions" as identified in Policy, preventing these areas to hold TAD or LLD meetings. Furthermore, these areas do not have Safety Departments and/or Safety Managers, whom per the policy is an involved member when it comes to reporting and following through with the Department of Labor.

***Resolution: Pending and continuing***

## **2. 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: This matter was resolved prior to the meeting. Staff may use credentials to prove Government employment and/or law enforcement status; e.g. in relation to carrying a personal weapon off duty consistent with LEOSA authorities. However, staff should not assert they are carrying personal weapons off duty in furtherance of BOP duties.*

## **May 30-31, 2018 Agenda Items** **Agenda Items: UNION**

### **1. Time Keeping System/Bypass National:**

On February 27, 2014, the Agency addressed WebTA, instructing all Chief Executive Officers to have timekeyers and supervisors utilize the system in the same manner used on the NFC T&A system STARWeb. In FMCS Case No. 16-52771-8, AFGE Local 0510 and BOP FCI Edgefield, the Agency bypassed the National Union by implementing a procedure contrary to the February 27, 2014 instructions, having all staff to utilize the system despite the understanding of the Council's mandatory involvement pursuant to the Master Agreement.

*Resolution: Pending and continuing*

### **2. Unit Management Case Loads:**

While the elimination of nation-wide positions has no impact on quarterly and daily rosters (See National LMR Resolution Item # 4), Agency officials have indicated Unit Team Case-loads may significantly increase despite the amount established at the National Level. To ensure compliance with the designated number of case-loads, Agency Policy and the parties rights established under the Statute and CBA, discussion and resolution is warranted.

*Resolution: Pending and continuing*

### **3. Second Hand Smoke K2:**

There has been a significant increase in the use of K2 among the inmate population, exposing staff

to second hand smoke causing nausea, headaches and other healthcare concerns. Despite this fact, local administrations refuse to furnish staff CA-1 forms for their OWCP claims.

*Resolution: Pending and continuing*

**September 12-13, 2018 Agenda Items**  
**Agenda Items: UNION**

**1. Primary Care Provider Teams:**

Several Institutions have ceased to enforce Primary Care Provider Teams (PCPT) pursuant to Policy. The Health Services Division replaced PCPT with Protocols which aren't geared to replace such provisions outlined in Patient Care. The Union expects the Agency to re-enforce Primary Care Provider Teams pursuant to Program Statement 6031.04, Patient Care.

*Resolution: Primary Care Provider Teams (PCPT) are required by Program Statement 6031.04, Patient Care. Each institution must develop a contingency plan to address staff shortages which may occur after implementation of PCPT. Consistent with policy, implementation of the contingency plan will be negotiated locally.*

*This information will be disseminated to local Health Services Department leadership.*

  
\_\_\_\_\_  
Jorge "Jay" Rivera  
SERVB - LMR Chair  
Council of Prison Locals

  
\_\_\_\_\_  
Christopher Wade  
Chief  
Labor Relations Office