

***Labor Management Relations
Quarterly Meeting Minutes
Central Office, Washington, DC
November 13-14, 2024
Participants***

Agency

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Union

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**New Business
November 13-14, 2024
Agenda Items: UNION**

1. Clarification on Internal Audit Process for Bargaining Unit Employees—The union would like clarification regarding the internal audit process as outlined in the memo sent to wardens on March 26, 2024. It has come to the unions attention that there may be some confusion regarding the roles of bargaining unit employees in relation to the new audit process, which was previously known as program reviews.

Bargaining unit employees should not be tasked with performing these management audits, as this responsibility falls squarely within the purview of management.

Resolution: The memorandum issued to Chief Executive Officers on March 26, 2024, provided interim guidance which adjusted timeframes, re-identified review areas for audit compliance, and changed nomenclature. Management clarified that in the memorandum, Program Reviews were generally replaced with Compliance Audits and Process Audits. Area Audits and Perpetual Audits generally replaced Operational Reviews.

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2. What protocols or procedures are required for staff hired at age 40 to maintain employment beyond age 57?

Resolution: Consistent with Title 5 U.S.C. §§ 8335 and 8425, the Director of the Bureau of Prisons may approve an exception to the maximum entry age for persons appointed to a law enforcement position preceding the applicant's 40th birthday. Any required age waiver for such an exception is approved by the Director prior to the employee's entry on duty. Those approved shall be separated from service on the last day of the month in which the law enforcement officer becomes 57 or completes 20 years of LEO service, whichever is later.

3. Uniform concerns: The Union has ongoing concerns with the color similarities between inmate uniforms and the new staff uniforms. This is not only a security concern, but a serious safety concern, especially in specific posts (i.e. center tower, mobile patrol) that need to make split-second determinations regarding the use of force. The ability to quickly discern between inmates and uniformed staff is essential in these situations. Additionally, inmates having access to fabric and material that is similar to that of uniformed staff potentially raises the likelihood of escape attempts by inmates, placing employees and the community in danger.

The Union was originally advised that the new uniforms would not be put in place at facilities until the inmate uniforms were first addressed at those particular facilities, but this has apparently been forgotten, and the Agency has moved forward with requiring the wearing of the new uniform across the agency, regardless of the existing safety concerns.

Resolution: The parties began discussion of this topic. However, due to time constraints, the matter has been deferred until the next session.

Old Business

September 4-5, 2024, Agenda Items

Agenda Items: AGENCY

1. The Agency would like to discuss Executive Order 14119—*Scaling and Expanding the Use of Registered Apprenticeships in Industries and the Federal Government and Promoting Labor-Management Forums*, as it pertains to labor-management relations.

Resolution: The Agency withdraws this agenda item. The Agency and the Union acknowledge this issue may be revisited at a future date.



Old Business
September 4-5, 2024, Agenda Items
Agenda Items: UNION

1. Wage Grade Surveys, FBOP and DCPAS Inter-Agency Communication—The Federal Bureau of Prisons relies on the work product of the Defense Civilian Personnel Advisory Services (DCPAS) to determine the pay level for WS employees in Construction and Maintenance, Inmate Trust Fund, Federal Prison Industries, and Food Service Departments. However, at the local level, it is often left to the Union to make contact with the nearest Military Installation to find when the next Wage Survey will be conducted.

The Union proposes that the FBOP assign a point-of-contact at the Central Office level to facilitate communication between DCPAS and FBOP facilities. The Central Office-level coordinator will notify institution wardens and local presidents when wage surveys will be conducted in their area. This open line of communication and timely information will allow local unions the opportunity to represent the bargaining unit employees affected by the wage surveys.

Resolution: The Union withdrew this agenda item.

2. Clarification of Signing MOUs—The Council is continuously being told from Presidents that their Wardens were instructed by Central Office to NOT sign any new MOU's. If they determine they must write a MOU, it has to go to Central Office for review prior to being signed. This is part of the reason why some of these policies aren't being negotiated locally with an institution supplement.

Resolution: The parties acknowledge there are specific reasons local parties may enter into a Memorandum of Understanding (MOU) in accordance with the Statute and the Master Agreement. The local parties may seek guidance from their national counterparts before and/or during negotiations.

3. Clarification of Signing Compress Work Schedules—The Council is continuously being told from Presidents that their Wardens are being instructed by Ethics Law Branch (ELB) to add language to compress schedules not agreed to locally. This issue was discussed previously in February 2024 LMR and (ELB) gives advice or guidance. The Council would like (ELB) to quit interjecting language in compress schedules that wasn't agreed upon locally.

Resolution: After beginning a discussion on this matter, the Agency requested to table is this issue until the next LMR Quarterly meeting.

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4. Fixing America's Surface Transportation Act or "FAST Act"—What is the status of the BOP's implementation of the FAST Act? Specifically, the Act authorizes the installation of EV charging stations for government and personal vehicles (with reimbursement). Guidance from DOE outlines the framework for implementation of these stations at government sites.

Resolution: According to the statute, an Executive Agency may request to install battery charging stations for privately-owned vehicles, to the extent it does not interfere with Federal vehicles. Such stations will incur fees to the individuals who use the stations in the amount necessary to cover all costs for installment, operation, and maintenance. As of November 14, 2024, the status cannot be determined.

5. Centralized Workers Compensation Unit—The Centralized Workers Compensation Unit were bargaining unit employees before transitioning to the new position. The Union would like to know why these positions aren't bargaining unit employees. These positions aren't supervisory positions, and they are performing the same duties as when they were working in the field.

Resolution: After beginning a discussion on this matter, the Union requested to table is this issue until the next LMR Quarterly meeting.

Old Business

April 24-25, 2024, Agenda Items

Agenda Items: UNION

1. Locals right to bargain on issues related to National Policy—In the December 2014 LMR session, the following resolution was agreed to under item "2. Local right to Bargain on issues related National Policy.": "Resolution: The parties agreed to insert the following language into national policies, when no Institution Supplement is required: Should local facilities make any changes outside the required changes in the national policy or establish any additional local procedures to implement the national policy, the local Union may invoke to negotiate procedures or appropriate arrangements." In multiple recent published policies, this language has been unilaterally altered by the Agency. The words "None needed." have been added at the beginning of the section during the post-negotiation review, and the policies have been published with this extra, unnegotiated language. The addition of the phrase "None needed." is causing confusion in the field. It is being interpreted by some local management officials and HRM's to mean that they are not obligated to bargain a Local Supplement (regardless of any additional changes in procedures being made locally). The phrase should be stricken from all current policies and should not be added to any future policies. The resolution from December 2014 should be adhered to by Management, unless the parties mutually agree to alter it in the future.

Resolution: Due to time constraints, this matter is deferred.

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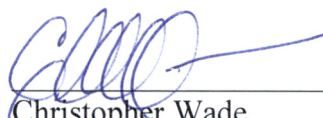
2. Bureau of Prisons Childcare Subsidy Program—Staffing continues to be a challenge for the Federal Bureau of Prisons despite the various recruitment and retention incentives offered at various locations within the agency. A central theme hampers those efforts, though, and that is the cost-of-living relative to employee compensation. Additional trends in the broader economy challenge the agencies’ efforts to recruit, but one of central importance is the affordability and availability of childcare. Other federal agencies and private industry have addressed this challenge through childcare subsidies for their employees, yet the Federal Bureau of Prisons has yet to take advantage of the Childcare Subsidy Program authorized through legislation passed in 2003 (5 CFR Part 792).

The union proposes that the agency implement a childcare subsidy program based on the pay level of employees at each location considering each area’s childcare costs by the beginning of FY 2026. The Childcare Subsidy Program does not define “low income” for the purposes of implementation; therefore, the agency is free to consider what constitutes “low income” for each institution based on the local economy. That determination should be made using readily available, third-party statistics reviewable by the union. The determination of “low income” should not arbitrarily be set by GS/GL pay level.

Resolution: According to the Statute and Federal regulation, an Executive Agency may use appropriated funds that are otherwise available for salaries and expenses to provide childcare for lower income employees. Currently, our Agency has not opted in for this program.



L.O. Davis
Southeast Regional Vice President
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Christopher Wade
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11/14/2024

