

***Labor Management Relations
Quarterly Meeting Minutes
Central Office, Washington, DC
November 13-14, 2019***

Participants

Agency

*Christopher Wade
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Union

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November 13-14, 2019 Agenda Items
Agenda Items: AGENCY

1. Discussion concerning Personnel Security Reporting Requirements for bargaining unit staff who have top secret clearances. (Previously placed on the May 30-31, 2018, LMR Quarterly Agenda.)

Resolution: The parties discussed the impact of Department of Justice (DOJ) policy, Department Personnel Security Reporting Requirements, 1700.04 on Bureau of Prisons' employees. Further discussion will continue at a later time.

2. Discussion of the First Step Act (FSA) Risk Assessment requirements for Unit Team/Case Managers.

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Agenda Items: AGENCY

1. Use of Cameras

It has been brought to the union's attention that management has implemented new procedures in monitoring staff performing their duties via direct use of the camera systems. The Agency has had significant staffing shortages, to include, but not limited to, leaving posts vacant. When posts in lock down units have been pulled/vacated this leaves staff to perform work shorthanded (rounds, showers, recreation, feeding, log books, cell moves, and other emergencies, while using sound correctional judgment) Lock down units have been an area of focus and concern throughout the BOP. Serious discussions needs to begin immediately regarding this national substantive change.

Resolution: Cameras continue to be used for the purpose of security in the institution. Guidance will be sent to all Wardens reminding them that quarterly training is required for all staff assigned to the special housing unit prior to the start of the new quarter. Training will include procedures to conduct and document 30 minute irregular rounds, to include deviations that may occur from normal rounds.

2. Synthetic Drugs (Contraband) Increase and exposures

There has been a significant increase in synthetic drug introduction/usage by inmates causing increased exposures to staff. Despite this fact, nationally no updated policies, procedures or better PPE has been issued to staff in the field. Union believes these are necessary to the field to keep all staff safe.

Resolution: Deferred

3. Sexual Harassment of Inmates ("Gunnings")

With the increase of inmate sexual harassment toward staff, specifically the self-exposure of genitals, which has resulted in two class action lawsuit settlements. The union believes the national approval of one-way windows or approved cover-ups in the lockdown units are warranted in areas where multiple exposures occur.

Resolution: Deferred

4. Dyslexia screening of our current inmate population

With the First Step Act requirements to screen inmates for dyslexia, Management of inmates with disabilities policy is being updated to cover new inmate arrivals in the BOP in their initial screening. However, it does not cover the procedures on how the agency will screen the already incarcerated inmates (entire BOP population). A plan and/or guidance needs to be put in place to minimize the impact on staff in the field.

Resolution: Deferred

5. Stab Resistant Vests

The implementation of stab resistant vests is approaching for staff. However the issuance of those vest have not been completed. In addition, the majority of the vests issued previously expire in January for all complexes and USPS. When will the remaining new vest be issued and what is the agency's plan to replace the expiring vest, timely.

Resolution: Deferred

May 1-2, 2019 Agenda Items
Agenda Items: UNION

1. Fitness for Duty BOP Form:

Resolution: Deferred

2. Reasonable Accommodation/Committee & Central Office Coordinator:

The council has been informed that all reasonable accommodation requests, when sent to central office are being reviewed by a committee in central office. This committee includes HRMD, the NRAC and health services. This committee is not within the Policy. In accordance with article 10 of the MA a seat on that committee should be filled with someone from the Union.

With regard to the reasonable accommodation request process per the policy, it is the NRAC's job to assist locations in the field with RA's. The local HRM should be making all decisions in regard to RA's and only should be reaching out to the NRAC for guidance or assistance. Why are all reasonable accommodation requests being required to be sent to central office NRAC?

Resolution: Deferred

3. Administrative Leave Request:

The parties agreed all administrative leave request for hazardous weather conditions are governed by Article 19, Annual Leave and Program Statement 3630.02, Leave and Benefits. Since October 2018, Administrative Leave requests for victims of Hurricane Michael have not received a response from the Director of the BOP pursuant to the Contract and Policy.

Resolution: Deferred

4. Stalking Charges:

The agency has asserted in order to sustain (code 225) stalking, the inmate must first be warned in writing. Pennsylvania Statute Title 18 Pa C.S.A. Crimes and Offenses 2709.1 Stalking requires a "Course of Conduct". A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The Bureau of Prisons has the legal authority to enforce state law under 18 U.S.C. 13. There is no legal basis or rationale for the Bureau of Prisons to essentially create a legal threshold above any state law while creating a standard that is prohibitive of a successful prosecution. It is pertinent to note that 18 U.S.C. 2261A Stalking does not require any written advanced notice/warning of this illicit behavior. The primary focus should be to reduce the inherent risk to all employees of the predatory behavior of high-risk offenders. As a solution, the Union request the elimination of an unnecessary requirement of a written notice/warning during the adjudication process of a sustained charge of stalking (Code 225).

Resolution: Deferred

5. CBD Oil Usage:

With the arrival of this new product, a number of legal and technical questions have arose. It is the understanding that CBD Oil is used primarily for chronic pain management and chronic seizure disorders. The preliminary findings are that CBD Oil is resulting in a substantial reduction in debilitating seizures as well as drastically curtailing a patient's reliance on opioid class pain management prescriptions. It is understood that the ingredient THC is extracted during the production of CBD Oil. The following questions/clarifications are requested:

- Being devoid of the psychoactive component THC, can an employee of the BOP legally consume CBD Oil remedies?
- If yes, does the BOP require a prescription for this product or similar products?
- If no, what exceptions does the BOP extend to those employees that must administer like products to debilitated/chronically ill family members?
- What measures does the BOP require for an employee to protect themselves from a false positive UA?

Resolution: Deferred

6. Disciplinary Investigations of Union Officers:

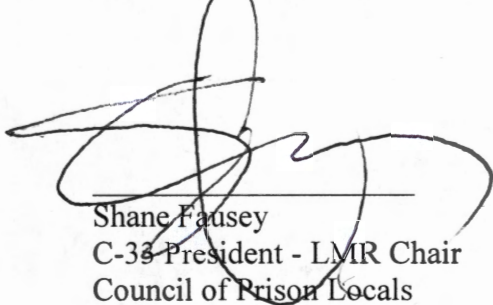
Pursuant to the November 15, 2018 resolution, agency investigators consider whether a Union representative's actions fall within protected activity. In order to determine whether an investigator addressed, considered or failed to consider the standard, an investigative report is needed. However, request for such report are being denied.

Resolution: Deferred

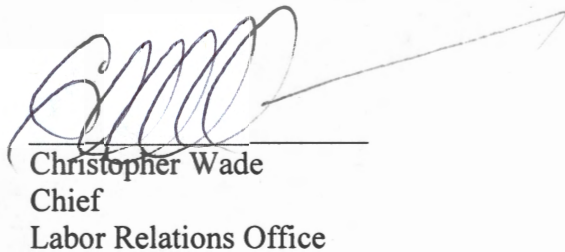
7. Reentry Affairs Coordinators:

Currently, a memorandum provides clarification on the role and function of Reentry Affairs Coordinators. Despite the instructions, Reentry Affairs Coordinators are being reprogrammed.

Resolution: Deferred



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Council of Prison Locals



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