

***Labor Management Relations
Quarterly Meeting Minutes
Central Office, Washington, DC
September 18-19, 2019***

Participants

Agency

*Christopher Wade
Janice Humbertson
Marqueta Andrews
Matt Mangold
Michael Dunkle
Sylvie Cohen
Steve Meier
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Union

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Brian Mueller
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September 18-19, 2019 Agenda Items
Agenda Items: AGENCY

1. Expanding WebTA to all employees to utilize for requesting leave, entering work hours, and affirming their time is correct

Resolution: The parties discussed WebTA. WebTA is a web-based Time and Attendance (T&A) system. It is designed to automate and manage the (T&A) process more efficiently. Employees will have the ability to view, validate and print their T&As thereby saving timekeyers valuable time wasted by providing paper copies to employees. Allowing employees to access WebTA will support the Government wide initiative to reduce the amount of paper being utilized by maintaining historical data within the application.

The parties at local facilities are encouraged to explore the advantages of, and implementation

of WebTA in smaller departments. Employees may voluntarily participate, after proper training is completed. Prior to mandating the use of WebTA nationally for bargaining unit employees, the Council of Prison Locals will be notified, per the Master Agreement.

2. Expanding to all employees the Employee Personal Page (EPP), a web-based application that provides employees self-service to their personal information

Resolution: The parties engaged in an extensive discussion about Employee Personal Page (EPP). EPP is a Web-based application that provides employees self-service access to their personal information. EPP provides the user with the ability to view and make changes to their salary and benefit information without having to submit change requests to their Servicing Human Resource Office. All employees are encouraged to use EPP. A sample page of EPP can be found under Employee Resources tab, myEPP Official Website to assist an employee with becoming familiar with the Web-based application.

When staff have questions or issues with this web-based program, the servicing Human Resource Office will assist the employees.

Currently, the use of EPP is mandated for only non-bargaining unit employees. Prior to mandating its use for bargaining unit employees, the Council of Prison Locals will be notified, per the Master Agreement.

3. Using the PIV (Personal Identity Verification) cards for digital signature (s)

Resolution: A demonstration of the digital signature process was provided. BOP encourages all staff to use the PIV card as a means to digitally sign electronic documents. This is not mandatory, it is another tool to make the task of signing electronic documents easier and faster rather than manually signing documents. This helps the BOP comply with the Paperwork Reduction Act. Instructions on how to digitally sign will be posted on Sallyport.


June 21-22, 2017 Agenda Items

Agenda Items: UNION

1. OIA Referral Forms:

Despite several sustained rulings, the agency continuously fails to include copies of OIA referral forms, investigative reports and supporting materials as part of an employee's investigative package, requiring either FOIA and/or Data Request pursuant to the Statute. Notwithstanding third party decisions, the provisions set forth in the Master Agreement and Agency Policy, the agency continues to withhold this information during the disciplinary process.

Resolution: The parties engaged in a discussion of this matter. The parties understand that referrals for misconduct arise from any number of sources, and there may not be a local

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referral form connected to every sustained investigation. That said, the parties agree that local institutions may include the local referral form along with the material relied upon to support the reasons for the action given in the notice during the disciplinary process.

August 9-10, 2017 Agenda Items

Agenda Items: UNION

1. 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: Because the Attorney General lifted the hiring freeze for Department of Justice components, there is currently no hiring freeze in effect. All promotions and transfers are being processed in accordance with BOP policy, rules, and regulations.

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.

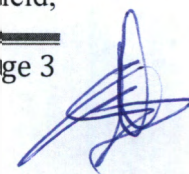
Resolution: The parties discussed this matter. Within 30 days of this meeting, the management chairperson will provide to Union Vice-President (MXR) proposed resolution language.

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,

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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: The local parties at FCI Edgefield entered into a settlement agreement in FMCS 16-52771-8. The settlement agreement was reviewed and no bypass was noted. The Union therefore withdraws this agenda item.

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: The August 2010 LMR minutes only represented a "model" for Unit Management caseloads. The parties recognize that staffing is an area of concern throughout the Bureau. Currently, there are several initiatives being considered to improve staffing.

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: Any staff member who has a workplace exposure/injury, to include K2 exposure, can be provided a CA-1 consistent with The Workers' Compensations Policy (PS 1601.05). Employees can also get a copy of the CA-1 by searching on the internet by putting in the key words: "CA-1, DOL." Employees can also file a workers' compensation claim through the ECOMP (DOL's portal) without the need for a hard copy of the CA-1 form.

May 1-2, 2019 Agenda Items

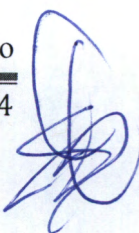
Agenda Items: UNION

1. Fitness for Duty BOP Form:

2. Reasonable Accommodation/Committee & Central Office Coordinator:

The council has been informed that all reasonable accommodation request 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 job to

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assist locations in the field with RA's. The local HRM should be making all decisions in regards to RA's and only should be reaching out to the NRAC for guidance or assist. Why are all reasonable accommodation request being required to be sent to central office NRAC?

Resolution: Deferred

3. National LMR Minutes & Binding Resolutions:

Agency reps in field stating national LMR minutes/agreements are not binding.

Resolution: The parties agree that national agreements between the parties are binding.

4. 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

5. 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: The parties discussed this matter and were not able to agree on a resolution at this time. The management chairperson agrees to provide to Union chairperson updated information on this matter, if any, within 30 days of this meeting.

If there is no mutually agreed upon resolution with this issue, the parties agree to further discuss this in the next LMR meeting.

6. 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

7. Disciplinary Investigations of Union Officers:

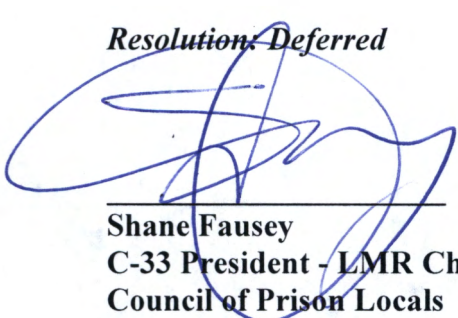
Pursuant to the November 15, 2018 resolution, agency investigators consider whether a Union representative's actions fall within protected activity. In order to determine whether an investigator addressed, considered or failed to consider the standard, an investigative report is needed. However, request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

Resolution: Deferred

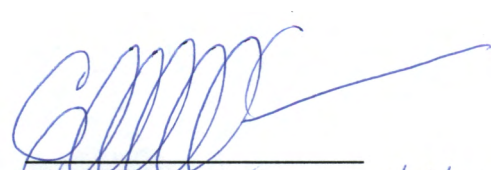
8. Reentry Affairs Coordinators:

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



Shane Fausey
C-33 President - LMR Chair
Council of Prison Locals



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09/19/2019