



UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

FEDERAL BUREAU OF PRISONS
METROPOLITAN DETENTION CENTER
LOS ANGELES, CALIFORNIA

-Respondent

-and-

Case Nos. SF-CA-13-0661 and SF-CA-14-0191

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 4038, AFL-CIO
-Charging Party

SETTLEMENT AGREEMENT

The undersigned Agency and the undersigned Charging Party in settlement of the above matter, and subject to the approval of the Regional Director on behalf of the Federal Labor Relations Authority, **HEREBY AGREE AS FOLLOWS:**

POSTING OF NOTICE - The attached Notice to All Employees will be signed by the Warden. The Agency will post copies of the Notice in conspicuous places, including all bulletin boards and other places where notices to employees are customarily posted throughout the Metropolitan Detention Center – Los Angeles (MDC LA), for a period of at least sixty (60) days from the date of posting. The Notice will also be sent electronically to all employees of MDC LA who are represented by AFGE, Local 4038, AFL-CIO. The email transmitting the Notice will contain the following language: We are distributing the attached Notice to Employees to you pursuant to a Settlement Agreement approved by the San Francisco Regional Director of the Federal Labor Relations Authority in Case Nos. SF-CA-13-0661 and SF-CA-14-0191.

OTHER ACTION TO BE TAKEN – MDC LA will reinstate augmentation rosters for firearms and annual refresher training. MDC LA will also make whole any bargaining unit employee who was affected by the change in past practice relating to procedures for augmentation of the correctional services rosters for firearms and annual refresher training. This includes:

- 1) Restoring any leave that any bargaining unit employee was forced to use in October 2013 and/or from January 27, 2014 through February 28, 2014 during firearms or annual refresher training as a result of the changes in augmentation procedures; and
- 2) Compensating any bargaining unit employee for loss of pay, specifically night differential and Sunday premium pay incurred in October 2013 and/or from January 27, 2014 through February 28, 2014 as a result of the changes in augmentation procedures.

COMPLIANCE WITH NOTICE - The Agency will comply with all the terms and provisions of the Notice.



NOTICE TO ALL EMPLOYEES

POSTED PURSUANT TO A SETTLEMENT AGREEMENT
APPROVED BY A REGIONAL DIRECTOR OF THE
FEDERAL LABOR RELATIONS AUTHORITY

In October 2013 and January 2014, the Federal Bureau of Prison, Metropolitan Detention Center, Los Angeles, California (BOP), implemented changes to the procedures for augmentation of correctional service rosters during firearms and annual refresher training, respectively, for certain employees represented by AFGE, Local 4038, AFL-CIO.

In recognition of our obligations under the Federal Service Labor-Management Relations Statute, we agree that:

WE WILL NOT change conditions of employment of bargaining unit employees represented by AFGE by implementing changes to the procedures for augmentation of correctional service rosters during firearms and annual refresher training, without providing AFGE with advance notice and an opportunity to bargain to the extent required by the Statute.

WE WILL NOT in any like or related manner, interfere with, restrain, or coerce our employees in the exercise of their rights assured by the Statute.

WE WILL rescind the changes to the procedures for augmentation of rosters during firearms and annual refresher training implemented in October 2013 and January 2014. **WE WILL** return to the *status quo* and reinstate augmentation rosters for firearms and annual refresher training.

WE WILL restore any leave that any bargaining unit employee was forced to use in October 2013 and/or from January 27, 2014 through February 28, 2014 during firearms or annual refresher training as a result of the changes in augmentation procedures. **WE WILL** compensate any bargaining unit employee for loss of pay, specifically night differential and Sunday premium pay incurred in October 2013 and/or from January 27, 2014 through February 28, 2014 as a result of the changes in augmentation procedures.

WE WILL provide AFGE with notice and an opportunity to bargain to the full extent of the Statute before making any future changes to the procedures for augmentation of rosters during firearms and annual refresher training.

FEDERAL BUREAU OF PRISONS, METROPOLITAN DETENTION CENTER

LOS ANGELES, CALIFORNIA

(Agency or Activity)

Dated: 7/9/14

By

Warden, Metropolitan Detention Center

THIS IS AN OFFICIAL NOTICE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING, AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL.

If employees have any question concerning this Notice or compliance with its provisions, they may communicate directly with the Regional Director for the Federal Labor Relations Authority whose address is:

REFUSAL TO ISSUE COMPLAINT - In the event the Charging Party fails or refuses to become a party to this Agreement, and if the Regional Director concludes that it will effectuate the policies of Chapter 71 of Title 5 of the U.S.C., she shall decline to issue a Complaint herein and this Agreement shall be between the Agency and the undersigned Regional Director. A review of such action may be obtained pursuant to Section 2423.12(b)(2) of the Regulations of the Federal Labor Relations Authority if an appeal is filed within twenty-five (25) days thereof. This Agreement is contingent upon the General Counsel sustaining the Regional Director's action in the event of an appeal. Approval of this Agreement by the Regional Director shall constitute withdrawal of any Complaint(s) and Notice of Hearing heretofore issued in this case.

PERFORMANCE - Performance by the Agency of the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director or, in the event the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Agency of advice that no appeal has been filed or that the General Counsel has sustained the Regional Director.

NOTIFICATION OF COMPLIANCE - The undersigned parties to this Agreement will notify the Regional Director in writing what steps the Agency has taken to comply herewith. Such notification shall be made within ten (10) days, and again after sixty (60) days, from the date of the approval of this Agreement, or, in the event the Charging Party does not enter into this Agreement, after the receipt of advice that no appeal has been filed or that the General Counsel has sustained the Regional Director.

COMPLIANCE WITH SETTLEMENT AGREEMENT - Contingent upon compliance with the terms and provisions hereof, no further action shall be taken in the above case.

FEDERAL BUREAU OF PRISONS
METROPOLITAN DETENTION CENTER
LOS ANGELES, CALIFORNIA
Respondent

By: D. Skinn

Date: 7/9/14

[Signature]
Signature

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, LOCAL 4038, AFL-CIO
Charging Party

By: Rhonda Wilson, Treasurer

Date: 7/8/14

[Signature]
Signature

Approved: _____
Date

Regional Director