

***Labor Management Relations  
Quarterly Meeting Minutes  
Central Office, Washington, DC  
October 12-13, 2022***

***Participants***

**Agency**

*Christopher Wade  
Chung-Hi Yoder  
Marqueta Andrews  
Loneryl Burns  
Sylvie Cohen  
Lisa Gradiska*

**Union**

*Brandy Moore  
Shane Fausey  
William Boseman  
Rick Heldreth  
Brian Mueller  
Robert Freeman  
Clinton Freeman  
Richard Hernandez  
Terrence Windham*

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

**1. Fitness for Duty BOP Form:**

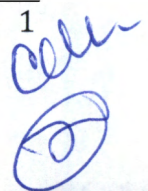
***Resolution: An email will be sent to all human resources departments regarding employee requests for medical information (RMI) and temporary job modifications (TJM). It will remind HR staff of the processes and parameters for handling such requests and that human resource staff may seek guidance from the National Reasonable Accommodation Coordinator on job modification requests as needed.***

**April 20-21, 2022 Agenda Items**  
**Agenda Items: UNION**

**1. LWOP Request Procedures:**

Currently you must be on L WOP in order to get COP however, several institutions are requiring individuals to exhaust all leave prior to approving LWOP.

***Resolution: Deferred***



**August 31- September 1, 2022 Agenda Items**  
**Agenda Items: UNION**

**1. EO 14003**

This Executive Order has not been honored. The Agency has recently received guidance from the AG as well as FLRA in regards to this Executive Order, but still has not complied with this guidance.

*Resolution: The parties engaged in an extensive discussion on this agenda item. Section 4 of Executive Order 14003, titled Protecting the Federal Workforce (EO), provides “[t]he head of each agency subject to the provisions of chapter 71 of title 5, United States Code, shall elect to negotiate over the subjects set forth in 5 U.S.C. §7106(b)(1) and shall instruct subordinate officials to do the same.” Section 7(b) goes on to state, “[t]his order shall be implemented consistent with applicable law and subject to the availability of appropriations.”*

*It is Management’s position that the statutory requirements that trigger bargaining have not changed. When bargaining is properly triggered and prior to implementation of any policies, practices, or procedures, Management will continue to comply with the EO, 5 U.S.C. Chapter 71, and other applicable laws, regulations, and precedents. This was previously explained to the Union in a letter dated March 19, 2021.*

*It is the Union’s position that the FLRA has determined 5 U.S.C. 7106(b) is an exception to subsection (a). If a proposal is electively bargainable under Section 7106(b)(1), then the Authority will not address contentions that the proposal also affects the exercise of management’s authority under 7106(a). National Association of Government Employees, Local R5-184 and VA Medical Center, Lexington, KY, 51 FLRA 386 (1995). And, the FLRA in 61 FLRA 854 states that staffing levels are permissive subjects of bargaining, and agreements on such matter are enforceable in arbitration. The Union believes the Agency is not complying with the current EO. The Union believes OPM should be contacted to advise the parties.*

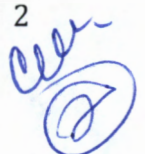
**2. UFMS**

We continue to have issues with the new UFMS program, lack of training, and we continue to have staff who are not being issued uniform/boot allowances in a timely manner.

*Resolution: The parties engaged in a lengthy discussion about delayed travel payments and uniform/boot allowances. The parties deferred this matter.*

**3. Technical Manuals**

An enormous amount of information/direction is being pushed out through technical manuals



that has not been negotiated

*Resolution: Deferred*

#### **4. MAT Program**

It has been identified that medication is being issued through this program, however, protocols for this program are not being followed.

*Resolution: Deferred*

### **October 12-13, 2022 Agenda Items** **Agenda Items: UNION**

#### **1. Non-Residential RDAP Program numbers**

What is the case load for DTS and Non-res DTS?

*Resolution: Deferred*

#### **2. BOP Safe Harbor Guidance/Contract on Sallyport**

Who authorized this to be placed on Sallyport, and does the agency not feel this violates the rights of the employee?

*Resolution: Deferred*

#### **3. CTO Training**

There are many misinformation's being disseminated such as clothing allowance info, automatic GL10s, etc.

*Resolution: Deferred*

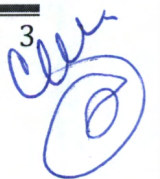
#### **4. 2021 HSD Guidelines**

There is currently guidance in the field indicating staffing numbers have changed.

*Resolution: Deferred*

#### **5. Correctional Officer PD**

New verbiage has been added..."well-being, civil liberties, and property which cannot be reviewed prior to implementation," and which may subject the decision-maker to legal liabilities, including personal sanctions.





*Resolution: Deferred*

**6. Roster Program**

Can this program be utilized for departments other than custody?

*Resolution: Deferred*

**7. In the FY2022 Omnibus, dated March 15, 2022. The agency was required to provide the below information (bold) to the Appropriations Committee:**

**Overtime Pay Rate. -BOP shall report to the Committees not later than 90 days after the date of enactment of this Act on its application of the Fair Labor Standards Act (FLSA) in determining the rate of overtime pay for BOP employees. The report should break out how many employees, on an annual basis, are paid at a non-FLSA rate; the rationale for making such distinctions; and the potential, along with any cost implications, of compensating all employee overtime at a full FLSA overtime rate.**

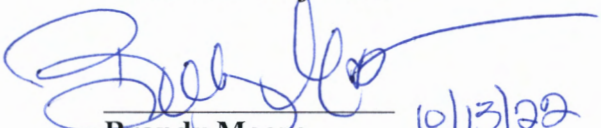
The Union would like to be provided the information that was submitted to the Appropriations Committee. This information has been submitted and is needed for review and for discussion with the agency on how it impacts BU employees.

The Union would like to discuss why certain BU positions, within the FBOP, are FLSA exempt while others are not.

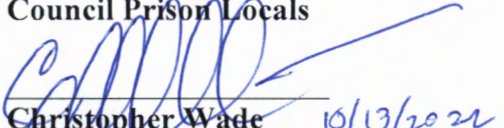
The Union would like to discuss why certain BU positions are FLSA exempt at some institutions, but the same positions are non-exempt at other institutions.

The Union would like an answer on the following: Is the Central Office interfering with Regional and Local settlements, in regard to FLSA grievances?

*Resolution: Deferred*

  
10/13/22

**Brandy Moore**  
**National Secretary/Treasurer**  
**Chairperson**  
**Council Prison Locals**

  
10/13/2022

**Christopher Wade**  
**Chief**  
**Chairperson**  
**Labor Relations Office**

