

***Labor Management Relations  
Quarterly Meeting Minutes  
Central Office, Washington, DC  
February 9-10, 2022***

***Participants***

**Agency**

*Christopher Wade  
Chung-Hi Yoder  
Marqueta Andrews  
Kevin Hood  
Lisa Gradiska  
Beth Reese  
Heidy Baez-Patino  
Sylvie Cohen  
Tiffany Sion*

**Union**

*Brandy Moore  
William Boseman  
Jeremy Jenkins  
Brian Mueller  
Louis O. Davis  
Justin Tarovisky  
Richard Hernandez  
Roderick Koeppen  
Rhonda Barnwell  
Jonathan LeBlanc*

**November 13-14, 2019 Agenda Items**  
**Agenda Items: UNION**

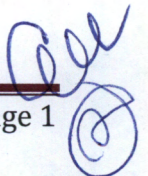
**1. Synthetic Drugs (Contraband) Increase and exposures**

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***

**2. Sexual Harassment by Inmates (“Gunnars”)**

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: The parties discussed the matter, but could not reach a resolution. While the issue remains unresolved, the parties will continue to work to seek an amicable resolution.***

**3. 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: This matter has been addressed with the publishing of Program Statement 5200.06, Management of Inmates With Disabilities and Program Statement 5400.01, First Step Act Needs Assessment.***

**4. 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: On May 1, 2020, the Agency signed a one-year contract with three vendors for stab resistant vests and carrying bags. On April 27, 2021, the Agency renewed the referenced contract for an additional year.***

***Beginning October 1, 2021, all staff who have been issued a stab resistant vest with an impending warranty expiration receive an automated email providing instructions on reordering.***

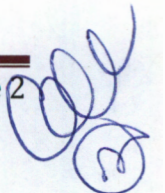
**May 1-2, 2019 Agenda Items**  
**Agenda Items: UNION**

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

***Resolution: The parties began an extensive discussion on this matter and will defer to the next meeting.***

**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: Issue resolved prior to meeting.***

### **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: This matter was resolved prior to the meeting.***

### **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:** *After discussion, the union withdrew this item. The agency will issue an updated memo regarding marijuana, synthetic marijuana, and CBD Oil use.*

#### **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:** *The November 18, 2018 resolution provides "Among other things, an Investigator considers whether the Union representative's actions fall within protected activity." An investigative report contains findings of fact and not legal analysis. Consistent with applicable law, rule, and regulation, the union may request a copy of finalized investigative reports pursuant to 5 USC 7114(b)(4).*

#### **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:** *This item is being addressed outside this forum.*

## **February 9-10, 2022 Agenda Items** **Agenda Items: UNION**

### **1. Man Down Radios:**

(Request complete list of all facilities and who have/do not have upgraded man down radios. For the facilities that do not currently have them, what are the scheduled dates for upgrades to be completed). Which institutions still do not have these radios and what are we doing to address it?

**Resolution:** *Deferred*

### **2. FLETC:**

All things in regards to COVID: vax vs unvax time frames, location, treatment, allowed to travel off site, and firearms being conducted at the local level.

***Resolution: Deferred***

**3. Retirees NCIC clearances/access:**

During COVID both National Reps were denied access into prisons to conduct arbitrations. With that one indicated a NCIC clearance had to be completed.

***Resolution: Deferred***

**4. Weather and Safety Leave:**

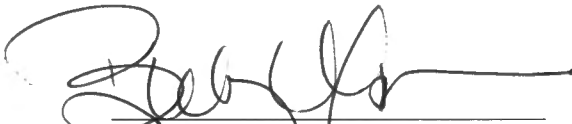
We have several big arbitrations pending in regards to the inconsistency of granting/distributing weather and safety leave.


***Resolution: Deferred***

**5. ICT Phase 1 week 3:**

Has this been rolled out? What direction was given to the field. We are having a lot of questions from the field regarding this.

***Resolution: Deferred***

  
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**Brandy Moore**  
**National Secretary/LMR Chair**  
**Council Prison Locals**

  
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**Christopher Wade** 02/10/2022  
**Chief**  
**Labor Relations Office**

