

***Labor Management Relations
Quarterly Meeting Minutes
Central Office, Washington, DC
September 6-7, 2023***

Participants

Agency

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Doug Goldring
Jenniffer Hinton
Marqueta Andrews
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John Weeks
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Union

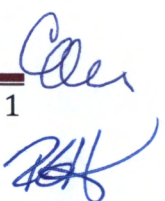
*Brandy Moore White
William Boseman
Steve Markle
Richard Heldreth
Francis Bailey
Louis Davis
Joshua Lepird
William Axford
John Kostelnik
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October 12-13, 2022, Agenda Items
Agenda Items: UNION

1. 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: To resolve this agenda item, the parties agreed that prior to the next scheduled LMR Quarterly meeting, the Management Chairperson will provide the Union Chairperson with the bargaining unit positions that are listed in the Standardized Position Description as FLSA exempt. The union agrees to withdraw ULP charge WA-CA-23-160.

January 18-19, 2023, Agenda Items

Agenda Items: UNION

1. The Union seeks clarification - what is the lowest level management official (position) that is authorized to add or remove positions from the authorized complement of an individual facility?

Resolution: Deferred

2. Changes to Position Descriptions:

Notice is not being sent to the Union when there are changes to Position Descriptions.

Resolution: Deferred

3. Program Review and Staff Assist findings should be shared with the Union / affected local Presidents.

Resolution: The parties support the overall goal of improving vital programs and operations. While Program Statement 1210.23 provides that any documents related to the policy may be requested under Title 5 U.S.C. Section 7114, Management may, nevertheless, share the findings of program reviews and staff assists at its discretion.

4. When considering applicants for positions, where does the Agency rank Best Qualified candidates in relation to Highly Qualified candidates?



Resolution: Under category rating, eligible candidates are ranked by being placed into one of three quality categories: Best Qualified, Highly Qualified, and Qualified. Human Resources (HR) offices will receive eligible candidates in the Best Qualified category. If there are fewer than three eligible candidates in the Best Qualified category, the Best Qualified category may be merged with the Highly Qualified category, thus creating a newly merged Best Qualified category. In some cases, the Correctional Officer standing inventory (open and continuous) announcement, an HR Office may request maximization certificates in order to obtain more applicants than what is available in the Best Qualified category. Guidance regarding the category ratings is available on the Human Resources Services Center Sallyport page through the Consolidated Staffing Unit link (<https://sallyport.bop.gov/other/gra/ces/csu/index.jsp>).

April 12-13, 2023, Agenda Items

Agenda Items: UNION

1. The Union has concerns with the availability of qualified/certified staff to provide psychiatric treatment and medications at some facilities. This also affects the BOP's ability to make sound recommendations regarding competency to the judicial system.

Resolution: Deferred

2. The Union is requesting a formal response on the Agency's position regarding the 10% augmentation limit attached to the omnibus funding Bill. Locals managers are informing their Local Unions that they are forbidden from recognizing or negotiating agreements based upon this language.

Resolution: After a discussion of this matter, Management stated it is the Bureau's intent to honor Congress' expectations as stated in both the 2023 Appropriations Act and the accompanying Joint Explanatory Statement (JES). That said, such a cap would create operational difficulties and vulnerabilities, and in some institutions endanger the safe and orderly running of the institutions. Accordingly, the Bureau is striving to meet the overall goals of the JES while still allowing the Bureau of Prisons to ensure its facilities are appropriately and securely staffed by its dedicated employees.

3. After Compressed Work Schedules are negotiated at the local level, agreed upon, and submitted for legal/technical review, OGC is insisting that additional language be added to the agreements that was not proposed by the parties. The additional language does not correct any legal/technical deficiencies with the agreements. Refusing to approve the agreements for this reason equates to bad faith bargaining.

Resolution: Deferred

September 6-7, Agenda Items

Agenda Items: UNION

1. The level of specificity of information that is being provided to the Union in information/ data requests is not consistent with the intent of agreement.

Resolution: Discussion item only.

2. The Union has seen some examples of discrepancies with pay between actual annual salaries and what is actually paid per pay period. The parties need to determine if this is a widespread issue with calculations.

Resolution: Deferred

3. Guidance has reportedly been sent to the field to exclude Union representatives from disciplinary decision meetings.

Resolution: The Union withdrew this agenda item.

4. The Union is requesting that a standardized fentanyl test be identified, as fentanyl overdose and exposures are a significant hazard within our institutions.

Resolution: Deferred

5. Status of inmate mail copying/distribution initiatives, designed to decrease the amounts of harmful substances entering our facilities. Are pilot programs ongoing/being considered? What is the criteria affecting decision-making on these programs?

Resolution: Deferred

6. What role is ELB playing in the discipline of employees at the local level? Has ELB been given the authority to override the decision-making authority of Wardens (CEOs) when issuing disciplinary /adverse action penalties?

Resolution: ELB's role of providing legal guidance and counsel to management on the disciplinary process has not changed. Pursuant to Program Statement 3711.01, Employee and Labor Management Relations, the CEO is normally the deciding official for cases proposed by a subordinate at the institution.

7. What is the criteria for the Agency's so called TJM, FCE,FFD, IME and RMI. Where can this be located? (Temporary Job Modification, Functional Capacity Exam, Fit For Duty, Independent Medical Exam, Request for Medical Information). Additionally, is this criteria different for employees that have OWCP cases?

Resolution: Deferred

8. Can search functions be added to the Custody Roster program so that supervisors have the ability to sort employee lists by "Last Overtime Worked"? This would alleviate some of the conflicts between local agreements and the implementation of the program.

Resolution: Search functions cannot be added to the Roster Program application because a major modification to the database would be required. Retrieving this information from the Overtime logs would have a significant negative performance impact on the Roster Program.

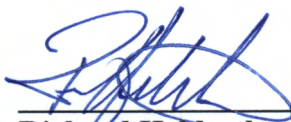
Guidance is available for the Roster Program application on the Correctional Programs Division Sallyport page through https://sallyport.bop.gov/co/cpd/corrsvc/hot_topics.jsp under the Roster heading.

9. The Union wishes to verify that bargaining unit employees assigned to Special Housing Units (i.e. "SHU #1", "SHU OIC", etc.) are non-supervisory roles, and have no supervisory authority beyond what any other bargaining unit employee has.

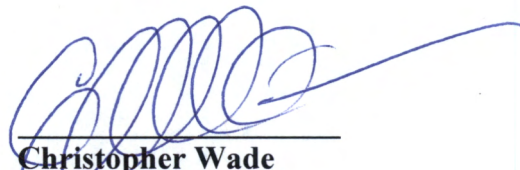
Resolution: The SHU #1 and SHU OIC are non-supervisory posts. The duties and responsibilities of these posts are identified in policy and post orders.

10. Compliance with arbitration awards. In instances where the Agency has not filed a pending exception to a final arbitration award, those awards are binding on the parties. There are awards where the Agency is not fully complying as required, or is not complying within a reasonable time frame.

Resolution: Deferred



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Christopher Wade
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