



**COUNCIL OF PRISON LOCALS -33
WOMEN AND FAIR PRACTICES
NEWSLETTER**

'I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character. '

Martin Luther King, Jr.

Tyrone L. Covington
CPL- 33 Vice President For
Women and Fair Practices



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The Month of October is Breast Cancer awareness month. Let us take time and remember our love ones whom are fighting this disease, and those whom we have lost over the years.

CANCER CAN'T BEAT US



What have I been up to?

The first week of October 2017, I attended the Council LEGCON in Washington, DC. This was a great event seeing CPL-33 unionists from around the country coming together to take our message to lawmakers on Capitol Hill. I was also able to meet with Central Office staff to discuss the current state of the Equal Employment Opportunity (EEO) process in the Federal Bureau of Prisons. We discussed a number of ideas that I want to bring forward over the next few months.

On another note, I know there has been some confusion in regards to the Uniform Operation Memorandum, and specifically with the language in the OM concerning Correctional Counselors and Correctional Systems Officers. First of all, the policy was negotiated by the HR JPC. The area of contention is the same language from the 2007 policy. I did not personally take part in writing this policy, however I did take part in the Uniform committee in the formulation of the OM. That said our role in this committee was clear, and we set out not to undo agreements previously reached. Nevertheless, it was our intent to allow Counselors and CSOs to wear the work uniform as they have in the past. I have met with management and will provide an update as soon as we have a resolution achieved.

Oversight

National President Young, in our first E-board meeting asked if I would take on Oversight of the Human Resource Division, which includes all policy changes. I accepted the role and will take over as Chair when JPCs resume.

"WE CAN IMPROVE WHEN WE ARE UNITED"

Do You Know:

The Office of Special Counsel will investigate allegations of discrimination. Acts of discrimination are considered a Prohibited Personal Actions, to which the OSC takes very seriously. Just recently OSC settled a case of discrimination where a complaint informed her supervisor that she was pregnant and her supervisor then discriminated against her.

"An agency official shall not discriminate against an employee or applicant based on race, color, religion, sex, national origin, age, disability (or handicapping condition), marital status, or political affiliation. 5 U.S.C. § 2302(b)(1)"



The EEOC has been the main avenue used to pursue discrimination claims, however the OSC is an additional avenue to consider.



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In a recent decision the Merit System Protection board in *In Smith v. Department of Transportation*, 117 LRP 23851 (MSPB AJ 06/13/17), ruled that the agency in a back pay Discrimination case would not only back pay, but would also pay Compensatory damages for any adverse tax consequences of the back pay ordered. (Simply put you caused the discrimination action you pay the taxes).

The Federal courts and the EEOC have both issued this type of remedy starting back in 1991. It's great to see the MSBP break from its past precedent. The decision to break the old standard will truly make complaints whole.

"WE MUST STAND TOGETHER TO END DISCRIMINATION"

Overview of Federal Sector EEO Complaint Process

If you are a federal employee or job applicant, the law protects you from discrimination because of your race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. The law also protects you from retaliation if you oppose employment discrimination, file a complaint of discrimination, or participate in the EEO complaint process (even if the complaint is not yours.)

There are also federal laws and regulations and Executive Orders (which are not enforced by EEOC) that prohibit discrimination on bases such as sexual orientation, marital status, parental status, or political affiliation.

If you are a federal employee or job applicant and you believe that a federal agency has discriminated against you, you have a right to file a complaint. Each agency is required to post information about how to contact the agency's EEO Office.

EEO 45 Days:

Time frames are important in the EEO process. So above all else don't let your timeframes pass you by. The complainant has forty-five 45 days to make contact with the EEO counselor. **What is considered contact?** Contact is ensuring some form of notification has been made, preferably emailing the counselor and simply stating 'I want to file an EEO complaint' is sufficient. Remember, if it is not written it didn't happen. As NVP, I strongly endorse written communication in the EEO process, particularly, via email on GroupWise, which you can preserve properties of your emails.

Congratulations to the Regional Fair Practice Coordinators on their selection. They are as follows:

Ray Colman- South East Region

Robin Goode- Mid Atlantic Region

Greg Davis- Northeast Region

Sandy Parr – North Central Region

Nena Carnera South Central Region

Meale Leipusa-Western Region





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Helpful Links:

<https://www.eeoc.gov/federal/directives/md110.cfm>

<https://osc.gov>

<https://www.mspb.gov>



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