

## Unresolved June 1 – 2, 2011 Agenda Items

### Agenda Items: Union

*Paul Lyle*  
9-7-11

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9/7/11

#### 1. EEO/OFO Report

The Council would like to discuss the EEOC/OFO Report concerning the EEO Climate in the Agency. In recent weeks since the report has come out, we have heard several manager make the comment that the report is misleading based on the percentage of staff interviewed.

What the Council has not heard is an admission that there is a problem in the Agency with retaliation, harassment, coercion, bullying, intimidation of our staff who partake in EEO process –what's suppose to be protected activity. We would like to discuss the Agency's alleged remedies they submitted to the OFO Director of Operations, to include but not limited to, agreements in placed by the parties to address such issue in Program Statement 3713.21, the Collective Bargaining Agreement, Article 22, 36, 37, 38 and previous LMR minutes on the issue.

If the Agency needs more specifics, please use the time and procedures outline in the Master Agreement, Article 2 to contact the Council's National Fair Practices Coordinator directly. \*\*Please note if the Agency fails to produce their subject matter expert to discuss these issue, please annotate this in the LMR minutes, to include the provision of Article 2 detailing what should have occurred.

***Resolution:*** The Agency provided the Union information indicating steps taken in response to the EEOC Report including:

- Moving the EEO Office under the supervision of the Assistant Director, Program Review Division ("the EEO Director");
- Adding 13 EEO counselors, for a total of 18 full-time EEO counselors (three located in each region) servicing Bureau facilities nationwide (with the exceptions of MDC Guaynabo, PR, and FDC Honolulu, HI, which are serviced by collateral duty EEO counselors);
- The EEO Officer provided in-person training to Wardens regarding retaliation; the slideshow and material presented were received from the EEOC;
- The EEO Officer provided training regarding the EEO process to BOP supervisors via video conference;
- The EEO Director discussed the full time EEO counselor program, and confidentiality in the EEO process during a video conference for supervisors;
- Supervisors / Managers were required to view a CENTRA PowerPoint presentation narrated by the EEO Officer;
- A Joint Policy Committee is convening the week of September 26, 2011, to draft the Bureau's Anti-Harassment policy, as recommended by the EEOC report; and
- The Agency will provide the Union a copy of its most recently finalized statistical report on EEO cases (462 report).

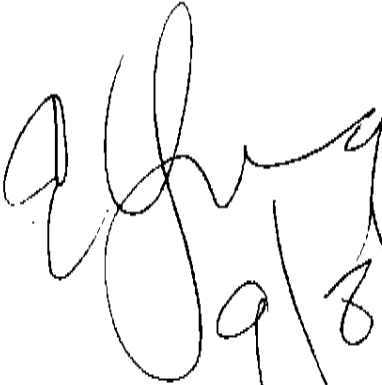
6. Arbitration (Lock Shop Case)

The Union would like to discuss the order by Arbitrator O'Bierne regarding the Lock and Security Specialists, and the change made to the position description by the agency.

Who: HRMD

*Resolution: In February 2011, a new Office of Personnel Management (OPM) Position Classification Flysheet for Explosives Safety Series was issued. In response, the Bureau of Prisons was required to identify and review any potentially affected positions for impact. The Lock & Security Specialist positions were reviewed to determine impact. Additionally, the Classification and Compensation Section consulted with the Chief, Armory and Lock Technology Section. As a result of the review, the current PDs were not affected by the issuance of this new flysheet; however, the PDs were updated to provide further clarification of the current duties. The case decided by Arbitrator O'Bierne is currently on appeal.*

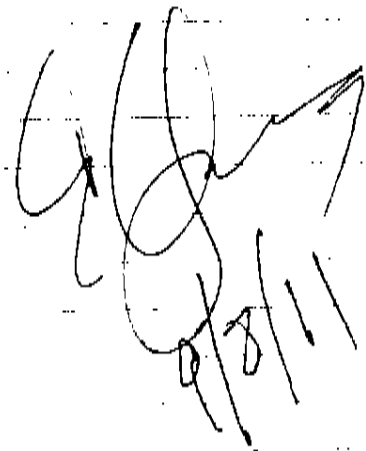
Paul W. Sayer  
9-8-11

  
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# #10 (June 2011) Grievance Procedure

This matter was discussed. Both parties agree to adhere to the provisions of Article 31 (Grievance Procedures) of the Master Agreement, including that "grievances should be resolved informally and will always attempt informal resolution at the lowest possible level before filing a formal grievance."

Paul W. Joyce  
9-8-11



9/8/11

**12. Official Time**

In May 2006, BOP responded to the Council in LMR quarterly, the amount of time official time union officials utilized in 2004. The Council would like to make a similar request.

What were the numbers reported by this Agency for official time usage in 2008, 2009 and 2010? How were they broken down and what system was used to track and report these numbers to Central Office?

**Who: HRMD**

*Resolution: The numbers reported by this agency for official time were broken down into four categories: grievances and appeals (38); ongoing LMR (37); midterm negotiations (36); and contract negotiations (35):*

<i>FY 2008:</i>	<i>FY 2009:</i>	<i>FY 2010:</i>
<i>35: 8016</i>	<i>18768.75</i>	<i>22398.75</i>
<i>36: 1434</i>	<i>2356.5</i>	<i>1835.25</i>
<i>37: 48790</i>	<i>107509.5</i>	<i>112228.5</i>
<i>38: 7474.25</i>	<i>15252.75</i>	<i>21179</i>

*Paul W. Laje  
9-8-11*

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**2. TRUINTEL Demonstration**

A demonstration will be provided of the TRUINTEL system's upcoming enhancements, at 10:00am to 12:00pm on Thursday, September 8, 2011, in the Trust Fund Branch Conference Room, 500 1st Street, 4th floor, Central Office.

**Who:**

*Resolution: A computerized demonstration of the TRUINTEL system was provided to the Union. There were questions concerning whether and what reports could be generated from the system for review by Union officials. The questions will be further explored by the Chief, Intelligence, who will follow-up with the National Union President.*

Paul W Lazer  
9-9-11

  
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# 11 (June 2011) Lea Tena and Ft. Worth

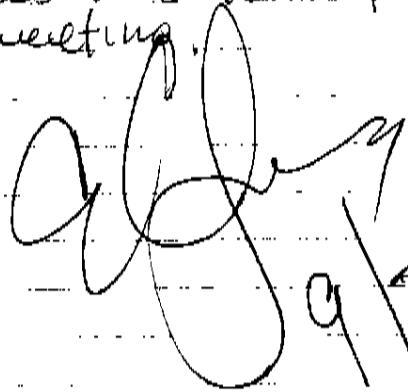
The parties resolved this issue prior to the LMR meeting.

Paul Whyte  
9-8-11

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#9 (June 2011) Unrate Character Profile (10)

This matter was resolved prior to the LMR meeting.



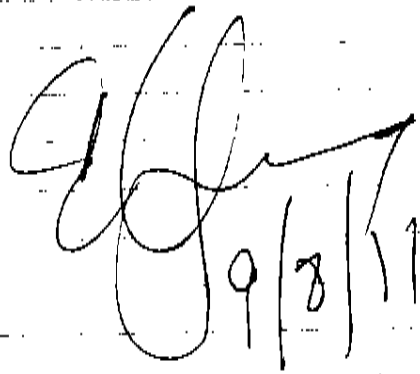
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Paul W. Jager  
9-8-11

# 8 (June 2011) South Central

While both management and the union recognize that there may be disagreement over bargaining matters from time to time, the parties also recognize the provision in the Preamble of the Master Agreement regarding building a relationship on ideals of mutual respect, trust, and commitment to the mission and the employees who carry it out.

Paul W. Jager  
9-8-11



9/8/11



1. **Recognition**

Section d. The Union will have access, using predetermined entry procedures, to properly represent bargaining unit employees located in contract/privatized facilities, in accordance with this Agreement and applicable laws, rules, and regulations.

How many bargaining unit employees do we have currently working in contract/privatized facilities, if any?

Where are these facilities, if any?

**Who: PMB/CPD**

**Resolution:** *Privatization Management Branch (CPD) has 6 bargaining unit employees (Inmate Systems Specialists) with duty stations at secure correctional contract facility sites, as follows:*

- Big Spring Correctional Center, Big Spring, TX*
- Giles W. Dalby Correctional Facility, Dalby, TX*
- Reeves County Detention Center I/II & III, Pecos, TX*
- Taft Correctional Institution, Taft, CA*
- McRae Correctional Facility, McRae, GA*
- Moshannon Valley Correctional Center, Philipsburg, PA*

*Pat W. [Signature]  
9-8-11*

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9/8/11*