

***Labor Management Relations
Quarterly Meeting Minutes
FCC Oakdale, LA
May 15-16, 2013***

Participants

Agency

*Paul Layer
Christopher Wade
Chung-Hi Yoder*

Union

*Jorge "Jay" Rivera
Darrell Palmer
Jeff Godwin
Dwayne Person
Robert Swanson
Mike Meserve
Clifton Buchanan
Mike Rule
Dale Deshotel*

May 15-16, 2013 Agenda Items
Agenda Items: UNION

1. Sequestration/Non Emergency Furlough of Staff

The master agreement article 39 section (a) sets forth the following procedures to be followed if the Employer determines it to be necessary to furlough bargaining unit employees.

Section (b)

Unless unforeseeable circumstances present themselves, such as sudden breakdown in equipment, acts of God, or sudden emergencies requiring immediate curtail of activities, Management will notify the Union at the appropriate level, in advance and in writing.

The Agency provided notice to the Union at the Partnership forum in October of 2012, of their intent to furlough staff. The Union requested to bargain over procedures and appropriate arrangements over the agencies intention to furlough bargaining unit staff.

The Agencies response to the Union was they had no duty to bargain with the Union.

Is this the Agencies position on bargaining with the Union on Sequestration?

A memorandum was issued to all staff within the Bureau by the Attorney General, advising employees they would not be furloughed within the fiscal year. (See attachment)

The Union wants to discuss, what is the Agencies plan for the remainder of this fiscal year?

How is the sequestration going to affect bargaining unit employees within the Bureau?

Who: ADMIN

Resolution:


On March 22, 2013, the Attorney General announced that no BOP employees working at an institution would be subject to furlough. On April 24, 2013, the Attorney General announced the Department will not furlough any employees this fiscal year due to sequestration. Consequently, no bargaining unit employees will be furloughed this fiscal year.

On March 14, 2013, Assistant Director Dalius, Administration Division, provided hiring freeze guidance that internal selections and reassignments can be made so long as the announcement is limited to the local commuting area and it is not a new hire. On March 28, 2013, the Attorney General extended the freeze until further notice. Management will pass information along when available.

The Union believes it has the right to further negotiate procedures and appropriate arrangements for furloughs. Management believes the matter is covered by Article 39 of the Master Agreement.

Suspense Date: By COB June 7, 2013, the Chief, Labor Relations Office, will provide the Union Chair with responses to the following questions:

- 1. Can the hiring freeze limitation to "local commuting area" be expanded to current employees willing to pay their own moves?; and*
- 2. With regard to the hiring freeze, what is the Agency's plan for filling entry level custody positions, where the incumbent moved on to other departments, e.g., human resources, case management, financial management, etc.?*

pm 

2. Settlement of ULP filed Against the Agency on the Entry Procedures

What is the agencies understanding of the agreement between the parties?

What is the agencies understanding of compliance of the settlement?

Who: OGC

Resolution:

The parties discussed this item and agreed that this matter is not appropriate for resolution in the national LMR Quarterly forum.

3. Staff Identification

What is the agencies anticipated time frame on having (law enforcement officer inserted on staff credentials)? How will staff that have not been issued a credential be afforded the same courtesy? Can the identification cards issued by the agency be modified to reflect law enforcement as well?

Who: HRMD

Resolution:

*On September 13, 2012, the Director posted a Sallyport article announcing the Partnership Council's agreement to add the language "Law Enforcement Officer" to staff credentials, and that issuance of the credentials should occur as soon as received by the Human Resource Management Offices. The Director's Sallyport article is located at:
http://sallyport.bop.gov/co/dir/exec_staff/messages_director/msg_dir_20120913_credentials.jsp.
The parties agreed that Human Resource Management offices should ensure that these credentials are issued as soon as possible.*

Additionally, during discussion of this agenda item, the Union indicated its interest that all non-probationary bargaining unit staff be issued "Law Enforcement Officer" identification. Because the placement of the "Law Enforcement Officer" phrase on BOP credentials originated out of a Partnership Council agreement, we agreed to explore at the next Partnership Council meeting the possibility of including that phrase on the BP-370 identification card.

4. Pre Decisional Involvement

What is the Agencies interpretation of (PDI)[?]

Resolution:

As envisioned by the President's Executive Order 13522, pre-decisional involvement (PDI) means those activities where bargaining unit employees, through their elected representatives, are afforded by agency management the opportunity to shape decisions in the workplace which impact

on the employees' conditions of employment, before final decisions are made and implemented. The concept of PDI has been explored during our Partnership Council meetings, and still requires clear and effective guidelines for implementation.

What is the Agencies interpretation of (IBB)[?]

Resolution:

Interest-based bargaining (IBB) is an alternative method to traditional, or positional, bargaining. It involves the parties focusing on each other's interests, with the goal of joint problem-solving.

Should representatives from both the Union and Management meet informally as a group to collectively write procedures and/or policy?

Resolution:

Yes, when appropriate. Meaning, when the parties agree that a particular subject matter and accompanying circumstances are appropriate for the PDI process.

Should Management write procedures independent from the Union, [and] after the procedures are written by Management ask the Union for input?

Resolution:

Yes, when not engaged in PDI, and pursuant to the Master Agreement.

Is this Managements ideology of (PDI).[?]

Resolution:

Yes.

Who: HRMD

5. Background Investigations Conducted By OPM

These OPM investigators are violating case law, 5 U.S.C. 7114, the Master Agreement Article 3- Governing Regulations, Master Agreement Article 6- Rights of the Employee as well as a violating of Program Statement 3420.09 Standards of Employee Conduct #6 Definitions h. Official Investigation. Includes, but is not limited to, investigations conducted by the Federal Bureau of Investigation, Office of the Inspector General, Office of Professional Responsibility, Office of Internal Affairs, Office of Personnel Management, Special Investigative Agent, Special Investigative Supervisor, Equal Employment Opportunity Investigator or any other employee the CEO authorizes or orders to conduct an investigation. They are refusing staff to be afforded Union representation during the interviews.

Who: HRMD

Resolution:

When conducting suitability investigations (e.g., background investigations (BI) and periodic re-investigations (PRI)), the Office of Personnel Management (OPM) acts under its own authority. Thus, only those excepted service bargaining unit employees who cannot be non-competitively

converted to competitive service have a right to Union representation under 5 USC 7114(a)(2)(B) during such interviews by OPM.

6. Pre-Decisional Involvement

Are there any issues that the agency would like to discuss with the Union through Pre-Decisional Involvement?

Who: HRMD

Resolution:

The agency offered the following issues for PDI:

*OGC – Electronic Inmate Administrative Remedy Program System;
HSD – Self-Contained Breathing Apparatus (SCBA) fit-testing and facial hair requirements; and
CPD – The Intelligence and Counter Terrorism Branch (ICTB) is developing procedures for Suspicious Activity Reporting, to comply with the Nationwide Suspicious Reporting Initiative (NSI).*

Suspense Date: The Union agreed to provide the agency with its response by June 7, 2013.

November 14-15, 2012 Agenda Items
Agenda Items: AGENCY

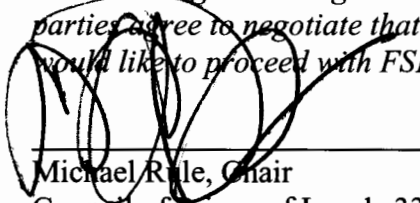
1. Standards of Employee Conduct

The Agency requests to finish negotiating the policy on Standards of Employee Conduct, including, whether staff may obtain copies of their own investigation affidavits upon completion.

Who: OGC

Resolution:

The Union agrees to negotiate this after the completion of all signed agreements and when the parties agree to negotiate that policy. Management disagrees with the Union and management would like to proceed with FSIP.



Michael Rule, Chair
Council of Prison of Locals 33

5-16-2013

Date Signed



Paul Layer, Chief
Labor Relations Office

5-16-13

Date Signed