

***Labor Management Relations  
Quarterly Meeting Agenda  
Central Office, Washington, DC  
June 30 – July 1, 2015***

***Participants***

**Agency**

*Christopher Wade  
Beth Reese  
James Wills  
John Dignam  
Liz Eskew  
Lesley Abshier  
Marqueta Andrews  
Jeff Barnes  
Miranda Faust  
Ken Gabrielson*

**Union**

*Mike Rule  
Jeff Godwin  
Jeff Roberts  
Eugene Harris  
Owen Lawson  
Lawrence Ferrell  
Mike Squibb  
Johnny Yuen  
Jeremy Jenkins*

**June 30 – July 1, 2015 Agenda Items**  
**Agenda Items: AGENCY**

**1. Expanding WebTA**

**Who: HRMD**

***Resolution: Management provided the Union a demonstration of WebTA and allowed participants to ask questions. The Council of Prison Locals said they are invoking their right to negotiate.***

**2. OPM Data Breach**

**Who: HRMD**

***Resolution: The agency withdrew the item.***



**June 30 – July 1, 2015 Agenda Items**  
**Agenda Items: UNION**

**1. Staff Investigations**

It has been brought to the attention of the Union that the Agency has established a capricious practice to utilize management officials other than the trained SIA to take affidavits from bargaining unit staff. The Union would like to know if this practice is being permitted on a regular basis? The internal policies of the agency require anyone doing staff investigations to successfully complete specialized training. The (SIA) Special Investigative Agent position is the trained position of the member of management trained to conduct investigations. The Union would like to know, where is it allowed for Department Heads to be able to take affidavits? Is this backed by Policy and what are the qualifications for taking affidavits? These questions need to be answered because there have been instances where management other than SIA's have had to call staff back to re-do the affidavits. It is the position of the Union that this practice poses a possible violation of an employee right to confidentiality and privacy. The Union also feels this may be a violation of staff right to privacy.

**Who: OGC**

***Resolution: Program Statement 1210.24, Office of Internal Affairs, permits staff trained in investigative techniques to conduct administrative investigations. This includes department heads who have been trained in investigative techniques. Investigators should be mindful of confidentiality and privacy concerns of employees. Management will send guidance to CEOs reminding them of this consideration.***

**2. Electronic Evaluations**

The Union would like to know if Management in the field has received any further guidance on the Electronic Evaluation Program. Bargaining Staff in the field are not getting the meetings as requested to completing the evaluation process.

2a. Additionally, staff in the field are being told that when Management makes a mistake in the system it cannot be corrected and negative comments that shouldn't be there when identified, the inappropriate comments cannot be removed. Is this true? If so, why are we using a system that cannot correct human error? The Union cannot agree to have a system that cannot be corrected. When we had the paper system things such as this could be removed. Maybe if this cannot be corrected, alternatives must be explored and we should return to the original process.

**Who: HRMD**

***Resolution: If management makes a mistake in the performance management system or the parties at the local level agree that a comment should be removed, the comment can be removed by sending a request from the Human Resource Department to Central Office to initiate a correction.***

*Per the Human Resource Management Manual, if an employee changes positions which results in a change of performance standards, their rating period begins on the date of the change and ends on March 31, or 90 days after the date of the change, whichever is later.*

*If an employee changes positions, but does not change performance standards, their rating year continues. Management will send a memorandum reminding human resource managers of this provision.*

### **3. Vouchering system**

3. The vouchering system in BOP continues to persist. According to Assistant Director, Whitney LeBlanc, in his sworn testimony, stated that the vouchering system in the merit promotion process was eliminated. However, there appears to be individual Wardens in the field undermining the merit promotion process still. Some are creating their own vouchering systems. There are Wardens out there putting out vouchering forms to department heads/intermediate level supervisors asking, "Would you recommend this person for promotion" and asking, "Is the person pending investigation or facing discipline?" What does this have to do with merit promotion system?

In numerous instances throughout the agency, Management is utilizing a sick leave vouchering system as a criteria used to determine the promotion of staff. This is a violation of Article 6, section b., also an attempt to intimidate employees in the exercising of their collective bargaining rights. Is the agency endorsing these antics? Is the agency going to allow Managers in the field to continue devising their own vouchering systems, which violates merit system principles? What is the agency doing to put a stop to this?

**Who: HRMD**

***Resolution: The Human Resource Management Manual (HRMM) contains a Reference Check form to be used if references are being checked (Attachment 3-27). Per the HRMM, for bargaining unit positions, the applicant's reference check form will be accessible to the applicant after a selection has been made or the Merit Promotion File is otherwise closed.***

### **4. Satellite Camps**

It continues to be the practice of the Agency, to disregard the recent rise in incidences occurring at BOP Satellite Camps throughout the agency. It appears that the Agency is disregarding the prosecution of offenses reported by staff by expunging incident reports, not limiting to, ignoring inmates walking away from the sites, introduction of contraband, assaults of staff or being insolence to staff. The only recourse staff has internally is writing incident reports for inmates violating prison rules and regulations. Yet, the Agency has refused to lock inmates up for flagrant violations. The failure to act appropriately creates a hostile work environment for employees, which also brings vicarious liability to the agency. Failure to act accordingly will result in the

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*[Handwritten signature]*

Union bringing matters of personal concern to the attention of executive and legislative branch or an appropriate authority, not limiting the news media.

**Who: CPD**

**Resolution:** *It is not the practice of the agency to expunge incident reports or to ignore security or contraband concerns, regardless of the security level of the facility. Management will follow up with allegations related to specific institutions.*

## **5. Unit Management Manual**

The Case Managers in the field are being told that the packets for RRC must be route electronically the option of using the mail is no longer permitted. Managers in the field are informing that this change is in accordance to the Unit Managers Manual.

It is the position of the Union that this change in working was never brought to the attention of the Union. Therefore the Union never was provided the opportunity to bargain over this change in working conditions.

The Union is requesting the following information.

When was this change made?

When was notice provided to the Union of the change?

**Who: CPD**

**Resolution:** *The parties will discuss and attempt to resolve this matter outside of this forum within thirty (30) calendar days.*

## **6. Government Credit Cards**

Why are staffs be subject to an investigation after they immediately tell the Agency of their mistake of using the card and pay the money?

**Who: OGC**

**Resolution:** *To ensure consistency with travel regulations, an investigation should be conducted into allegations of misuse of a Government card, to include inadvertent use.*

## **7. Administrative Remedies**

ARTICLE 2 SECTION C. Generally, the issues for the discussion will be limited to those placed on the agenda in a timely fashion. Exceptions may be made for pressing issues which arise after the agenda has been established and which should be discussed before the next meeting.

It has been brought to the attention of the union that a number of Chief Executive Officers/ Wardens in the field is refusing to participate in third party hearings. The Master Agreement is clear regarding whom the Agency has designated the authority to sanction an employee disciplinary or adverse action. The provisions of the Master Agreement stipulates disciplinary and adverse action will be taken only for just and sufficient cause and to promote the efficiency of the service, and nexus will apply.

Why are Wardens being permitted not to participate when they're action are being challenged through arbitration?

**What is the Directors stance on this issue?**

Master Agreement Article 30- Disciplinary and Adverse Action

**Section C**

Recognizing that the circumstances and complexities of individual cases vary, the parties enforce the concept of timely dispositions of investigations and disciplinary/ adverse actions.

Section D Paragraph 1

1. When an investigation takes place on an employee's alleged misconduct, any disciplinary or adverse action arising from the investigation will not be proposed until the investigation has been completed and reviewed by the chief executive officer designee.

**Article 31- Grievance Procedures**

**Section F Paragraph 1**

When filing a grievance, the grievance will be filed with the chief executive officer of the institution/ facility. If the grievance pertains to the action of an individual for which the chief executive officer of the institution/ facility has disciplinary authority over.

**WHO: OGC/HRMD**

**Resolution:** *The parties will discuss and attempt to resolve this matter outside of this forum within thirty (30) calendar days.*

**Old Business Re-Addressed for Clarification**

Union is asking for clarification for the following issue: **Law Enforcement Officers.**

**Who: HRMD**

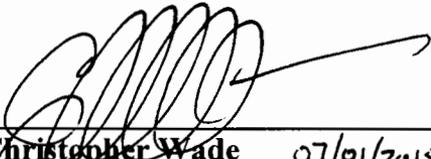
**Resolution:** *The parties discussed this matter again and reiterated, when requested, local management will furnish, on letterhead, confirmation of employment and/or law enforcement status under Title V.*

*Call*



07/01/2015

Michael Rule  
Union LMR Chair  
Council of Prison Locals



Christopher Wade 07/01/2015  
Chief  
Labor Relations Office