

Jailhouse Chatter

Local 1612

FDC Miami – Light Duty Case Won!

FDC Miami recently won their light duty arbitration case against the Agency. Why is this win important? MCFP is currently waiting on closing briefs and then an arbitrator's ruling on our own similar case. The Agency had been approving temporary assignments of duty (phone monitoring, etc.) for employees who became injured while off-duty. A new administration came in and put an end to the practice and would not approve temporary assignments for injured employees. The temporary assignment of duties helped employees with limited sick leave and employees that would have otherwise missed long-periods of work for health-related reasons, such as recovery from a surgery.

In the Miami case, basically, one administration had been granting light-duty assignments and established a past practice. Once a new administration came to the institution, they tried doing away with the practice, which has already been established and in place. The Arbitrator ruled the Agency and Warden McGrew's not allowing light duty violated the binding past practice and also the Master Agreement's Articles 3 and 4.

The Arbitrator further ruled, "Retroactive to Warden McGrew's April 2010 arrival at FDC Miami, and continuing to the present time, Agency shall forthwith commence allowing or approving bargaining unit employee light duty requests at FDC Miami in the same manner, procedures and terms and conditions as did Warden John Rathman during the time frame he served as FDC Miami's Warden."

As deemed by the Arbitrator, the award was outlined as, "any FDC Miami bargaining unit employee whose light duty request was denied or disallowed since Warden McGrew's April 2010 arrival at FDC Miami, and continuing to the present time, shall forthwith be made whole by Agency for all lost or denied pay (including statutory interest) and/or benefits (such as, by way of examples, and not limited to lost paid sick leave or lost paid annual leave), which the bargaining unit employee normally would have earned, or received, or accrued as if Agency had not violated the above described light duty binding past practice of the parties and/or Articles 4 & 3 (in other words, as if the employee's light duty request had been timely allowed or approved by Agency/Warden McGrew or her staff from April 2010 to the present) less any amounts eared by the employee through other employment during that period."

Grievance Writing

There have been several questions regarding the filing of grievances. Hopefully we can clarify a few things.

Per Section C, in Article 31 of the Master Agreement, any employee has the right to file a formal grievance with or without the assistance of the Union.

If any employee files a

grievance, the Union then has the right to be present during discussions between Management and the grievant.

The Union will also receive a copy of the written grievance.

If you decide to file a grievance, you may ask a Union representative to look over your grievance for feedback before submission.

Be aware, there are specific forms that must be used in addition to specific timeframes and steps that must be followed, per law and the Master Agreement.

Prior to the filing of any grievance, an attempt at informal resolution must be made.

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Special points of interest:

- Must attempt informal resolution first
- Grievance forms can be located through Sallyport
- Grievances can only be taken to arbitration by Management or Union.

Local MCFP Happenings

-A settlement agreement was reached with Tammy Jackson's overtime grievance.

-February 13th is the deadline for the attorney's to submit their closing briefs regarding the light-duty arbitration case.

-We're waiting on the decision from the arbitrator on the excessive discipline case.

-We have invoked on arbitration on the holiday-pay case. We're waiting on a list of arbitrators from FMSC and to see if an attorney will pick up the case.

-Two grievances have been filed in regards to the hiring of Correctional overtime.

-Bryan Williams OT issue was settled and back pay was paid.

-Calendars have been ordered for Union members.

-Membership voted not to buy donuts for annual training.

-The membership voted and the Institution Supplement was ratified locally.

-Member feedback is needed – see last page of newsletter for additional information!!!

****SIGN UP INCENTIVE - - NEW MEMBERS WILL RECEIVE A \$50 REBATE AND THE MEMBER WHO SIGNS THEM UP WILL ALSO RECEIVE \$50*****

Council of Prisons Local

"Employees recognize that AFGE empowers working people and helps protect their American Dream," said AFGE President J. David Cox Sr.

One of the items discussed at the national Labor Management Relations meeting was staffing of medical centers. Springfield, along with several other medical facilities was discussed at the meeting.

Nursing shortages are a concern. In particular, the practice of Management pulling nurses off their assigned posts to cover sick and annual posts on a

regular basis was discussed. As the Union pointed out, this not only creates a hazardous work environment, but it also creates a hostile environment.

In some instances, staff is being informed by the Wardens at their institutions that they will be forced to deny approved annual leave as a result of under staffing within the Medical Services Department.

The Union contends this is a violation of the Master Agreement.

The parties agreed the Labor Relations Chief will provide a response to this agenda item to the Union LMR Chairperson within 30 calendar days.

AFGE

In November 2014, American Federation of Government Employees (AFGE) reached its highest membership numbers ever.

"Employees recognize that AFGE empowers working people and helps protect their American Dream," said AFGE President J. David Cox Sr. "We stand for fair compensation, good jobs, equal opportunity, and fairness to help our members focus on their jobs of moving this country forward."

The Senate this week voted to adopt a House-passed bill that

will automatically enroll new hires in the Lifecycle Fund, a federal employees' retirement savings fund that's geared toward younger employees and yields higher returns but also higher risk. The bill is expected to take effect October 2015.

AFGE is urging the Thrift Savings Plan's governing board to do extensive educational outreach so federal employees understand the level of risk to which they will be exposed under the L Fund option. Currently new hires are automatically enrolled in G fund, the most stable investment of the TSP's options.

United we stand; divided we beg!

Union meetings are held the second Monday of each month at 4:30pm in the Union house. In order to hold a meeting and vote on issues, we must have a quorum of members at the meetings. At the meetings, we discuss a variety of topics including informal resolution attempts, updates on cases, grievances we have filed, current issues and concerns (hiring of overtime, non-custodial augmentation, compressed work schedules, etc.) and we vote on cases we want to take to arbitration.

In addition to Union stewards and representatives, we rely on our membership to be familiar with the Master Agreement and to help us identify violations. The Master Agreement outlines our rights and responsibilities. In addition to the Master Agreement, there are laws that also govern Labor-Management Relations under 5 USC Chapter 71. The Institution Supplement was recently renegotiated and ratified with the local membership. The I.S. is a local addendum to the Master Agreement which affords the membership extended rights on a local level.

In Labor History...

The Knights of Labor, the first national industrial union in the United States was founded in 1869 in Philadelphia. The Union was formed by Uriah Stephens and eight other Philadelphia garment cutters. By mid-1886, the Knights of Labor had nearly a million members and was the largest labor union in the country.

In 1906, close to 3,000 Industrial Workers of the World union members at the General Electric plant complex in Schenectady, New York, started the country's first sit-down strike.

Explosions occurred at Fairmont Coal mines in West Virginia in 1907. It is estimated that approx. 362 coal miners, some only 8 years old died in the explosions. It remains the worst US mining disaster in history. Over

3,200 miners were killed on the job because mining companies continued to disregard safety practices.

In December 1908, the Union Labor Hospital in California was built by union timber and mill workers. The hospital was a charitable organization that provided care for patients for over 90 years.

In 1993, President Bill Clinton signs the North American Free Trade Agreement (NAFTA) into law, stating that it "will promote more growth, more equality, better preservation of the environment, and a greater possibility for world peace."

In 2009, Wal-Mart lost one of the largest class action settlements in

Massachusetts history. The company agreed to pay \$40 million to over 87,000 employees. The lawsuit claimed Wal-Mart had denied employees breaks, refused to pay overtime and manipulated time cards.

Car wash workers in California, become the first of their trade to unionize in 2011. The workers wanted representation since they often exposed to a variety of toxic chemicals without protection, work for extended periods in the sun without rest or shade, and are paid a daily rate that is far less than the minimum wage. The contract provided several key items including; a wage increase, health and safety protections, grievance and arbitration procedures, and prohibited the employer from firing workers without just cause.

WE NEED FEEDBACK

Due to the fact that there have been some questions on the hiring of OT for emergency downtown trips, the Union and Management are trying to put some type of procedure in writing so there is no gray areas in the hiring process.

Currently the procedure is that if an inmate has to go downtown on an emergency trip, the operations or activities LT will ask for volunteers of staff that are currently at the institution or will pull staff from 10-H or one of the patrol jobs. If no volunteers are gotten, the Lt. will pick who they need which they can do in an emergency trip situation.

Typically after that, the staff that took the inmate down to the hospital, stays with the inmate until a determination is made whether or not the inmate is staying at the hospital or coming back to the institution. If this is decided part way through the next shift, those staff members will stay with the inmate until the following shift. The Lt. will start hiring OT when he/she is notified that the inmate is staying at the hospital. For example, if the inmate is taken to the hospital at 2:00pm and it's not determined until 6:00pm that the inmate is staying at the hospital, the staff escorting the inmate will finish out the 4:00pm-12:00am shift. In situations where the initial escort staff cannot stay past their duty hours, the Lt. will try to get them relieved.

The procedure that some people want is that the OT hiring procedure for the next shift starts as soon as the inmate leaves for the hospital regardless of whether the inmate is staying at the hospital or coming back to the institution. For example, if the inmate leaves at 2:00pm, the Lt will immediately start hiring OT for the 4:00pm-12:00am shift.

There are a couple of negative aspects to doing the procedure this way. Currently in our institutional supplement, if you work two hours or more of OT, you go to the bottom of the mandatory list. The same thing would apply that if you work two hours or more of OT, you will go to the bottom of the OT list. So for example, if you take the OT and the inmate comes back to the institution and you only get two hours of OT, you go to the bottom of the OT list.

The other negative aspect is that currently if you are called for an OT and you refuse it, you go to the bottom of the OT list. This is done to prevent people from picking the OT's that they want and only taking the more desirable OT jobs. So, for example, if the Lt. calls you and says that we have an OT at the hospital but we don't know if he is staying and you refuse the OT because you don't want to potentially get a partial OT, you will go to the bottom of the OT list.

We are trying to get input from a majority of people who work OT so we can do what the majority of people want. Please send your input to spg/AFGE by January 12th.