



Jailhouse Chatter

AFGE Local 1612

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Blazing a Trail

Female employees at Coleman have won the first class-action sexual harassment case of its kind within the Department of Justice. More than 360 women were subjected to daily sexual harassment (groping, public masturbation, rape threats, etc.) by inmates while management repeatedly failed to act.

The disciplinary hearing officer was permitting inmates found guilty of sexual misconduct with as few as two days of sanctions instead of following the guidelines required and outlined by the Bureau. Coleman had over 400 documented incident reports of sexual misconduct towards female staff, which included officers, teachers, therapists, food service workers, commissary workers and recreation workers.

It was negligence by management when harassment claims had been ignored for several years. Sexual harassment reports that had been filed, including some by managers, were shredded and disregarded by management.

In 2011, MDC Brooklyn's Local 2005 filed a grievance stating management "failed to follow its own policy as well as the rules, regulations and statutes as it pertains to inmate discipline which has had a direct negative impact on the safe and orderly running of MDC Brooklyn, placing the safety of staff and inmates at risk." The Local stated management wasn't processing all incident reports because "SHU was full" which is completely unacceptable.

The bottom line is staff safety should be a priority across the Bureau! Inmates should be held accountable to the fullest extent possible for their actions. Per our Master Agreement, Article 27, which refers to risks of working in a correctional environment, it states, "the Employer agrees to lower those inherent hazards to the lowest possible level."

Keep copies of your incident reports in the event they go "missing." It's a good idea to keep copies of incident reports because that can also help identify patterns of disregarding or "throwing out" incident reports. Don't be afraid to write an inmate up for an infraction or to speak up when you feel staff safety is an issue. Under no circumstance should management or anybody else tell you to not write an incident report on an inmate. Incident reports are a means to control inmates, ensure safety and orderly running of the institution.

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This Month in Labor History

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In 1862, Ella "Mother" Bloor was born on Staten Island, New York. She investigated child labor in factories and mines. Her undercover work in meat packing plants helped substantiate author Upton Sinclair's revelations from his book, "The Jungle."

It took approximately 14,000 federal and state troops to put an end to the Pullman Palace Car Co. strike. The strike had been peaceful until troops intervened against the protestors. Thirty-four American Railway Union members were killed over the course of the 1894 strike.

In 1904, 50,000 members of the Amalgamated Meat Cutters and Butcher Workmen employed in various meatpacking factories, walked off their jobs. They

demanded equal wages and improved working conditions in all of their United States plants.

On July 15, 1917, over 50,000 lumberjacks struck in an effort to win an 8-hour working day.

Over half a million steel workers began a strike that ended up lasting 116 days. That strike shut down nearly every steel mill in the United States. Management had attempted to get rid of contractual agreements that would impact the number of workers, introduce new work rules, reduce working hours and reduce the workforce.

In 1966, about 35,000 members of the Machinists Union began a 43-day strike that ended up shutting down several major

airlines who accounted for a large portion of domestic air traffic. The issue was over fair wages.

Hospital workers in Charleston, South Carolina won recognition for forming a Union after a 113 day strike in 1969.

Postal Unions and the Postal Service sign the first ever labor contract in the history of the federal government.

Local Happenings

1. A case regarding light-duty has been picked up by an AFGE attorney and continues to move forward with arbitration. If this situation has affected you, whether you were approved or denied light-duty, please contact Karrie Wright. Staff has been refused light duty assignments for non-work related illness and/or injuries.
2. On February 2nd and 3rd, 2011, Springfield had a storm. Did anyone use leave due to not being able to make it into work? If so, please notify Karrie Wright. The region has arbitration on August 7 and 8th, 2013 on this issue. They are looking for witnesses.
3. Augmentation is being addressed again.
4. Elections are coming up in November. Anyone wanting to be on the election committee needs to contact Karrie Wright or Bekki Stafford. Please note, if you are on the election committee, you cannot run for office.
5. The Correctional Peace Officers Foundation received at least 52 sign ups and more are still coming in. Way to go Springfield!!! If anyone needs information or would like to have a form please notify O'Brian Mitchell.
6. Compressed work schedules - -If anyone has old copies of compressed work schedule memos, please send copies to Karrie Wright.
7. There are several items on the Labor Management Relations agenda for the month, including: staff awards, positions in the Facilities Department, front entrance procedures, plans for the Tool Room, portal issues and a callback issue in the Radiology Department.

“Taking Care of Our Own”

The Correctional Peace Officers Foundation (CPOF) is a non-profit charitable organization created by Correctional Officers for Correctional Officers - - officers meaning anybody working in a correctional facility.

The primary goal of CPOF is to protect and assist the survivors (spouses and children of CPO) of correctional workers murdered at the hands of incarcerated felons. To do this, they have a death benefit program that provides a total of \$60,000 to the family of the CPO murdered while on duty.

Since the creation of the foundation, growing membership has allowed them to expand the scope of their assistance areas to

now include, hospice need, bereavement and catastrophic situations or illness. Catastrophic situations have included Hurricane Sandy victims, house fires and loss of bodily limbs.

The cost to join is \$3 a pay period for us, which is also tax deductible. Several of our own MCFP staff members have received assistance through the program.

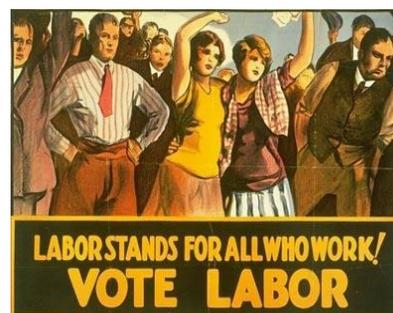
The program provided assistance to MCFP staff members after the family had lost their home to a house fire and has also provided assistance on several occasions to MCFP staff and their family experiencing major medical issues.

Their motto is “taking care of our

own” because that’s what it is - - correctional workers taking care of each other.

This program is open to all correctional worker staff. It is open to management, Union, non-Union, etc. If you are interested in joining or would like more information, you may contact Officer O’Brian Mitchell or visit their website.

www.cpof.org



National Happenings

AFGE

Several AFGE government employee members provided testimony at the Senate Budget Committee hearing regarding the impact of sequestration and furloughs.

The Merit Systems Protection Board has been inundated with an unprecedented amount of appeals filed by federal employees forced to take furlough days. To date, thousands of appeals have been sent in thanks to AFGE and numerous Locals across the country.

AFGE is encouraging House members to reject three bills scheduled to be voted upon this week. The Common Sense in Compensation Act would impose a cap on any increase in financial compensation a federal employee could receive while sequestration is in effect, which could include financial incentives for performance. The Citizen Empowerment Act would allow the recording of federal employee interactions and would require employees to inform the public of this right. Lastly, the Government Employee Accountability Act would allow an agency to withhold the salary of any federal employee who is under investigation for wrongdoing. These bills target federal employees!

Councils of Prisons Local

The Councils of Prisons Local have not agreed with implementing the search policy prior to completing negotiations. This issue is current and ongoing.

A case handled on the national level was won! The arbitrator agreed with the Union in that consideration of open disciplinary investigations in the context of an employee’s promotion bid is a prohibited performance practice. Policy does not allow selecting officials to exclude employees from consideration for promotions, reassignment, transfer or awards based on discipline issued within the preceding two years.

More arbitrator decisions are expected to come soon! Watch for next month’s newsletter!

Know Your Rights

A 1975 US Supreme Court ruling upheld a National Labor Relations Board decision giving employees the right to a Union representative during an investigatory interview. The Supreme Court ruled:

1. An employee must make a clear request for Union representation before or during the interview. The employee cannot be punished for requesting representation.
2. After the employee has made the request, management has three choices:
 - to grant the employees request and to stop the questioning until a representative arrives and has the opportunity to consult privately with the employee
 - deny the request and immediately stop questioning
 - give the employee the clear choice of continuing the interview/questioning without representation or to end the interview.
3. If the Agency continues questioning and ignores the request for representation, they have committed an unfair labor practice and the employee has the right to refuse. The agency cannot discipline an employee for a refusal after they have been denied representation.

In what situations would Weingarten rights apply? If an employee has a reasonable expectation that discipline may result from the questioning, if the purpose of the interview is to investigate employees alleged inadequate work performance or misconduct, if the purpose is to elicit facts or obtain "your side of the story," to obtain self-admissions or other evidence used to determine whether or not discipline is warranted, to support discipline that has already occurred or if an employee is required to explain or defend their conduct.

Do not rely on the agency to inform you of your rights. It's up to you to know your rights and to request representation! Staff has provided information under the guise of "you're not the subject of our investigation, but we just want to talk to you" which is tricky! Once staff starts talking, the investigation can take a different turn and staff may inadvertently say something that brings further implications.

Union representatives can help you understand your rights, protect your rights, ensure the agency sticks to the identified scope of the investigation/questioning and can make sure confusing or misleading questions are clarified. Better safe than sorry! Ask for a Union representative immediately during an investigatory interview!

**We're putting the
move back in
labor movement!**

AFGE Local 1612

We are only as strong as our members! We rely on our members to help us identify violations of our Master Agreement, past practice, etc. in order to ensure our rights are upheld!

If you have a question for the Union or a letter to the editor that you would like included in the newsletter, let Rachael Owens or any other Union representative know!

Union meetings are held at 4:30pm, the second Monday of the month at the Union House. We welcome you to attend meetings to vote for issues important to you and to have a voice in discussions affecting us all!

We're on the Web!
www.local1612.com