



# Jailhouse Chatter

**AFGE Local 1612**

Newsletter Date  
Volume 1, Issue 4

## Case Decision:

### AFGE - Local 817 vs. BOP - Lexington

Two types of nurses perform duties at the Federal Medical Center Lexington and at FCI Lexington. The first type is those covered directly by the Master Agreement, as bargaining unit employees. The second type are Public Health Service (PHS) employees who are considered part of the uniformed service and are specifically excluded from bargaining rights pursuant to law, 5 U.S.C. Section 7103.

A nurse was initially denied the opportunity to take annual leave the weeks of Thanksgiving and Christmas in 2006. Management denied her request because the annual leave slots had already been granted to a PHS employee with higher seniority. The nurse was eventually offered to opportunity to take those two weeks as annual leave at the "last minute," due to another staff member canceling their leave. Because the annual leave was offered so last minute, the nurse was unable to make any formal plans.

There was evidence showing other bargaining unit employees had also been denied annual leave, which they otherwise would have been granted, due to participation of PHS employees in the seniority based leave-bid system. Around January 2007, Nursing Management conducted an annual leave bid and like they did in the past, allowed PHS nurses to participate in the bidding for annual leave based on their accrued seniority alongside bargaining unit staff.

The Union filed a grievance stating management had given "annual leave preference" to a PHS nurse over a bargaining unit employee. The grievance also stated the bidding system was improper because federal law does not grant bargaining rights to PHS employees because they are considered "uniformed service." The Warden denied the grievance and the case proceeded to arbitration.

The Arbitrator opined the Bureau of Prisons and Lexington did not comply with the Master Agreement when it permitted PHS nurses to participate in a seniority bid for annual leave alongside bargaining unit members. The BOP and Lexington were ordered to immediately cease and desist that practice by the Arbitrator.

---

#### Inside this issue:

In Labor History	2
Local Happenings	2
Investigations	2
Around the Bureau	3
Know Your Rights	4

---



# This Month in Labor History

2

The Shoemakers of Boston, the first labor organizations was formed. The organization was authorized by the Massachusetts Bay Colony in 1648, which later became incorporated and known as the United States of America.

Fourteen miners were killed and 22 injured by "scab herders" in Pana, Illinois in 1902.

New York City agrees, in 1911, to pay female teachers at a rate equal to male teachers.

October 15, 1914, President Woodrow Wilson signs the "Clayton Antitrust Act" which establishes that Unions weren't "conspiracies" under law. It allowed Unions to strike, picket and boycott employers for the first time. The antitrust laws protect trade and commerce against

unlawful restraints and monopolies.

October 20, 1926, US Labor Leader Eugene Debs passed away. His "revolutionary" ideas included the 8 hour workday, pensions, workman's compensation, sick leave and Social Security.

American Federation of Labor members vote to boycott German-made products in protest of Nazi opposition to organized labor in 1934.

Some 50,000 Chrysler Corp., workers strike for increased wages in 1939.

JP Stevens Textile Company signs its first Union contract after a 17-year struggle in North Carolina and several other southern states.

In 1983, GM agrees to increase

hiring of women and minorities over a 5 year period as part of a settlement with the Equal Opportunity Commission.

The NBC cancels their regular season's games for the first time in its 51 year history. Player's salaries and pay caps were the primary issue of the 204 day lockout in 1998.

Approximately 3,300 sanitation workers, employed by private agencies in Chicago, won a 28% wage increase after a 9-day strike in 2003.

## Local Happenings

- An arbitration regarding a 12 day suspension is going to be rescheduled due to the government shutdown.
- A case regarding a 2 day suspension is waiting on dates for arbitration.
- The case regarding light duty is waiting on arbitration dates.
- The arbitration case held in Chicago regarding bad weather is awaiting the arbitrator's ruling.
- The Regional Caucus will be June 2-6th, 2014 in St. Louis, Missouri. The Local 1612 and Greenville will be sponsoring this event. Karrie Wright and Bekki Stafford will be making a trip to St. Louis to set up plans.
- Bekki Stafford is the Regional Fair Practice Coordinator. Congratulations to her!
- Isaac Kunz is going to be the new webmaster.
- Nominations for executive board positions will be due on November 12, 2013.

## Investigations

There have been several complaints of investigators asking inappropriate and irrelevant questions during background checks and background re-investigations.

Did you know that per the Master Agreement and the Standards of Employee Conduct, you are entitled to a Union representative during these background checks?

## Around the Bureau

As we're all aware, the government shutdown continues. This is a very tough time for many. Frustration levels are high and morale is low. Many are left wondering when we'll get paid next. Yes, we'll get back pay, but that doesn't pay the bills we have now and it certainly doesn't stop us from accumulating late fees and penalties from not paying our bills on time. IOU's don't work in the community for our living needs and mortgages. There are approximately 670,000 members currently deemed "essential" yet aren't being paid.

The "Federal Worker Pay Fairness Act" intended to give "essential" federal employees working during the shutdown their pay on time had passed the House by a 420-0 vote, which is a small start, but small starts don't pay our bills. The Act is being met with opposition since it doesn't reopen all of the government. The AFGE and Council of Prisons Locals all across the United States are fighting for us. They've been grabbing headlines with press-conferences and interviews. They've been holding teleconference town hall meetings. They've participated in dozens of protests and informational pickets across the United States. Flyers have been hand delivered to all congressmen. See attachment on page 5 for the flyer.

**Council of Prison Locals Holds Press Conference in Washington:** AFGE's Council of Prison Locals held a press conference at the National Press Club on Oct. 1 to speak out against dangerously low staffing and funding levels in the Bureau of Prisons. Speakers included AFGE National President J. David Cox Sr., Council of Prisons Local President Eric Young and family members of three slain correctional officers.

**Video of Press conference is 50 minutes long.** <http://www.youtube.com/watch?v=1SjG0qeVDDI>

**AFGE Makes Headlines During Shutdown:** AFGE leaders and activists have fielded hundreds of media calls in response to the government lockout. Union members have shared their stories via local and national news outlets to illustrate the impact of this shutdown. Here are some news stories in which AFGE officer's and members have been featured.

**AFGE National President J. David Cox Sr. on:**

**PBS NEWSHOUR:** [http://www.pbs.org/newshour/bb/politics/july-dec13/shutdown1\\_10-01.html](http://www.pbs.org/newshour/bb/politics/july-dec13/shutdown1_10-01.html)

**FOX 5 DC:** <http://www.myfoxdc.com/video?clipId=9360820&autostart=true#axzz2gNo7u1bU>

**Washington Post:** <http://www.washingtonpost.com/blogs/federal-eye/wp/2013/10/01/federal-labor-leaders-blast-shutdown/>

**The Nation:** <http://www.thenation.com/blog/176427/government-shutdown-will-hit-federal-workers-poor-americans>

**AFGE District 8 National Vice President Jane Nygaard on:**

**KARE 11 News:** <http://www.kare11.com/news/article/1041021/391/Minnesota-federal-workers-protest-shutdown?odyssey=tab%7Ctopnews%7Cbc%7Clarge>

**Minnesota Public Radio:** <http://minnesota.publicradio.org/display/web/2013/10/01/shutdown-minnesota-federal-employees>

**AFGE District 14 National Vice President Eric Bunn on FOX 5 DC:**

<http://www.myfoxdc.com/story/23563216/government-workers-brace-for-possible-shutdown#axzz2gX9yKVRB>

**AFGE HUD Council 222 Executive Vice President Carolyn Federoff on MSNBC's The Last Word:**

[http://www.nbcnews.com/id/45755883/ns/msnbc-the\\_last\\_word/vp/53162377#53162377](http://www.nbcnews.com/id/45755883/ns/msnbc-the_last_word/vp/53162377#53162377)

**AFGE Census Local 2782 Union Steward Natasha Rozier on CNN:**

<http://www.cnn.com/video/data/2.0/video/politics/2013/10/02/pkg-marsh-day-in-the-life-of-nonessential-workers.cnn.html>

**AFGE District 14 YOUNG Representative Erika Townes on CBS Evening News:**

[http://www.cbsnews.com/8301-18563\\_162-57605089/federal-workers-could-feel-govt-shutdowns-sting/](http://www.cbsnews.com/8301-18563_162-57605089/federal-workers-could-feel-govt-shutdowns-sting/)

**AFGE DoD Local 1592 President Monty Lewis in Utah on KUTV CBS 2 News:**

[http://www.kutv.com/news/top-stories/stories/vid\\_7152.shtml](http://www.kutv.com/news/top-stories/stories/vid_7152.shtml)

## Know Your Rights

George Kalkines worked for the US Treasury Department. In 1968, he was suspended when he became the subject of an investigation for taking bribes. While an internal investigation was taking place, so was a criminal investigation. Although Kalkines was aware he was the subject of the criminal investigation, he was never indicted.

On four different occasions, he refused to answer questions specifically related to the bribes, his finances and the performance of his duties. He was never given any advice or warning regarding his Constitutional Fifth Amendment right which protects us from self-incrimination. Due to his refusal to answer questions, he was fired. Kalkines was never informed of his options in regards to answering the questions nor the consequences for not answering the questions.

The Supreme Court opined, employees must be advised of their rights prior to questioning taking place. Now, a warning known as "Kalkines Warning" is given by federal government agents to federal employees and contractors prior to questioning.

The warning compels subjects of the investigation to make statements or face disciplinary action, which can include termination, but also provides criminal immunity for the statements they make. It helps to ensure an employee's Constitutional rights are upheld while also helping federal agents effectively conduct internal and administrative investigations.

---

**United we bargain  
and divided we beg!**

---

**AFGE Local 1612**

We're on the Web!  
[www.local1612.com](http://www.local1612.com)

**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!**

**Due to a holiday, the next Union meeting will be held Tuesday, November 12th at 4:30pm 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!**

---



## **PAY LAW ENFORCEMENT ON TIME**

**CONGRESS, THERE ARE MORE THAN 35,000 FEDERAL BUREAU OF PRISONS CORRECTIONAL OFFICERS AND WORKERS WHO HAVE BEEN WORKING SINCE OCTOBER 1, 2013 WITHOUT PAY!**

**THESE MEN AND WOMEN MUST STILL GO TO WORK, MUST PAY FOR FUEL, FOOD, CHILD CARE AND OTHER RELATED EXPENSES DAILY.**

**GAS STATIONS DO NOT TAKE I.O.U.'S**

**CHILD CARE CENTERS DO NOT TAKE I.O.U.'S**

**GROCERY STORES DO NOT TAKE I.O.U.'S**

**BANKS DO NOT TAKE I.O.U.'S**

**PASS HJ RES 59 TODAY SO WE CAN BE PAID ON TIME!**

**FROM YOUR CONSTITUENTS WHO ARE LAW ENFORCEMENT OFFICERS**

**Council of Prison Locals, AFGE, 409 Cleveland Ave., Forrest City, AR**

**870-633-0508**