



# Jailhouse Chatter

**AFGE Local 1612**

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## Fitness for Duty

The only time an employee is required to furnish information regarding their "fitness for duty" for returning to work is when it is either a worker's compensation issue or if the employee has a particular health condition requiring Family and Medical Leave Act (FMLA). The Agency, or Bureau, is required to pay for agency-ordered fitness for duty examinations under federal regulation, 5 CFR 339. The employee is required to pay for FMLA fitness for duty certification.

The Agency has to notify the employee in writing (not via telephone or e-mail), if they are required to furnish a fitness for duty certification for FMLA. **Employees are urged to not give the Agency authorization or permission to their medical records. The only exception would be in worker's compensation cases, but there are limitations in those types of situations.** The Agency should not request authorization to an employee's medical records or request the employee to furnish their physician to respond to certain medical questions. If the Agency requests your personal medical information, please contact a Union Representative.

If an employee is out on leave past three days, they are only required to bring in a medical slip to substantiate sick leave if requested. As stated in the Master Agreement, Article 20, Section B, "Employees will not be required to furnish a medical slip to substantiate sick leave for three (3) days or less."

The medical slip is not required to be a fitness for duty certification. If the employee is requesting accommodations or light duty, these requests will be processed through your supervisor and the accommodation committee. The employee is responsible for requesting the accommodation or light duty. These requests should be processed according to the Department of Justice policy.

## Happy Veteran's Day

A big and appreciative "THANK YOU" to all of our service men and women as we celebrate Veteran's Day this month!! Your dedication and self-less acts are what have helped this country remain a great one. As Elmer Davis, news-reporter and Director of the United States Office of War Information during World War II, stated, ""This nation will remain the land of the free only so long as it is the home of the brave."

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## This Month in Labor History

Numerous trade unions form the Federation of Organized Trades and Labor Organizations, later known as the AFL. While led by Samuel Gompers and Peter McGuire, the AFL was known as the most influential labor organization in the nation in 1881.

Later known as the American Federation of Labor, the Federation of Trades and Labor Unions was held in Pittsburgh in 1881. The convention fought for employer liability, compulsory education, uniform apprenticeship and child and convict labor laws.

In 1909, 259 miners died in an underground Cherry Mine fire. Consequently, Illinois established stricter safety regulations for mines. In 1911, the foundation for the state's Workers Compensation Act was passed.

In 1933, President Roosevelt announced plans to create the Civil Works Administration aimed to create over four million jobs for the unemployed during the Great Depression.

A 1945 post-war strike at GM closed 96 plants while workers fought for higher wages.

The NFL Players Association ends a 57-day strike. The players had wanted a higher share of gross team revenues but were unsuccessful in 1982

In 1996, "Chainsaw Al" Dunlap lays off 6,000 workers at the Sunbeam Corp. due to "restructuring." Due to the ruthless manner in which he used to streamline struggling companies, he gained his nicknames "Chainsaw Al" "professional downsizer" and "Rambo in Pinstripes." His

reputation was ruined after he engineered a massive financial scandal at Sunbeam-Oster. He was eventually fired for his scandals and abrasive management style.

Oil, Chemical and Atomic Workers Union activist Karen Silkwood is killed in a suspicious car crash in 1974. She was in route to deliver documents to a reporter regarding a safety investigation of her Kerr-McGee plutonium processing plant in Oklahoma.

OSHA publishes standards reducing the permissible exposure of lead for 835,000 workers in 1978. This helped protect workers from damage to nervous, urinary and reproductive systems.

## Local Happenings

- Dates for a light-duty arbitration case have been set for February 12 and 13, 2014. If anybody would like to be a witness, please notify Karrie Wright. Staff had been denied light-duty posts.
- We're still waiting on dates for arbitration on a 12-day suspension case.
- We're still waiting on dates for arbitration regarding the 1-2 Clinic sleep study schedules.
- We're still waiting on dates for arbitration regarding a 2-day suspension case.
- We're currently checking on the St. John's policy for flu-shots.
- Nominations for executive board positions will be due on November 12, 2013.

## Around the Bureau

AFGE has been busy over the last month speaking out against the government shutdown and fighting for worker's rights and safety.

The Office of Management and Budget issued a report detailing the consequences of the 16-day government shutdown. There was an estimated \$2.1 billion dollars in lost productivity. The Small Business Administration was prevented for processing over 700 applications for \$140 million dollars in small business loans. The Federal Housing Administration was unable to process over 500 home loan applications. Around 1,400 military service members were denied transition assistance to help them reintegrate and find civilian jobs. Hundreds of cancer patients were kept from enrolling in clinical trials, which could have been life saving or life prolonging. OSHA had to suspend 1,400 inspections that would have helped prevent workplace fatalities and injuries. The National Park Service lost over \$7 million in revenue, not to mention many families lost opportunities to visit the parks that their tax dollars help fund. The Smithsonian reported a loss of \$4 million in revenue. Overall, approximately 850,000 federal employees were furloughed, which was more than any previous government shutdown. AFGE National President J. David Cox Sr. stated, "I hope all lawmakers keep a copy of OMB's report by their side as they engage in other budget debates. They all need to remember that putting vital government services at risk to score political points is a costly exercise that has ruinous consequences for our government and the country."

AFGE is speaking out and opposing a House proposal that would grant the operations of the National Energy Technology Laboratory (NETL) to "for-profit contractors." By contracting out these duties, the government would be giving away more of our unionized federal jobs. The NETL has won numerous awards for leading a federal laboratory study to develop fossil fuels and renewable energy sources.

The Justice Department has joined a lawsuit against United States Investigations Services, a contractor that provides background checks on employees. The Justice Department joined the lawsuit due to the investigations services "failing to perform quality background investigations on individuals seeking employment with federal agencies." The lawsuit was originally filed two years ago by a former employee who alleged the company was defrauding the Office of Personnel Management by "submitting incomplete cases or those that had never been investigated at all in order to meet revenue targets." The employee had worked as a Director of Fieldwork Services, but was terminated after refusing to order his employees to engage in the illegal practice of "dumping."

AFGE is calling for a review of the safety procedures at airport security checkpoints following the aftermath of a shooting at the Los Angeles International Airport. One TSA officer was killed and two others injured.

# Know Your Rights

Did you know Union Representatives are entitled to attend meetings between management and staff? Because the Union has exclusive representation of bargaining staff members, they represent not just individual staff members, but the interest of staff members in general. Therefore we have the right to attend meetings and represent bargaining unit staff members and their interests as a whole. This is statute as recognized and outlined by the Federal Labor Relations Authority. Here's the statute, in part, as it relates to "formal discussions" between management and staff:

The Statute grants a union the right to be represented at a formal discussion in order to represent the institutional interests of the exclusive representative. The rights in section 7114(a)(2)(A) were intended to allow a union to be present at meetings, of a more formal than informal impromptu nature, between managers and employees that concerned a matter pertaining to the workplace so that the institutional views of the union could be represented. The intent is that the union's presence and participation will enable the meeting to be successful and productive. The union representative brings an institutional perspective to the meeting.

The agency has a right under the section 7106(a) to meet with employees about the work and about working conditions. However, the exclusive representative is afforded the right to be present and represent the interests of the bargaining unit at formal discussion meetings. For example, as a participant at a formal discussion, the union representative may help to clarify the matters being discussed. A union representative's participation may also result in a productive dialogue between agency officials and employees on the subject matter at issue and avoid misunderstandings of what is said and not said at such meetings and of what action, if any, the agency will be taking next. The presence of a union representative also may result in the "tough" questions being asked by the union representative, rather going unasked due to either reluctant unit employees, or employees that are not asked to view the subject matter from the institutional perspective or that do not possess the same background in the subject matter as the union representative."

Thus, the union's presence at a formal discussion concerning general working conditions as envisioned by Congress in enacting the Statute was intended to improve the quality of the discussion and allow unions to protect their institutional rights to be the employees' sole representative. When properly implemented, the formal discussion right benefits all participants -- the agency, the union and the employees.

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

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**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!**

**We welcome you to attend meetings to vote for issues important to you and to have a voice in discussions affecting us all!**

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