



# Jailhouse Chatter

**AFGE Local 1612**

February, 2014  
Volume 1, Issue 6

## Case Decision:

### Inclement Weather is a Win!!

Our Region, the North Central Region (NCR), contains over 6,000 employees and 19 different institutions, the Regional Office in Kansas City and Residential Reentry Management offices. On February 1-3, 2011 the NCR suffered a severe winter storm. Employees at some institutions, including Springfield, were unable to make it to work.

The Federal Executive Board in Chicago and Kansas City made the recommendation to close federal offices and to grant administrative leave to non-essential staff that couldn't make it safely to work due to the storm. In accordance with the FEB recommendation, Kansas City Regional Offices were closed a portion of the day February 1<sup>st</sup> and all day on February 2<sup>nd</sup>. Employees who couldn't make it work were granted administrative leave. Institutions were not closed, obviously, but staff that couldn't make it to work weren't granted administrative leave either and instead had to take annual and sick leave.

On February 1<sup>st</sup> and 8<sup>th</sup>, Mike Rule, the Union's NCR Vice President, received phone calls from local Union Presidents. Mr. Rule spoke with Agency Senior Deputy NCR Director Amber Nelson at the Kansas City Regional Office. Mr. Rule was informed Regional staff had been granted administrative leave, but other NCR staff, such as those at institutions, had not. On March 7, 2011, the dispute was still not resolved and the Union filed a formal grievance on behalf of NCR bargaining unit staff.

On April 4, 2011, the Bureau of Prisons denied the grievance. The grievance proceeded with arbitration. The arbitration was held in Chicago on August 6 and 7, 2013. The Union maintained the Bureau of Prisons violated the Master Agreement by giving differential leave treatment. Once leave was approved, employees affected by the storm should have been treated equally in regards to what type of leave was granted. Under Article 6, Rights of the Employee, it stated, "to be treated fairly and equitably in all aspects of personnel management." In Article 9, in regards to Annual Leave, it states, "In accordance with applicable laws, rules, and regulations, the Employer may grant administrative leave or other appropriate leave during emergency situations in the local area for affected employees. These may include, but are not limited to, extreme weather conditions, serious interruptions in public transportation, and disasters such as fire, flood, or other natural phenomena."

The Arbitrator determined the grievance was sustained. The award, "All bargaining unit employees that were not granted administrative leave and who were required instead to take chargeable leave during the February 1-3, 2011 weather emergency shall be made whole and have their chargeable leave restored.

Congrats on this win. MCFP's very own Bekki Stafford participated in this arbitration and helped us bring home a victory for bargaining unit staff.

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#### Inside this issue:

In Labor History	2
Local Happenings	2
Around the Bureau	3
What's Arbitration	4

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# This Month in Labor History

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In 1825, Ohio authorizes the building of a 249 mile long canal to connect Toledo to Cincinnati. Immigrants, convicts and local farmers helped build the tunnel using picks, shovels and wheelbarrows and were only paid 30 cents a day.

The first "daily laborer" newspaper, "The NY Daily Sentine" began production in 1830.

On February 7, 1894, the state militia was deployed to help support Union miner workers in Cripple Creek Colorado. The strike lasted 5 months and kicked off when management decreased worker's wages from \$3 to \$2.50. It was the only time in U.S. history that a militia was directed to support the Union. It was a victory for the Union.

Ironworkers met in Pittsburgh to form

the Int'l Association of Bridge and Structural Iron Workers of America in 1896.

In 1932, numerous unemployment demonstrations were taking place across the United States.

In 1937, over 37,000 maritime workers strike in an effort to increase wages on the West Coast.

Also in 1937, Congress approved legislation that allotted \$940 million to be used for Depression-era relief projects.

In 1941, a Supreme Court ruling upheld the Wages and Hours Act which banned child labor and established the 40-hour work week.

In 1961, President Kennedy asks Congress to approve creation of the

Medicare program, which was to be financed by Social Security taxes.

President Bill Clinton signed the Family and Medical Leave Act in 1993 which afforded most employers of 50 or more employees to grant up to 12 weeks of unpaid leave for a family or medical emergency.

In 2003, Circuit City fires over 3900 experienced sales people because "they were making too much in commission." Six years later, the company declared bankruptcy.

## Local Happenings

- We currently have three new cases pending arbitration. For more information or to cast your vote, attend the next Union meeting.
- An arbitration regarding a 12 day suspension is scheduled for March 2014.
- The case regarding light duty has arbitration dates for the week of February 10, 2014.
- The arbitration case held in Chicago regarding bad weather was won!!
- Rachael Owens is the new appointed Fair Practice Coordinator for the Local.
- Votes on the Master Agreement ratification are due in March. If you would like to review the updated version, please contact Larry Caudle.

## Did You Know?

Approximately two million workers report being victims of workplace violence each year. In 2010, there were 4,547 workplace injuries in the United States according to reports published by the Bureau of Labor Statistics Census of Fatal Occupational Injuries. Of those deaths, 506 were workplace homicides. Homicide is the leading cause of death for women in the workplace.

## Around the Bureau

A big thank-you to AFGE for their efforts and persistence in getting Congress to agree to a 1% pay raise to over 200,000 wage-grade employees! General schedule (GS) employees had been granted a 1% pay raise for 2014, but wage-grade employees had been previously left out.

The House and the Senate approved the 2014 spending bill at the end of January that provides funding for federal agencies until September 30, 2014. The bill totals \$1.1 trillion. The Bureau of Prisons, thanks to a push from AFGE and Council of Prisons Local, received \$6.9 billion budget, which is a \$79 million increase. Part of this increase has helped fund the opening of Thompson, which has sat vacant since its construction. For a breakdown of agency budgets, visit [www.afge.org](http://www.afge.org) for more information.

AFGE is promoting and advocating for the “Safe Prisons Project.” The Safe Prisons Project promotes “Three Commonsense Steps to Safer Prison Communities:

1. Increase funding for the Bureau of Prisons to address chronic understaffing issues that put staff in danger
2. Expand the Pepper Spray Pilot Program to all federal prisons so correctional workers can defend themselves
3. Support mandatory sentencing reform by backing the Smart Sentencing Act of 2013 to reduce overcrowding of our prisons

For more information, please see the attached flyers or visit [www.afge.org](http://www.afge.org)

# 2,536

the number of weapons confiscated  
in federal prisons last year.





America's Correctional Officers Deserve Better.

## What is Arbitration?

Often times Union representatives refer to a case as “going to arbitration.” What does that mean?

Statute requires that our Master Agreement (the formal agreement between the Bureau of Prisons and bargaining unit staff members) establishes grievance procedures that an employee, the Union, or the agency can use to pursue a workplace dispute.

When the Union and management cannot reach a decision on a grievance, the case, by mutual agreement of both parties, can proceed to arbitration. Arbitration is more formal and is held by an “arbitrator” which is a neutral third party. Both sides present their case and the evidence is heard by the arbitrator. The arbitrator is an agreed upon person by both sides. The arbitrator reviews the material and then makes a decision or “award.” The award is binding by both sides, but can be appealed.

Arbitration is important because it helps reinforce and uphold our Master Agreement. Arbitration decisions also help set precedents for future cases. Awards can often benefit bargaining unit members for violations against our Master Agreement, such as the win with the inclement weather in which the Agency has been ordered to restore leave.

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### Knowledge is Power!

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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 and past practice in order to ensure our rights are upheld! Votes are held at meetings! Come and vote for matters that will affect you!**

**The next meeting has been rescheduled to Tuesday, February 18<sup>th</sup> at 4:30 pm due to inclement weather.**

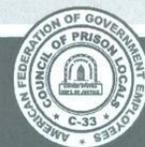
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# Stop the Murders and Assaults!

- Nearly 219,000 prison inmates are confined in Federal Bureau of Prisons (BOP) prisons today, up from 25,000 in 1980, 58,000 in 1990, and 145,000 in 2000. It is expected there will be about 224,000 inmates incarcerated in BOP prisons by the end of FY 2014.
- The explosion in the BOP inmate population is the direct result of Congress approving stricter anti-drug enforcement laws with mandatory minimum sentences in the 1980s, including the Anti-Drug Abuse Act of 1986 (P.L. 99-570) and the Anti-Drug Abuse Act of 1988 (P.L. 100-690). Of the 219,000 inmates in BOP prisons, 51% are serving sentences for drug-related offenses. The average sentence length for inmates in BOP custody is over 9 years.
- The number of federal correctional workers who work in BOP prisons, however, is failing to keep pace with the tremendous growth in the BOP prison inmate population. The BOP system is staffed at about an 89% level, as contrasted with the 95% staffing levels in the mid-1990s. This 89% staffing level is below the 90% staffing level that BOP believes to be the minimum staffing level for maintaining the safety and security of BOP prisons.
- Prison inmate overcrowding also is an increasing problem at BOP prisons, despite the activation of new prisons over the past few years. The BOP system today is overcrowded by 37%, up from 31.7% in 2000. Inmate overcrowding is of special concern at higher security prisons, with 54% overcrowding at high security prisons and 44% overcrowding at medium security prisons.
- These serious correctional worker understaffing and prison inmate overcrowding problems are resulting in significant increases in inmate assaults against correctional workers.
- BOP has performed a rigorous analysis of the effects of prison inmate overcrowding and correctional worker understaffing on inmate-on-worker rates of violence - and found that increases in both the inmate-to-worker ratio and the rate of overcrowding at an institution are directly related to increases in the rate of serious inmate assaults on correctional workers. An increase of one in a BOP prison's inmate-to-worker ratio increases the prison's annual serious assault rate by about 4.5 per 5,000 inmates.
- Illustrations of this painful reality include the brutal stabbing murders of Correctional Officer Jose Rivera on June 20, 2008 at the United States Penitentiary in Atwater, CA and Correctional Officer Eric Williams on February 25, 2013 at the United States Penitentiary in Canaan, PA. An additional illustration is the murder of Lieutenant Osvaldo Albarati on February 26, 2013 while driving home from the Metropolitan Detention Center in Guaynabo, Puerto Rico.

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129 times, broke his skull and I didn't even recognize my son in the casket. Then I learned that my son was working by himself with 125 inmates. How crazy is that? That's inviting trouble.

"This year I learned some things. On February 25th at 1:30 AM I learned that my son had been murdered by an inmate. He was stabbed

How can you keep adding more people into the prison systems but cutting the money out and taking the staff down? Do the math!"

*Don Williams, Father of Slain Correctional Officer Eric Williams*



Correctional Officer  
Jose Rivera,  
Murdered June 20, 2008



Correctional Officer  
Eric Williams,  
Murdered Feb 25, 2013



Lieutenant  
Osvaldo Albarati,  
Murdered Feb 26, 2013

# This Can't Go On!



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