



Jailhouse Chatter

AFGE Local 1612

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Untimely Discipline

Council of Prisons Local 3690 at FCI Miami won an arbitration regarding untimely discipline. In summary, the grievant, a Correctional Officer, was accused of throwing a protective vest at another employee. The officer denied throwing the vest. Statements from other employees didn't substantiate the claim the officer threw the vest either, although the vest that struck the fellow employee did belong to the officer.

As a consequence of supposedly throwing the vest, the officer was issued a "cease and desist order" from the Agency that prevented him from working overtime assignments. The order remained in effect while the Agency investigated the alleged misconduct. The Agency's investigation lasted over two years. At the end of the investigation, the Agency decided the officer had engaged in "unprofessional conduct." As a result, the Agency imposed a 14 day suspension, which was later reduced to 7 days.

Local 3690 filed a grievance challenging the 7-day suspension. The matter proceeded to arbitration. The arbitrator sustained the grievance. The Arbitrator focused on the Agency issued directive that mandates investigations, similar to this one, be completed within 120 days. The arbitrator found the officer's investigation took well in excess of that timeframe which constituted an "unreasonable delay" and denied his rights. The Agency had violated their own mandate of timeframes for investigations.

The mandate states, "Local investigations should be completed and the investigative packet forwarded to OIA within 120 calendar days of the date the local investigation was authorized by the OIA."

The investigation limited the officer's opportunity to work overtime. The Arbitrator ordered the officer's personnel file to be "expunged" of any and all references to the incident. In addition, the Arbitrator also directed the Agency to award the officer "all wages and benefits withheld or denied as a result of the proceedings." The Agency and Local were ordered to negotiate a settlement figure for wages lost by the officer.

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This Month in Labor History

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14,000 trade workers gathered at Milwaukee Iron Co. in Bay View, Wisconsin to demand an 8-hour workday in 1886. Under orders of the governor, 250 National Guardsmen shot at the demonstrators under the order, "shoot to kill." Seven workers died including a 13 year old boy.

In 1888, 19 railroad worker machinists gathered in a locomotive pit to discuss a cut in wages. The workers voted to form a Union, which later became known as the International Association of Machinists.

In 1931, the Battle of Harlan County begun in Kentucky. Armed deputies and enforcers hired by mine owners attacked striking miners.

A large scale lumber worker strike began in the Pacific Northwest. The 13-week long strike was a victory for the 40,000 workers who won Union recognition, a 50 cent minimum wage and an 8-hour work day in 1937.

The Works Progress Administration was created in May 1935 at a cost of \$4.8 billion. The WPA helped provide work opportunities for millions during the Great Depression.

In 1907, two were killed and 20 injured during "Bloody Tuesday." Scabs were attempting to run San Francisco streetcars during a strike by operators. The strike was declared a loss in 1908 after more deaths ensued and several streetcar accidents which had been

under the operation of scabs.

Philadelphia ended the longest transit strike after 44-days in 1977. The main issue was the hiring and usage of part-time workers.

12,000 Steelworkers at Goodyear Tire and Rubber won an 18-day strike which improved job wages and job security in 1997.

In 2005, a federal bankruptcy judge allows United Airlines to neglect their responsibility for pensions for over 120,000 employees.

Local Happenings

- The arbitration case regarding light duty will continue on October 22 and 23, 2014. Notify Karrie Wright if you have been denied light duty.
- A case regarding the 12-day suspension of a bargaining unit staff member is scheduled for arbitration November 19 and 20, 2014.
- The 2014 first place winner of the \$1,000 Darrell Flannigan Scholarship was Corie Liska. The second place \$500 winner was Cody Wright. Congratulations to them!
- The National Union and the Director of the BOP would like to see "partnership" within the institutions. Partnership training will be held in August with the Warden, Human Resources Manager and two Union Officials.
- An arbitration case regarding workplace accommodations is scheduled for September 16 and 17th, 2014 if a settlement is not reached before then.
- The Regional Caucus will be held June 2-6, 2014 in St. Louis.
- The National Caucus is scheduled for September 1-5, 2014 in Florida.
- An MSPB is pending on a termination case.
- The ratified edition of the Master Agreement has been approved!!

AFGE and its National Veterans Affairs Council are pleased with a push to expand full-bargaining rights to VA healthcare professionals! Currently, under the Title 38 personnel system, nurses, physicians, PA's, dentists and other healthcare professionals don't have full-bargaining rights to ensure our veterans are getting the best patient care possible while also giving healthcare professionals a voice in their working conditions. Several representatives, congressional leaders and legislatures are pushing a bill that would amend 38 USC 7422.

Council of Prisons Local

Master Agreement: The ratified version of the Master Agreement has passed with the Council of Prisons Locals and the Agency agreeing to the new document. The new edition will be issued and implemented soon. The updated Master Agreement has several new inclusions, such as:

- the Union and Agency will meet in person at least 4 times a year to discuss and negotiate national level issues, which is an increase from the previous agreement of 3 times a year
- there is now an inclusion that prohibits discrimination based on disabling conditions, genetic information or participation in a protected activity
- there are changes in the procedures for reporting outside employment
- there is an increase in the clothing allowance amount

Partnership: In 2009, President Obama issued an executive order, which states in part, "A non adversarial forum for managers, employees, and employees' union representatives to discuss Government operations will promote satisfactory labor relations and improve the productivity and effectiveness of the Federal Government. Labor-management forums, as complements to the existing collective bargaining process, will allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people. Management should discuss workplace challenges and problems with labor and endeavor to develop solutions jointly, rather than advise union representatives of predetermined solutions to problems and then engage in bargaining over the impact and implementation of the predetermined solutions. The purpose of this order is to establish a cooperative and productive form of labor-management relations throughout the executive branch."

Management and Union officials will participate in training in the next couple of months on "partnership" and will begin implementing the process soon after that.

ULP or Grievance?

In general, a grievance is filed when there is a violation of the Master Agreement, a past practice or a disciplinary action. A grievance usually starts with a written complaint to management as outlined in the collective bargaining agreement, the Master Agreement.

A "ULP" or unfair labor practice is a violation of the Federal Service Labor-Management Relations statute, which is law. Chapter 5 USC 71 is what establishes Labor-Management Relations and practices. A ULP is filed with the National Labor Relations Authority.

Title 5 Chapter 71 outlines Labor - Management Relations and **it is the law!** To read the statute, visit the link: <https://www.flra.gov/statute>

Knowledge is Power!

AFGE Local 1612

We're on the Web!
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 is being held Monday, May 12th at 4:30 pm at the Union house.
