



U.S. Department of Justice
Federal Bureau of Prisons
Federal Medical Center
3301 Leestown Road
Lexington, KY 40511-8799

January 23, 2034


MEMORANDUM FOR DAVID PAUL, WARDEN

FROM: LMR Officials
FMC Lexington, KY

SUBJECT: LMR Meeting - January 23, 2024

LMR was conducted at 12:30 p.m. in the Warden's Conference Room. The following were in attendance:

AFGE Local #817:

K. Griffin, President
A. Mabson, Vice President
F. Marrs, 2nd Vice President
R. Terry, Chief Steward
J. Dize, Treasurer
J. Hobbs, Steward
J. Young, Chief Steward
M. Christison, Secretary

Management:

J. Sizemore, AW(O), Chairperson
K. Blanke, AW (CP)
P. Johnston, Captain
A. Reed, Acting Assistant HRM
K. Jewell, HR Specialist
C. Kirby, AW (O)

Old Business

Union Agenda Items:

1. Treadway Issues

UNION: The Union is still awaiting an update regarding whether management has received the downspouts and when the downspouts will be installed.

MANAGEMENT: Downspouts have been ordered but have not been received.

CONCLUSION: Parties agree to table.

2. Lunch Breaks

UNION: The Union is seeking confirmation on the final approval for a 30-minute built in overtime for lunch breaks.

MANAGEMENT: No new information to provide.

CONCLUSION: Parties agree to close.

3. Augmentation

UNION: The Union stands by, required training stated in the program statement will be covered by augmentation. However, overtime should be offered for any additional non-mandatory training. The Union reiterates the existing Augmentation MOU, by emphasizing the use of augmentation will be used to fill vacant positions without pulling an officer from their bid post. Requests an answer on change in procedures. The union is concerned the change in augmentation procedures involved augmenting staff to cover housing units instead of emergency med trips.

MANAGEMENT: Noted. Management agrees to follow current Augmentation MOU.

CONCLUSION: Parties agree to table.

4. Control Center

UNION: The Union is seeking an update regarding the status of fixing the shadow boards for storing cuffs inside the closet. Furthermore, management has communicated their commitment to exploring alternative solutions for replacing the red key boxes in the control center. The Union is eager to receive an update on these efforts.

MANAGEMENT: Management is still working on solutions for hanging the handcuffs and exploring what will work for the red boxes in control. Heavy board will be ordered by Friday.

CONCLUSION: Parties agree to table.

5. Staff Screening

UNION: In the LMR meeting held in December, the Union raised concerns about the Screening Site. The Union asserts, the Screening Site officer should support the Front Lobby officer in screening

contractors and preventing contraband introductions.

After the meeting, the Union learned management sent an email on December 12, 2023, stating: "To remind everyone, the secondary screening site is to be used by all staff when it is open. This is to allow the front lobby officer the ability to screen contractors and/or volunteers during the high traffic times."

The Union is aware that management contradicted their own message, creating opportunities for contraband introduction on numerous occasions. Notably, the screening site post remained vacant during high peak hours (6:00am-8:00am) 14 times since December 12, 2023. The Union wishes to address the repeated occurrence of this issue. On January 10, 2024, management's directive to vacate the screening site during peak hours led to the introduction of a cell phone, prompting the Union's concern.

During the last LMR meeting, management committed to follow up in the first week of January with the Union regarding screening site options. Regrettably, they failed to follow through, leading to an incident that the Union is now addressing in an effort to protect and assist bargaining unit staff.

MANAGEMENT: During times when it is not possible to fill posts due to staffing or in the event of institutional needs, staff may be reassigned to other duties.

Management is not aware of an introduction of a cell phone that the Union is referring to. Management requests the Union staff with knowledge of said introduction of a cell phone to provide memorandums immediately regarding the alleged event so that the introduction can be investigated. Will send email to explain expectations of staff screening during high-traffic screening times.

CONCLUSION: Parties agree to close.

6. Training Center Kitchen

UNION: Since the October LMR meeting, the Union expressed concerns about the training center. The Union still seeks to revisit the agreed-upon conditions, ensuring staff regains access to amenities such as, lockable refrigerator with a common key accessible at the camp, the donated Union coffee pot, and an ice machine. In addition, the Union requests an update on whether management explored the possibility of adding emergency keys for the training center to Perimeter vehicles.

MANAGEMENT: Perimeter 1 has the Training Center Emergency Key. Unable to locate the coffee pot, still awaiting specs from Union for a replacement (picture requested), EDM is working on an ice machine.

CONCLUSION: Parties agree to table.

7. Roster Rights

UNION: During November's LMR meeting, the Union formally requested "Lieutenant's rights" to the roster program for increased transparency. The primary aim was to facilitate the observation of mandate passes, addressing concerns raised to the Union regarding potential abuse of mandate passes.

The Union is receptive to alternative suggestions for managing the roster program. In case there are reservations about granting the Union "Lieutenant's rights" to the roster program, a proposed alternative would be implementing an Excel spreadsheet with read-only access for both the Union and all officers. Implementing this alternative would effectively monitor and document all mandate passes used throughout the year, mitigating any potential misuse of mandate passes.

Requests excel spreadsheet be used to track mandate passes which is visible to other custody staff.

MANAGEMENT: P.S. 5500.14 Correctional Services Procedures Manual, Chapter 1, Page 2, explains the local union president or his/her designee will be provided read-only access (including the ability to print) to the Correctional Services Roster Program. Requests names of four (3) union delegates desired; one (1) per shift.

Proposed mandate pass spreadsheet will be implemented.

CONCLUSION: Parties agree to close.

8. Nursing Shortage

UNION: The Union is requesting an update on the progress of pulling certificates for nursing staff and any completed hiring. The Union is aware from previous LMR meetings and discussions, management is utilizing nonclinical staff nurses for clinical staff nurse duties. Management states days off and hours of work have not changed, but the Union would like to express support of a set of procedures to allow for a consistent practice and a fair and equitable process for these duties. The Union would like to request an update on this matter.

MANAGEMENT: HR continuing the process of requesting certificates and conducting interviews. Discussing the abolishment of two (2) dental assistant positions and establishment of two (2) med tech positions. A nationwide request for nursing assistance has been approved and sent, however, there has been no assistance available.

Will discuss nursing augmentation roster to be implemented after the placement of ADON.

ARTICLE 5 - RIGHTS OF THE EMPLOYER

Section a. Subject to Section b. of this article, nothing in this section shall affect the authority of any Management official of the Agency, in accordance with 5 USC, Section 7106:

2. in accordance with applicable laws:

- a. to hire, assign, direct, layoff, and retain employees in the Agency, or to suspend, remove, reduce in grade or pay, or take other disciplinary action against such employees;
- b. to assign work, to make determinations with respect to contracting out, and to determine the personnel by which Agency operations shall be conducted;
- c. with respect to filling positions, to make selections for appointment from:
 - (1) among properly ranked and certified candidates for promotion; or
 - (2) any other appropriate source

CONCLUSION: Parties agree to table.

9. Food Service Windows

UNION: Despite the agreement made in September's LMR, management has yet to install tint on the Food Service windows as a preventive measure against inappropriate gestures from inmates. It is now January, and the Union emphasizes the need for the tint's installation, requesting an update on the progress.

MANAGEMENT: Tint has been put up on two separate occasions. Management is unaware of any incident reports within the last few months of inmate making inappropriate gestures. Staff are reminded to report any inappropriate behavior immediately so it can be addressed appropriately. Facilities is willing to paint red lines inside FS and it will be up to staff to directly hold inmates accountable.

CONCLUSION: Parties agree to table.

10. Perimeter Road Signs

UNION: In September's LMR, management agreed to acquire new, larger signage to prevent civilians from entering Perimeter Road. The Union promptly provided management with a thorough list of recommended sign locations and the required content to enhance visibility for visitors. Currently, the Union is seeking an update on the progress and completion of the new signage installation.

MANAGEMENT: New signs have been ordered. Anticipated arrival 2/21/24.

CONCLUSION: Parties agree to close.

New Business

Union Agenda Items:

1. Visitor Parking

UNION: In November's LMR, the Union expressed concern to management about the lack of a designated area for visitors, preventing them from parking next to staff vehicles. Management agreed to allocate the farthest section of the parking lot for this purpose. As of January, the Union is still awaiting the implementation of markings to finalize this arrangement.

MANAGEMENT: Painting of parking lot lines can not occur until temperatures are above 55 degrees on consecutive days.

CONCLUSION: Parties agree to close.

2. Threat Assessment

UNION: The Union became aware of a threat assessment days after it occurred, not through communication from management. This raised concerns about potential exclusion, prompting the Union to question if they have been omitted from other threat assessments. In the Union's commitment to ensure fair representation, the Union requires timely information on potential threats. The Union requests management adhere to policy and extend invitations to the Union to be involved in the committee for all threat assessments.

MANAGEMENT:

P3730.05 c. Threat Assessment. The Chief Executive Officer (CEO) shall make a judgment regarding the level of threat posed by the

employee(s) in question and determine what action is necessary to protect staff and the institution/work site.

For serious or questionable incidents, or if the CEO deems it necessary, the CEO may convene a "threat assessment team" to assist in making this judgment. If the alleged perpetrator is a bargaining unit staff member, they may be asked, but are not required, to provide information (verbally or in writing) as part of the threat assessment process. If any bargaining unit staff elect to provide information as part of the threat assessment process, they are entitled to a union representative if requested in accordance with Section 7114 (a) (2) (B) of Title 5, USC.

The process utilized by the CEO in determining whether to convene a threat assessment team will be fair and equitable as much as the circumstances surrounding each case are similar, with the goal of being consistent.

The threat assessment team's composition may vary from incident to incident. At the sole discretion of the CEO, the following staff may be considered as potential team members:

- local Executive Staff members,
- Supervisory Correctional Services staff,
- the supervising department head of the employee(s) in question,
- a representative designated by the union,
- attorney or paralegal,
- psychologist or other mental health professional, and the Human Resource Manager.

Article 6 Section F:

Unit employees, including probationary employees, have the right to a Union representative during any examination by, or prior to submission of any written report to, a representative of the Employer in connection with an investigation if:

1. the employee reasonably believes that the examination may result in disciplinary action against the employee; and
2. the employee requests representation.

The Employer recognizes the Union's right to appoint and designate the Union representative of its choice.

Article 10 - Union Representation on Committees

Section a. The Union at the appropriate level will have membership on at least the following committees, where they exist, which are charged with making recommendations to the appropriate authorities on specific issues. These committees are:

1. Health and Safety, in accordance with Article 27;

2. Incentive Awards (to help oversee the system and review suggestions only);
3. Affirmative Action;
4. Staff Housing (whenever members of the unit have applied); and
5. Commissary.

Union should have been invited to decision.

CONCLUSION: Parties agree to close.

3. Visitation

UNION: In November's LMR, the Union raised concerns about the non-functional back door camera in visitation and the need for a larger monitor to improve the ability to review all cameras. Captain Johnston ensured a ticket was completed for the back door camera. However, the Union is still seeking an update on the replacement of the larger monitors and the cameras.

MANAGEMENT: As of now, Chapel cameras are being upgraded, FS cameras next and while installing backbone for Bluegrass then depending on any other emergencies, we can address the visitation cameras. Visitation cameras are analog and require an encoder and we do not have any analog cameras to utilize. Central Office is purchasing all new digital cameras in order to replace the obsolete analog cameras and are due to ship after March 2024.

Work order will be placed to address needed visibility of rear visitation door.

CONCLUSION: Parties agree to close.

4. MAT Program

UNION: In January 2023, the Union expressed concern to management regarding the MAT program. The Union now seeks an update on the reason why verified and trained staff are not administering narcotics, when those staff handle the responsibility of the pill line nurse.

Pill line nurses were removed from the roster. There is no longer adequate coverage for pill line/ distribution of MAT medications. It is now being dumped on other nursing staff.

MANAGEMENT: Any BOP physician, mid-level provider, pharmacist, nurse, medication technician, paramedic or EMTs are legally authorized by the DEA to administer medications for OUD.

Will discuss with PHS to address.

CONCLUSION: Parties agree to table.

5. Institution Phones

UNION: In the past 3 weeks, staff members lack access to functioning phones and several critical communication challenges have been raised. The inability to call home to inform family about mandated shifts creates stress and inconvenience for staff. In emergencies, such as the recent bomb threat, the absence of a means to contact home hindered the communication of urgent situations.

Furthermore, in the context of outside medical trips, the absence of functioning phones poses challenges for the Medical Trip Desk officer to communicate and coordinate necessary arrangements with both management and external contract services (Swanson).

Moreover, non-functioning phones within the institution has created a dangerous environment by impeding crucial communication channels because staff members rely on phones for various essential tasks, including responding to emergencies, requesting assistance, coordinating daily operations, and managing unforeseen situations.

The Union is requesting an update on how long the absence of functioning phones will continue.

Still unable to call out from various areas.

MANAGEMENT: It was thought institution telephones had been fully repaired. Was unaware of the issue with some extensions. Will have facilities follow up on issues and provide instructions to staff on dialing out. It will be requested a work order be submitted if there are ongoing issues.

CONCLUSION: Parties agree to close.

6. Spurr Road Entrance

UNION: The Union kindly requests management's attention to address and maintain the Spurr Road entrance. There have been instances of staff vehicles sustaining damage from potholes. Additionally, the Union suggests widening of the roadway to provide smoother access for cars, allowing entry and exit without the necessity of going off-road.

MANAGEMENT: Facilities is aware of the failing road infrastructure and has submitted request for special session in the amount of \$1.8 million.

CONCLUSION: Parties agree to close.

7. Custody Mandates

UNION: The Union has been made aware the mandates are occurring more frequently to lower in seniority officers rather than being fairly distributed. This affects the mandate list by consistently placing lower seniority at the top, resulting in only lower seniority staff members consistently receiving consecutive mandates. There's a requirement to ensure fair and equitable distribution of overtime and the complexity of the current process contributes to confusion and frustration. The Union has various solutions and requesting the Lieutenant's collaboration to make this process more beneficial.

MANAGEMENT: If multiple staff are mandated on the same shift, the next mandate from that group on the next day is based on seniority. Seniority is the way the roster program is designed and is fair and equitable if a group of staff are on the same mandate time from the same day. Management does not believe that additional tracking methods or changes need to occur.


Effective February 1, 2024, mandate credit for all OT will no longer be utilized.


CONCLUSION: Parties agree to close.

Closing:

The Union and Management have agreed to conduct LMR meetings monthly until both parties determine it is no longer necessary to assist in the timeliness of the agenda items raised. The next meeting is scheduled for February 27, 2024, at 12:30 p.m.

Meeting Adjourned at 2:50 p.m.


J. Sizemore, AW (O)
Chairperson


K. Griffin, President
AFGE Local 817

Minutes prepared by K. Jewell, HRS