



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

November 28, 2023


MEMORANDUM FOR DAVID PAUL, WARDEN

FROM: LMR Officials
FMC Lexington, KY

SUBJECT: LMR Meeting - November 28, 2023

The Labor-Management Relations meeting was conducted on November 28, 2023 at 12:30 p.m. in the Warden's Conference Room. The following individuals were in attendance:

AFGE Local #817

K. Griffin, President
A. Mabson, Vice President
F. Marrs, 2nd Vice President
J. Dize, Treasurer
R. Terry, Steward

Management

J. Sizemore, AW(O) Chairperson
P. Johnston, Captain
M. Ely, Executive Assistant
G. Skeel, Assistant HRM
A. Reed, HR Specialist

Union Agenda Items:

Tabled Items from last meeting

1. AGENDA ITEM: Treadway Issues

The Union requests any updates on the status of the B&F funding requested for the gutter problem. The Union would like an update on recycling supplies from Houses 3 and 4 to alleviate some of the issues with the water leaks and ammunitions in the armory.

UNION: The Union suggests metal downspouts be attached to existing downspout hardware to mitigate drainage issues related to the armory.

MANAGEMENT: After a walk-through with Facilities it was noted

that the gutters are permanently built into the building and it would be a bigger process than previously thought to move these gutters from Houses 3 and 4 to the Treadway building.

CONCLUSION: The Union pointed out a problem that could be addressed easily is the downspouts. Mr. Sizemore agreed to follow up on this request with Facilities.

Both parties agreed to table this item.

2. AGENDA ITEM: Lunch Breaks

The Union requests any updates on the 30-minute built in overtime for lunch breaks.

UNION: The Union suggested the issue of building in a 30 minute overtime in lieu of a duty free lunch break may not be an item that will be resolved before the Meal Period Arbitration is settled.

MANAGEMENT: This item has not been denied, we are waiting on the go-ahead.

CONCLUSION: Both parties agreed to table this item.

3. AGENDA ITEM: Augmentation

The Union is aware of Management's continued failure to follow the current Augmentation MOU. The Captain requested to utilize the augmentation roster to fill correctional posts on November 28, 2023, for non-mandatory DCT training. According to Policy Statement 5500.15, Correctional Services Manual, 604. Disturbance Control Teams (DCT), DCTs will receive at least 40 hours of training annually. Eight (8) hours will be for completion of certification standards. This training will be conducted in quarterly segments. The Union is aware that DCT had training already this quarter on September 19 and September 20, 2023, which they have obligated their "mandatory training" for this quarter. Anything outside is regular training and it is not deemed mandatory training. If this occurs this will be another clear violation of the Augmentation MOU.

In addition, on November 17, 2023, Lieutenant White pulled an officer for an unarmed emergency trip. The existing Augmentation MOU states you will augment to the vacant position and not pull an officer from their bidded posts. Considering that the inmate being

sent on the emergency trip was unarmed, it is expected that the augmented staff member would escort the inmate to the hospital. This issue has been addressed with Lieutenant White on multiple occasions and the Union is seeking a resolution to the constant disregard for the Augmentation MOU.

Management is in possession of the new proposed Augmentation MOU. The Union is requesting any updates on Management's changes.

UNION: It is the Union's position that the DCT team has already had its mandatory training this quarter, and therefore augmentation for another training on November 28th is not appropriate for augmentation.

Furthermore, the Union points out that the Lieutenant's office is augmenting BPT qualified staff members to housing units, rather than sending the staff member on the emergency medical trip. This practice seems to be directed at certain officers getting pulled from their posts to take trips out.

The Union is going to request information on the number of staff who are Armed BPT, Unarmed BPT, and any who have no BPT certifications.

MANAGEMENT: DCT's minimum standards for training is 40 hours, but this is only a minimum. There are several new members on the team, and additional training is needed to bring the new members up to speed. Team members have to meet their training standards calendar year quarters.

The Lt. office works to get inmate emergency trips out as quickly as possible. Management reserves the right to assign staff as appropriate. While a staff member may possess the required class to take an inmate on an escorted medical trip, there are going to be instances where a more experienced officer who takes trips on a more regular basis is needed.

CONCLUSION: Both parties agreed to table this item.

4. AGENDA ITEM: Control Center

The Union is requesting a follow up with the red key boxes in the Control Center. The Union and Management went to the Control Center to see if the handcuffs could be relocated to the closet

area and Management agreed it was feasible. The Union wants to reiterate that staff have medically retired due to the amount of movement required up and down the stairs to the bathroom to retrieve handcuffs. The Union sees many options to improve the handcuffs relocation and would like an update.

UNION: The Union stated an option for moving cuffs into the closet was evaluated and appears workable. Also, The Union inquired about an update on welding the key boxes together, but insisted if that was not possible due to blow through, caused by thin metal, riveting or epoxy may be an appropriate solution.

MANAGEMENT: Facilities is having an issue getting the metal to come together and we are looking at a different style of box. Lt. Lawson is working on the boxes with lock-shop.

We ordered the same boxes and they were thin and we are concerned the weld will not hold. They are working with them and trying to find a different box system. They have tried a couple of different methods (JB weld and nails) and they are not holding up.

CONCLUSION: Both parties agreed to table this item.

5. AGENDA ITEM: Staff Skipped for Overtime

The Union recognizes that there have been multiple instances where staff members were skipped on overtime sign-up since the previous LMR meeting. These staff members, who were skipped, possess call logs as evidence to demonstrate that they were never contacted.

Furthermore, the Lieutenants themselves are contributing to their own confusion by simultaneously filling the overtime positions.

The Captain now stated he wanted to resolve the issue by putting the skipped staff member on a vacant overtime post, which only violates another staff member's right to overtime in a fair and equitable manner. The Union agrees with how the Captain originally would resolve this matter, by placing a skipped staff member on overtime to any shift as an "extra". The problem remains unresolved, and Management's wrongdoing has not resulted in any compensation for the staff members.

UNION: Multiple Lieutenants and staff were filling two staff for one overtime post. Correcting a skipped overtime by making someone fill a roster spot causes another signed up staff member to lose

out on overtime, so the problem continues. If we can't resolve it, we will just have to take it to a third party.

Skipping staff members for overtime is difficult to do in the roster program, it seems like it has to be intentional. We have spoken to management about this issue on multiple occasions.

MANAGEMENT: Management is not aware of staff members being skipped for overtime. No concerns have been raised with Captain.

UNION: Multiple officers have been skipped for OT. The Union addressed the Captains "golden pass" resolution for skipped overtime. The Union made the proposal to revert to the way the Captain had originally conducted this resolution, by adding the skipped staff to the roster on a day of the staff's request, as an extra.

MANAGEMENT: Staff who believe they have been skipped for overtime first need to address the issue with a Lieutenant. If they can't address the problem, the staff need to come to the Captain and tell him the issue. The Captain can't address the issues if he's not aware. The Captain agreed with the "golden pass" procedure except for in instances where there is a mandatory overtime and will place that staff in the vacancy where the mandate is.

The Captain requested the days these staff were skipped for overtime. He said he would look into the issue.

CONCLUSION: Both parties agreed to close this item.

6. AGENDA ITEM: Staff Screening

In previous times, the staff screening site had a total of two (2) employees. The Union remains apprehensive about the reasons behind the alteration in this practice. The Union also still questions in the event that contraband enters unnoticed by the Screen Site

Officer, will Management hold them responsible? The Union would like to request computer services to provide a larger monitor for the Screening Site post.

Managing the monitor, metal detector, and wand staff can be a challenging task for a single staff member, especially when there is a large influx of staff entering the screening area. The Union has expressed concerns that Management is not taking all necessary

steps to minimize potential risks to the lowest possible level, as outlined in Article 27, section (a).

UNION: The screening site upstairs is very limited on space. It is difficult for many officers to perform their duties, in the small screening site area, for various reasons including the sheer number of staff screening in during shift change. Many staff, including executive staff, routinely go through the front lobby, anyway. We should bring the staff from the screening site down to the front lobby, close the screening site, and let the screening site officer screen staff while the front lobby officer processes visitors and contractors, in the Front Lobby.

MANAGEMENT: To management's knowledge, there has been no contraband brought through that a reasonable officer could not take care of. We will send out a reminder that there is a primary staff screening site and the bottom is for contractors. We will check the post orders and see if we can make changes and we will send out an email to remind everyone.

Management will look into the option of using just one screening site instead of two, as it is at other Bureau facilities. In the meantime, Computer Services will look for a larger monitor that is compatible with the upstairs screening site.

CONCLUSION: Both parties agreed to table this item.

7. AGENDA ITEM: Training Center Kitchen

Prior to the renovation of the Training Center kitchen, Management committed to ensuring that all facilities would be accessible to staff. Management stated the Training Center project would be completed by early November and the Union requests an update.

UNION: The Union requested a hasp be placed onto the fridge with a common key lock to secure the contents of the fridge from the inmate campers. The Union also requested the return of the coffee pot the Union donated that has been removed since the culinary program move. The Union also requests an adequate alternative to the ice machine that existed prior to the culinary program move.

MANAGEMENT: As far as the main renovation in the kitchen, it is at

99%. The only thing that is not in the hallway is a microwave and Gleason is trying to track one down.

CONCLUSION: Both parties agreed to table this item.

8. AGENDA ITEM: Drones

The Union is aware that the DOJ is exploring mechanisms to give DOJ components, including the BOP, legal authority to detect and disable UAS (Unmanned Aircraft Systems - Drones) that present a security threat. Management stated, Office of Secure Technology must authorize the drone detection systems before Management will consider purchasing such devices. The Union is aware of the DOJ is only seen as a moderate priority; the Union requests an update.

UNION: There is policy regarding aircraft and how to take care of those issues. We would like to know if there is a pilot program for the deterrence of drones. The Union is aware the DOJ labels the BOP as a "moderate threat". Does this indicate we will receive consideration for this issue at a later date rather than one that is considered a higher severity?

MANAGEMENT: We have not seen anything come down nationally. There has been no authorization to take drones down. The training that has been provided to staff via BLU is the most up to date guidance we have.

CONCLUSION: Both parties agreed to close this item.

9. AGENDA ITEM: Acting Lieutenants

Management states UDC and CIMS is required for an acting Lieutenant. The Union still holds that these courses and certifications are not required to act as a Lieutenant. The Union believes acting Lieutenant should be available for overtime opportunities and should adhere to the requirement of all other overtimes by being fairly and equitably distributed.

Management also states the position of acting Activities Lieutenant is a non-bargaining position and is not subject to bargaining unit coverage. The statement made by Management is being challenged by the Union, due to the fact that when a bargaining unit employee assumes the position of a Lieutenant on an acting basis, their rights are still upheld.

MANAGEMENT: We had a formal grievance and the Warden responded, so we are not going to do anything in this forum to change the Warden's response.

CONCLUSION: Both parties agreed to close this item.

10. AGENDA ITEM: Student Loan Repayment

The Union is aware several medical staff are not receiving their student loan repayments. Management acknowledged and stated they have been behind. The Union understands nurses are by far the largest pool and is requesting an update since Management stated they would follow-up in one (1) month.

UNION: We would like to know the status of the student loan repayment for multiple nurses.

MANAGEMENT: We have gotten a lot more done and they are not due until 12/30/23.

CONCLUSION: Both parties agreed to close this item.

Topics for November Meeting

1. AGENDA ITEM: Officer's Station

The Union requests that Management follow-up again on the new officer's station that should have been completed before the beginning of the new quarter (August). There is currently not a phone drop or internet hook up.

UNION: The Union asserts there was no guidance put out regarding the use of the Compound office. Officers are unsure of whether they can use this space or not.

MANAGEMENT: Lawson went to check and made a phone call from the office to confirm the phone works. The Captain stated that most officers have not been using the new office, preferring to drop their belongings in the Main Corridor office. Captain will check the heat.

CONCLUSION: Both parties agreed to close this item.

2. AGENDA ITEM: Visitation

The Union became aware that the cameras in the visitation area, specifically at the back door, are currently not functioning. The Union would also like to request computer services to provide larger monitors in the visitation room. The current ones are quite small, and having bigger monitors would greatly enhance our ability to view the cameras and supervise inmates more effectively.

UNION: Do we have an ETA on the cameras? The Union requests COs be provided guidance on how to get work orders submitted on faulty security equipment. Without work orders submitted we cannot expect resolution. If Officers are not permitted to enter work orders who can they submit requests to for these to get accomplished.

MANAGEMENT: Larger monitors should not be an issue. We will speak with Computer Services to see if they can make it happen. We are in the process of moving cameras over. Right now we have coaxial cable and it will be changed when we replace the cameras.

Staff can email the Captains Secretary if they need a ticket to have something repaired. Visitation is supposed to sign the fire and security sheet in the front lobby, they can note concerns there as well. Captain will ensure ticket is done for the door camera.

CONCLUSION: Both parties agreed to close this item.

3. AGENDA ITEM: Visitation Parking Lot

The Union has been made aware of the fact that visitors are not making use of the designated parking area for visitors. Therefore, the Union requests that visitors park only in the designated area and refrain from parking next to staff vehicles. It has come to our attention that there has been at least one incident where a visitor hit a staff vehicle. In the past, there used to be a designated visitor parking area at the back of the parking lot on the Bluegrass side, which is currently being used for parking medical trip vans.

UNION: There should be some markings to show visitors where to park away from staff personal vehicles and GOVs.

MANAGEMENT: We could mark the farthest part of the parking lot to

differentiate between the staff and visitors. We will check those areas and there shouldn't be an issue getting it established.

CONCLUSION: Both parties agreed to close this item.

4. AGENDA ITEM: Roster Rights

The Union is requesting that the Union E-Board and Stewards have "Lieutenant rights" on the roster program. The Union has identified several problems regarding the potential reasons for someone being skipped for overtime, such as being skipped intentionally, refusing to work, or not responding. The Union is of the opinion that the mandate pass system is being misused, and unfortunately, we do not have any means to review the accompanying notes. If Management is worried about the Union's ability to make modifications to the roster, it is important to note that all changes are duly recorded with the initials of the user.

UNION: The Union addressed that currently there are officers who have LT access that are not union or LTs and therefore the Union requests the same access. The Union also stated, a job announcement was posted at Springfield for a CO to fill overtime and it worked well. If a similar system was used at FMC Lexington it may also work. The Union endorses the concept of roster accountability and requests the same rights the special COs have, for the Union as well. If you trust them, we shouldn't be mistrusted either.

MANAGEMENT: Due to the ability to make changes to the roster and staff assignments, line staff should not have rights of a Lieutenant. We have 5 or 6 acting Lieutenants that have Lt. roster rights. These staff should not be using those rights to make any adjustments to the roster unless they are working in the capacity of a Lieutenant. The Captain has told the Union, if they know an officer is using those rights outside of when they are authorized to do so, he needs to be made aware.

CONCLUSION: Both parties agreed to table this item.

5. AGENDA ITEM: Nursing Shortage

The Union is asking if Management has any plans to recruit nurses? The Union has proposed an Augmentation MOU for Health Services to the LMR Chair. The Union is anticipating any changes or counter proposals.

UNION: There is a responsibility of management to let staff know if their hours and or duties are going to be changed or adjusted. The Union received a change notice from A/W Blanke pertaining to procedures in health services relating to augmenting for clinical staff nurse posts. The Union has since submitted proposals regarding procedures and appropriate arrangements regarding this proposed change. The Union has received no official response, counter proposal, or been informed of any actual implementation. The Union advocates for a fair and equitable method of utilizing qualified non clinical nurses for augmentation if it were to be implemented. This will prevent over burdening one department over another.

MANAGEMENT: We have all been doing recruiting for the RN positions. We are hoping to pull a certificate by the end of the week. We are not aware of any changes to any procedures at this time. We will follow up with Parnell and Kendrick.

CONCLUSION: Both parties agreed to close this item.

6. AGENDA ITEM: Suicide Watch

The Union would like to inquire about the timeline for providing the 4-hour training to newly recruited inmates to become suicide observers. The lack of trained inmates for suicide observation has resulted in mandatory overtime, which could have been avoided.

Also, it is important to mention that on November 20th, 2023, a female officer was hired for AM overtime, as Comm-D 2. However, the female staff member was pulled from their Comm-D 2 duties and placed as a staff observer for a male inmate on suicide watch.

A day prior, a different female staff member was hired for AM overtime, as Comm-D 2. That female staff member was then roster adjusted to the Screening Site post after the shift began, instead of Comm-D 2, so that Comm-D 2 would be a male staff member to observe the male inmate on suicide watch.

The Union is curious because in the past females were not permitted to work as an observer on suicide watch for male inmates and numerous female staff members have been denied overtime opportunities. The Union holds the view that Management's approach to assigning a female staff member as an observer for a male inmate on suicide watch lacks consistency.

UNION: Maybe give the inmates an incentive to work that job. The Union wants a consistent procedure in place. Some female staff are being required to work while other female staff have been allowed to refuse.

MANAGEMENT: We cannot force the inmates to do these programs. Inmates are quitting the program because they were not getting paid enough. Also, they can't work more than 5 hours. Sizemore will reach out to Erikson to see how we can make it better.

Female officer- there is nothing in policy that says a female cannot be on suicide watch. Lt's are told they should use discretion with posting a female staff on the inmate. Females cannot be on dry cell for males. If the inmate has to use the restroom, the female can call an officer for assistance. No one should have to be exposed to the opposite sex, and any gender can be assigned to suicide watch.

Email will be sent for suicide watch and dry cell assignments.
CONCLUSION: Both parties agreed to close this item.

7. AGENDA ITEM: Special Housing Unit

The Union has been informed that Management has a plan to change the working conditions in SHU. Specifically, the Union has knowledge that Management wants to eliminate SHU Control and remove the sliders from the ranges by making them lockable. The Union seeks clarification from Management regarding this item.

MANAGEMENT: Right now the upper sliders are very old. We are having issues with getting them replaced. Management is exploring options to address the issue before the ranges break down, but no changes have been made at this time.

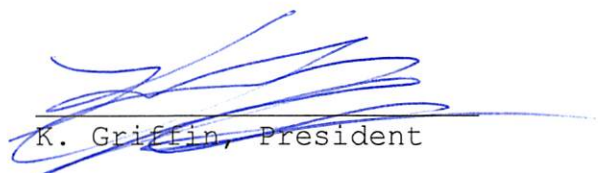
CONCLUSION: Both parties agreed to close this item.

Closing:

The next meeting is scheduled for December 19, 2023, at 12:30 p.m.

Meeting Adjourned at 2:45 p.m.


J. Sizemore, AW (O)


K. Griffin, President

Chairperson

AFGE Local 817

Minutes prepared by A. Reed, HRS