



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

October 24, 2023


MEMORANDUM FOR DAVID PAUL, WARDEN

FROM: LMR Officials
FMC Lexington, KY

SUBJECT: LMR Meeting - October 24, 2023

The Labor-Management Relations meeting was conducted on October 24, 2023 at 12:30 p.m. in the Command Center. The following individuals were in attendance:

AFGE Local #817

K. Griffin, President
A. Mabson, Vice President
F. Marrs, 2nd Vice President
J. Dize, Treasurer
M. Christison, Secretary
B. Stone, Steward
J. Gaertner, Steward

Management

J. Sizemore, AW(O), Chairperson
C. Kirby, AW(P)
M. Ely, Executive Assistant
G. Skeel, Assistant HRM
J. Lawson, Acting Captain

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 gutter problem is creating numerous other issues. During the September LMR meeting, Management stated they would have to re-submit a request for the B&F funding. The Union is requesting an update. The Union would also like an update regarding salvaging of other, uninhabitable houses, guttering/roofing material.

UNION: The Union spoke with facilities about the gutter issues. The Union brought up the box guttering on houses 3 and 4, we request that be used for Treadway to attempt to alleviate some of the issues with the water leaks and ammunitions in the armory.

MANAGEMENT: In addition to sending the B&F requests this year, funding for Treadway will be added to the 2025/2026 Funding Session. Houses 3 and 4 will be submitted for demolition through Central Office. If supplies from those houses can be used to assist in the water leak, we can look at using those supplies.

CONCLUSION: 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. It has been several months without any additional guidance from the agency.

UNION: The Union had nothing further to add.

MANAGEMENT: This is currently under review, no update to provide.

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. HR is responsible for maintaining a list of augmentable staff and exemptions. This list is not being maintained appropriately. The list of augmentable staff is to be run continuous but there are numerous instances where staff are being augmented multiple times before another staff is augmented once. The AW exemptions are to be reviewed weekly every (7) seven days, and this is not occurring. The Union believes the settlement agreement regarding the withdrawn grievance, 05-LEX-001, covers emergency trips in adequate detail. Emergency medical trips whether "scheduled" or not, should be taken out "via ambulance or non-government emergency response transport."

UNION: The Union has ideas they will explore when they can have stewards on official time next week. Their ideas and updates will be ready for review prior to firearms next year and should make the firearms augmentation schedule easier to fill and track.

MANAGEMENT: Management agreed that any exemptions will be reviewed weekly to ensure exemptions are required and accurately tracked.

CONCLUSION: Both parties agreed to table this item.

4. AGENDA ITEM: LMR Agreement

Management received the Union's original proposal during the July LMR meeting. Management submitted changes to the original. Union President K. Griffin agreed to changes and Management has yet to send a signed copy back to the Union.

UNION: The Union had nothing further to add.

MANAGEMENT: Management has signed the LMR Agreement.

CONCLUSION: Both parties agreed to close this item.

5. AGENDA ITEM: Control Center

During the August LMR meeting, Management agreed to investigate moving the handcuffs from the bathroom to a more convenient location and the bottom step going to the bathroom being weak. In the September LMR meeting, Management stated a ramp would not be approved by Safety, they also stated the metal flashing was an issue that might be subject to replacement. The Union would like an update on the status of modifying the Red Key boxes. The agency also stated in the last LMR meeting that they would like to keep the hand restraints in a singular location. They insisted that there was no solution for moving the hand restraints. The Union would like to inform Management that the hand restraints are already located in three (3) differing locations within the Control Center already. If Management would like to consolidate the hand restraints to an area below the stairs, in the closet, for example, the Union would support this. Also, cabinets such as the ones the keys are hanging on would serve the same purpose of consolidation. The Union is requesting follow-up on these items.

UNION: 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 and other supplies. A cabinet structure could potentially improve the situation, or possibly moving

the shadow board to the Control Room closet to house all the handcuffs.

MANAGEMENT: Management has been informed that the red boxes have been received. Facilities is making some modifications to the boxes and then they will be installed. Safety went in and agreed that a ramp would not be feasible to replace the stairs leading to the bathroom. Management agrees to look at the closet as a potential spot for the handcuffs and potentially move other items up stairs that are not utilized as often if needed.

CONCLUSION: Both parties agreed to table this item.

6. AGENDA ITEM: Sick and Annual

During the August LMR meeting, Management was made aware of the way Sick & Annual staff were being scheduled and how it was causing a staffing shortage on the weekends. In turn this causes numerous mandates and overtime on the weekends. Management has failed to remedy this after being shown this.

UNION: The Union wanted to bring up the Emergency Locator notification that is utilized often for overtime, it's diminishing the usefulness. Most staff are now ignoring those calls. The Sick and Annual staff are now being scheduled on the weekend more, the situation has improved since last meeting. However, the Union recommends the Lieutenant's office have a non-bargaining list of staff to call if the overtime list is exhausted.

MANAGEMENT: Management found that only two people are on Sick and Annual and adjustments are being made as needed. Management agrees to follow the Master Agreement and will continue to assign posts in the best interest of the agency.

CONCLUSION: Both parties agreed to close this item.

7. AGENDA ITEM: Staff Skipped for Overtime

During the August LMR meeting, the Union made Management aware of multiple staff being skipped on the overtime sign-up list. These skipped staff members have call logs to show they were never called. Furthermore, when calling staff from the overtime sign-up list, the Lieutenants are not leaving a message that overtime is available.

It has been two (2) months and Management has failed to correct this. The agency routinely adjusts officers from their bid posts to more preferential posts. These "preferential posts" would be much easier to fill with voluntary overtime instead of staff being forced to work overtime. The Union holds that the agreement between the agency and the Union is to fill overtime in a fair and equitable manner. This means the first person on the sign-up list should be the first person offered overtime. The Union has also become aware that Lieutenants are utilizing the all-call provision of filling overtime while there are clearly staff signed up on the voluntary sign-up list.

UNION: The Union believes that the way the Captain's 'golden ticket' used to take care of skipped overtime was the most fair and equitable way. A process should be in place and it should be consistent.

MANAGEMENT: Staff who believe that they were skipped on overtime are urged to notify the Lieutenants Office immediately for review of their claim. If no solution is achieved, staff should then notify the Captain so it can be addressed. At this time, Management has not received any further information regarding anyone who has been skipped for overtime that has not already been addressed. Management will discuss the 'golden ticket' idea.

CONCLUSION: Both parties agreed to table this item.

Topics for October Meeting

1. AGENDA ITEM: Staff Screening

In the past there were two staff in the staff Screening Site, why has this practice changed? It is hard for one staff member to watch the monitor, watch the metal detector and wand staff, especially when there is a crowd of staff entering the screening site. Can the Special Housing Unit #3 Officer, assist the Screening Site from 6:00 am until 8:00 am?

UNION: The Union believes there is not an effective way to screen staff with one staff member when most staff are coming in from 6:00-8:00 am. Staff are also utilizing the bottom Screening Site, which is only supposed to be used for visitors, contractors, tools, etc. Certain post orders specifically discuss screening in as a job duty apart from the Screening Site.

MANAGEMENT: Management will review applicable post orders.

CONCLUSION: Both parties agreed to table this item.

2. AGENDA ITEM: TDY

The Union wants to know why are we offering to send staff to TDY to FCC Hazelton? With FMC Lexington being understaffed, this will cause undue overtime. Management will be responsible for creating more overtime that the staff, not Management, will have to cover. Lexington has requested a retention incentive for staff to remain at the local institution. It seems counter intuitive to send staff away from the local institution while simultaneously requesting increased pay to keep them here. Per diem expenses will have to be paid to staff for travel and lodging. This is an unnecessary expense that the Union believes to be a contradiction to 5 USC 7101. This does not promote the efficient service.

UNION: The Union acknowledges the Captain attempts to keep from sending custody staff on TDY assignments.

MANAGEMENT: Local Management does not control TDY requests from the Region or Central Office.

CONCLUSION: Both parties agreed to close this item.

3. AGENDA ITEM: Training Center Kitchen

The Union wants to know how long the Training Center kitchen re-model is going to take.

Due to it being restricted to most staff this prevents those staff members access to ice, microwave, coffee pot, and proper food storage. The Union proposes a keypad entry for areas outside of the Training Hall and Culinary Arts Program area just like the one for the Fitness Center.

UNION: The Union would appreciate a quick follow-up so staff on perimeter and med trips will have a place to store food or heat their food.

MANAGEMENT: Management is anticipating completion for early November; it appears to be on schedule. Management agrees to move a refrigerator, microwave, and coffee pot to the foyer after Facilities

accesses the electrical access. Additional power lines may need to be ran. Management will give an update.

CONCLUSION: Both parties agreed to table this item.

4. AGENDA ITEM: Drones

What are Management's plans to mitigate the drone issue? Does Management have any plans? The Union is aware there are other institutions that have a drone detection system and/or procedures for a drone sighting. Are 583's being conducted when a drone is sighted and or intercepted?

UNION: The Union requests guidance on what is considered a sighting. Sighting should be the same whether it is heard or seen. The issue we are seeing is you must have so many sightings for a pilot program.

The Union has researched drone guns that work up to 1,096 yards, the Department of Corrections have it and utilize it. Currently, we are waiting on two quotes. Drones are a major problem that could present to be very dangerous. Guidance should be sent out to all staff on what to do if a drone is seen or heard.

MANAGEMENT: Drone detection systems must be authorized by the Office of Secure Technology (OST). OST continues to be aware of the drone sightings throughout the Bureau and they conduct pilot testing at facilities with high drone sightings. As soon as technology is authorized to purchase to detect drones, Management will look at purchasing such devices. Management will send out guidance on an institutional level about what to do if a drone is sighted on grounds.

CONCLUSION: Both parties agreed to table this item.

5. AGENDA ITEM: Introduction to Correctional Techniques (ICT) Phase I

It has come to the Union's attention; Management is violating the Union's rights. Article 7 Rights of the Union Section k. The Union and the Employer recognize the role of the Union at the local level. The Union's participation in local Introduction to Correctional

Techniques Phase I may be a subject for local negotiation. Regardless of Union participation, the Agency will inform new employees at Introduction to Correctional Techniques Phase I of the specific local Union designation and identify the officers of the local Union. The Agency is also expected to furnish all new employees with a copy of the current Master Agreement. Many new staff approach the Union on a regular basis requesting a copy of the Master Agreement. The Union proposes that Management furnish the Union with copies of the Master Agreement so that new employees can be given a copy.

UNION: The Union agrees to stop by Human Resources on their way up to teach ICT Phase I during their time slot and bring Master Agreements to those in the ICT Phase I class.

MANAGEMENT: The Agency agrees to continue to follow the Master Agreement Article 7 Section k as well as Article 41. Management agrees to continue providing Master Agreements to employees in ICT Phase I.

CONCLUSION: Both parties agreed to close this item.

6. AGENDA ITEM: Acting Lieutenants

The Captain stated in the previous LMR meeting that he decided who worked as an Activities Lieutenant in an acting capacity. He later sent an email stating CIMS, UDC, ICS 700, ICS 800, IS 100, and IS 200 certifications are required for this role. The Union is concerned that previous staff, who have acted as Activities Lieutenants, have not been required to have these certifications. Multiple Lieutenants have been selected and working as Activities Lieutenants before they completed all of these certifications. The position description of the GS-8 Officer states they may be required to act as a Lieutenant. The Union believes this is overtime and should adhere to the requirement of all other overtimes by being fairly and equitably distributed.

UNION: The Union would like verification on the prerequisites for an acting Lieutenant. Normal classes such as ICT, SIMS, etc., are not being completed for some of those that are acting. If an Officer would like career advancement, rotation isn't being handled properly. If you have qualifications, you should be able to sign-up for acting Lieutenant overtime.

MANAGEMENT: The specific wording in the Position Description for a GS-8 Officer is "Incumbent may be assigned duties as acting Correctional Supervisor." This is found at the top of page 8 in the GS-8 Officer Position Description. As a Correctional Supervisor, all of the courses stated are required.

The position of acting Activities Lieutenant is a non-Bargaining position and is not subject to bargaining unit coverage as defined in 5 USC Chapter 71.

CONCLUSION: Both parties agreed to table this item.

7. AGENDA ITEM: Scheduled Medical Trips on Holidays

The Union requested to be invited to and to attend the medical records weekly meeting to deter issues with scheduled medical trips. Eight (8) medical trips were scheduled on a Federal Holiday on October 9, 2023, which resulted in Officers getting mandated to fill posts.

UNION: The Union would appreciate trying to avoid this situation if possible in the future.

MANAGEMENT: Management is aware of medical trips being scheduled on Federal holidays. While we will do our best to not have this happen, the nature of our mission as Federal Law Enforcement as well as a Health Care Center requires that we provide services to meet the medical needs of the inmates in our care. Due dates for medical care are not subject to any administrative oversight and are based on the medical needs of the inmates, as determined by the Clinical Director as outlined in PS6031.04.

CONCLUSION: Both parties agreed to close this item.

8. AGENDA ITEM: Uniform Policy - Medical

The Union has become aware of an Operational Memorandum (OM) that has been sent to the local administration. The OM states local procedures can be negotiated. Management has been communicating with line staff and have not notified the Union of any changes. The Union holds that a change in procedure or arrangements regarding uniforms should be a notification to the Union for Impact and Implementation bargaining at the local level.

UNION: The Union had nothing further to add.

MANAGEMENT: Management sent out a copy of the OM that was negotiated nationally. Management is unaware of any changes being made or enforced to any uniform policy other than notifying staff of the OM.

CONCLUSION: Both parties agreed to close this item.

9. AGENDA ITEM: Roster Adjusting Officers Causing Mandates

Management advised the Captain would send a reminder to the Lieutenants regarding roster adjusting staff from their bidded post, days off, and shifts. An evening watch Comm-D officer was adjusted from their bid post, their post was then filled with mandatory overtime. This Comm-D officer was adjusted to Day Shift activities officer and their days off were changed. This results in an excess of man hours on certain days and a deficit on other days. Activities officers are not backfilled when they are vacated. The Union does not believe this is equivalent to making all reasonable efforts to avoid ordering a staff member to work overtime.

UNION: The Union sees that officers are still being pulled from their bidded posts and then that post is back filled with overtime for no reason. The Union would like some kind of language put out and in place for bidded posts not being moved unless necessary for an armed trip or other necessary situations. This is the reason for the bid process.

MANAGEMENT: Staff are adjusted as necessary to meet the requirements of maintaining a safe and secure institution. When trade memos are put in, that is between the two officers. Trade memos can be put in at any time throughout the quarter. Management will review roster adjustments, however Management cannot relinquish it's right to assign.

Management agrees to follow the Master Agreement.

CONCLUSION: Both parties agreed to table this item.

10. AGENDA ITEM: 12-Hour Roster

Management mentioned that discussions have been made on the possibility of 12-hour shifts for Correctional Services. The Union would like to know if any specific plan has been made regarding scheduling or rosters. The Union requests an update.

UNION: After looking at the custody roster, the absence of Lieutenants has caused the 12-hour shift not to work. This is a smaller pool, however, it didn't work for them. The 12-hour shift is harder to fill for overtime, especially for those non-custody. The 12-hour shift does not save posts.

MANAGEMENT: This roster has been sent to Central Office and is still in the review phase. If the 12-hour roster doesn't work, we will not use it. We do not want to cause a detriment in the biggest department we have. Management walked all three shifts asking officers what they thought of the 12-hour shift, there was an overwhelming amount of praise for this. Management asks that we look at this more if Central Office sends approval.

CONCLUSION: Both parties agreed to close this item.

11. AGENDA ITEM: Appropriate Arrangements for Staff Dining

In the past, staff, on all shifts, were permitted to use the dining hall located where the Culinary Arts program was. The Union would like to request that staff from all shifts be able to use the staff dining hall again, as it was before.

UNION: The Union had nothing further to add.

MANAGEMENT: Management has confirmed that re-keying has been done in staff dining. The door is now the same as the food service door. There is still some re-arranging of equipment that needs to take place, so be mindful and respectful of that and the items in there. Ensure the door is secured when it is not in use.

CONCLUSION: Both parties agreed to close this item.

12. AGENDA ITEM: Student Loan (SL) Repayment

The Union has become aware several medical staff are not receiving their SL repayments. The Union would like any information regarding this issue and for medical staff to be made whole regarding SL repayments.

UNION: The Union had nothing further to add.

MANAGEMENT: Human Resources has been very behind because of staffing shortages. We are trying to get that completed as quickly as possible. Certain positions are eligible for SL reimbursement yearly. Nurses are by far the largest pool of that. They are eligible for up to \$60,000 in total loan repayment, with \$30,000 and a 3 year service agreement for the first three years, then \$10,000 yearly after that with a new service agreement each year. It's per calendar year so Human Resources still has time. We will follow-up in one month.

CONCLUSION: Both parties agreed to table this item.

13. AGENDA ITEM: Special Rate Pay for Mid-Level Providers

The Union would like an update regarding special rate pay for our Mid-Level providers. The Union understands the request was submitted and has yet to be responded to.

UNION: The Union had nothing further to add.

MANAGEMENT: Management submitted the request to the Region on September 27th.

CONCLUSION: Both parties agreed to close this item.

Extra:


The Union requests that Management follow-up again on the new officer's station that should have been completed before the beginning of the quarter. There is currently not a phone drop or internet hooked up. Management has agreed to follow-up with Comm shop.


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 November 28, 2023, at 12:30 p.m.

Meeting Adjourned at 2:40 p.m.


J. Sizemore, AW (O)
Chairperson


K. Griffin, President
AFGE Local 817

Minutes prepared by K. Hatfield, AW Secretary.