



# Local # 171 ALERT

A.F.G.E Local 171 of Council of Prison Locals #33

FTC Oklahoma City & FCI El Reno, Oklahoma

Editors: B. Coker & J. Lepird

## Update on Staff Death: In the Line of Duty by J. Lepird

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One of the most uncomfortable areas of discussion is dying in the line of duty. However, it is important to understand the benefits and procedures that are to be followed when a staff member dies in the line of duty. Unfortunately, this is a very old set of procedures that is either misunderstood, not discussed, or not known.

Under the current Bureau Policy, in the line of duty death is defined as two areas. The first area is, "Death in the line-of-duty by external force: A staff member death in the line-of-duty by external force requires definitions for line of duty and for external force. In the line-of duty refers to a staff member's BOP Work status; that is, the staff member is either working at his or her duty station or is on travel status on behalf of the BOP. External force refers to the interaction between a staff member and an object outside or separate and apart from the staff member." There is also a definition for natural causes, and a definition for death away from work. This particular definition, however, excludes many factors that can result in death working at a facility, and the Union identified this as unfair, unjust, and clearly unnecessarily restrictive.

This issue has not been brought to the table for negotiation in recent memory. I was fortunately enough to be asked to work on this issue nationally, and recently was part of the national negotiation team tasked with working on this issue. Through great effort and a lot of time at the table, the Union has negotiated several changes that will be in the new policy. I won't go in great detail of all the changes we negotiated, but one change is very significant and deserves to be discussed.

The new definition for Staff Death "In-The-Line of duty: The death of a staff member while performing their duty. It includes the death of a staff member that died at the hands of other persons and was directly due to the performance of his/her duties for the BOP, or a staff member's death that is the result of natural causes or due to an accident. This would include, but is not limited to, a stroke, heart attack, accidental death, ect." The key takeaway is that if something happens at work, you are covered much more clearly.

Examining both definitions, one can see very limiting factors in the first definition that would exclude an individual's family from receiving benefits due to an in-the-line of duty death categorized as something else. Expanding this definition protects staff members who die on duty, from other causes. Several other areas were changed, including adding notifications to various entities, and specific requirements to assist the family.

This was a huge change and victory for staff who have lost their lives at work, but were denied line-of-duty status, which limited their recognition of sacrifice and the benefits their family would be entitled to. I am very proud to have been part of the team that affected this change, and I want each and every individual to understand that this negotiation has been in the works for many years. It may not seem extremely significant, but when we lose one of our own this policy becomes very important. Thanks go to Council of Prisons President Shane Fausey, also a member of the team, and Brandy Moore, National Secretary-Treasurer/ National Policy Chair, for working hard to get this policy to the negotiation table. Finally, thank you to the other participants for making this policy much more inclusive and better for our staff going forward.

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### Next Union Meeting:

Tuesday  
May 10<sup>th</sup> 2022  
5PM at the  
FTC  
Training Center

Meetings are held every other month.

## Employee Assistance Program (EAP) by G. Brueggen

From time to time, we all experience personal problems. Some of these problems require professional assistance. Lucky for us we have the Employee Assistance Program (EAP) in place for staff to get help for any problems they may have. EAP is a professional counseling and referral service designed to help you with problems on and off the job. EAP can help with issues such as emotional, relationship, family, alcohol

and drug use, and job-related problems.

Assistance from EAP is available immediately to employees and, in some cases, their immediate family.

All you have to do is contact an EAP counselor who will meet with you in a confidential setting and assess your problems and concerns. EAP is confidential within the limits of the law. There is no

charge to you for EAP services. If a referral to an outside provider is needed, your counselor will help arrange care through your health plan and refer you to affordable community resources.

EAP is available 24 hours a day, 7 days a week.

Call 1-800-327-2251 if you want to speak with an EAP counselor.

## Master Agreement by J. Lepird

The Master Agreement has been amended and is now in force for a five-year term. The Agency has begun distributing the paper copies to staff. While not enough copies were available for all staff on the first shipment, additional copies have been ordered and will be given to those staff that have not received one in the near future. A digital copy of the Master Agreement is available on Sallyport and the Union website.

There were a few changes, specifically having to do with shift rotation and clothing allowance. Shift rotation was eliminated, so officers can remain on their preferred shift while bidding. This has not really affected us at the FCI and FTC, as it was almost unenforceable.

If the Agency couldn't do it fairly, we didn't let them do it at all for a very long time. Clothing allowance increased to \$700 a year. There were some other minor changes, however, the above was the most significant.

The Local would like to thank the National E-Board for their work, and we are very pleased that our Master Agreement remained intact while so many others were butchered. We will continue to hold the Agency accountable and ensure that the Bargaining Body is treated fairly and justly under our Master Agreement and Local Agreements. The Local E-Board would like to say thank you, and we will continue to represent and work for AFGE Local 171,

your Union, with integrity and to the best of our abilities.



## Union Benefits by G. Strider

For this newsletter, the Local wants to remind our members of the Union Member benefits. When I started and joined the Union the benefits list was a short list that included companies like Apple, AT&T, and a Union credit card and a few others. Under the Education benefits there was a scholarship you could apply for but not much else.

Over the years new benefits have been added and the list has grown exponentially. Recently the education benefits have become top notch and a benefit that can benefit your entire family with a saving of thousands of dollars.

Log into your AFGE main page and click on the Member Benefits page you will see the education icon. Click on that and the first thing on the list is "Free College Benefit". This page will give you the information on the degrees that are available for Union Members and

their families. You and your family can earn an Associate's Degree from Eastern Gateway Community College, a fully accredited, non-profit public institution that is part of the University System of Ohio. The list of Degrees is in the following areas: Accounting, Associate of Arts, Business Management — With Optional Concentrations in: Labor Studies; Health Care Management; Human Resources; Marketing or Finance, Criminal Justice, Early Childhood Education, Individualized Study, and Paralegal. Certificate programs include Business Management — with an optional concentration in Accounting and Patient Navigator.

As a Union Member you and/or your family member is eligible to participate. AFGE defines family members as, "family of AFGE members are defined as children (or stepchildren), grandchildren (or step-grandchildren), spouses, domestic partners, financial

dependents, siblings and parents." That means your benefits not only apply to you and your children but also your grandchildren and parents. Your brother wants to get a degree? Sign him up!

Even if you are retired, all you have to do is pay your retirement dues and you are set. To look into this benefit further log in and go to the benefits page and then to the education benefits. Next you will want to click on "Free college benefit". To sign up is simple, just under the Free College benefit at the top of the page is the blue "Click here for more information". You will be on your way to a free Associates degree for whoever in your family wants it.

This and more are all on your AFGE Membership benefits page. Go look around, you will be surprised by what you find.

## Rate of Pay while on Workers Comp. by B. Coker

A common question regarding Workers Comp (OWCP) is how your compensation is calculated and what rate you are paid. If you are single, you are paid 2/3 or 66% of your normal pay. If you are married or have dependents you are paid 3/4 or 75% of your normal pay. On Workers Comp, no State or Federal Income tax is taken out of your payment. The only thing deducted is your major medical.

When someone first goes on the Workers Comp rolls, they fill out a CA-7. The CA-7 is a Claim for Compensation and it will be filled

out for a pay period during which you were not at work and on Workers Comp. During this time period, the individual will be on Leave without Pay (LWOP) from the Agency. If this is the first CA-7 being submitted then a SF1199A, Direct Deposit Sign-up form will need to be submitted as well, so payment can be done electronically.

When you reach your Maximum Medical Improvement (MMI) and you have an ongoing disability or impairment rating you may be entitled to a scheduled award.

The scheduled award is also based on these rates of pay at your time of injury.



## AFGE Continues to Push for 5.1% Pay Raise in 2023 From AFGE 2-22-2022

AFGE is calling on the White House and Congress to give federal workers a 5.1% pay increase in 2023 as called for in a bill recently introduced in Congress.

The White House will propose a 4.6% raise for federal workers next year when its FY 2023 budget request comes out, but in order to allow feds to catch up with employees doing the same jobs in non-federal sectors, their raise should be at least 5.1%, the amount called for in the Federal Adjustment of Income Rates (FAIR Act). In fact, even 5.1% would not cover the accelerating cost of living we're currently experiencing.

The bill, introduced by Rep. Gerry Connolly (D-Va.) and Sen. Brian Schatz (D-Hawaii), bases its increase on a formula that would help close the pay gaps between the federal sector and the private sector and state and local government. Federal workers are underpaid by about 23% compared with those doing the same jobs in non-federal sectors.

Congress in 1990 passed the Federal Employees Pay Comparability Act (FEPCA) to close the pay gap between federal workers and their non-federal counterparts using the principle of local labor market comparability, not cost of living. That means government workers should be paid about the same as those doing similar work locally in the private

sector. But successive administrations and Congresses have failed to adhere to the principle, causing federal workers' pay to lag behind what their counterparts are paid in the private sector and state and local government.

The purchasing power of federal salaries has declined by 9.2% since 2011, and that only includes inflation data through December 2021.

YEAR	FEDERAL PAY RAISE	INFLATION
2011	0	3.6%
2012	0	1.7%
2013	0	1.5%
2014	1.0%	1.7%
2015	1.0%	0
2016	1.0%	0.3%
2017	1.6%	2.0%
2018	1.8%	2.8%
2019	1.9%	2.3%
2020	3.1%	1.4%
2021	1.0%	7.0%
2022	2.7%	n/a
Total	15.1	24.3%

“It is clear that federal salaries are in need of adjustment,” said AFGE Public Policy Director Jacque Simon. “Not only are federal employees paid less than their counterparts in the private sector and state and local government, but their wages and salaries also do not begin to keep up with the cost of living.”

“This practice is penny-wise and pound foolish, undermining

agencies' best efforts at recruitment and retention of a high-quality federal workforce,” she added.



From a series of presidential executive orders gutting workers' rights to several poorly reasoned and anti-union decisions from the Federal Labor Relations Authority (FLRA), four years of anti-union policy by the previous administration left much damage to the federal workforce and their ability to serve the public in a safe and healthy work environment.

But thanks to our union's fighting spirit in challenging these unjust policies, a federal appeals court recently issued two decisions overturning anti-union policy statements issued by the FLRA in 2020. Two of the members of the FLRA at the time the policy statements were issued still have their seats.

In a major victory for AFGE, fellow unions, and federal workers, the U.S. Court of Appeals for the D.C. Circuit on Feb. 1 struck down the FLRA's decision that restricted unions' right to bargain over changes affecting conditions of employment.

In its attempt to dismantle federal unions, the FLRA in 2020 reversed decades of precedent and sought to narrow the scope of bargaining. Specifically, it sought to eliminate the longstanding "de minimis" standard for bargaining and replace it with a "substantial impact standard" that would have drastically reduced the scope of negotiable agency changes.

The court called the FLRA's

reasoning for changing the policy "arbitrary and capricious".

"The cursory policy statement that the FLRA issued to justify its choice to abandon thirty-five years of precedent promoting and applying the de minimis standard and to adopt the previously rejected substantial-impact test is arbitrary and capricious... Consequently, the unions' petitions for review are granted and the FLRA's September 30, 2020 general statement of policy is vacated," the court ruled.

"This case should be yet another example of what kind of unfettered abuse the previous appointees are still capable of inflicting until we get new appointees confirmed," said AFGE General Counsel David Borer.

A few days earlier on Jan. 28, the court struck down another politically-motivated FLRA decision that sought to eliminate our union's statutory right to engage in mid-term bargaining, which is used to negotiate over new changes that come up and are not addressed in a bargaining agreement.

The decision also made "zipper clauses," which limit negotiations on unforeseen matters during the term of contract, a mandatory subject of bargaining. This would have allowed an agency to prevent mid-term bargaining through the FLRA's component agency – the Federal Service Impasses Panel, which was repeatedly

used by the previous administration to impose anti-worker provisions when there's a dispute between the agency and the union.

The court questioned the FLRA's motive in issuing the decision and called its line of reasoning illogical.

"FLRA policy statements are unusual: Before producing a spate of them in 2020, including the one challenged here, the Authority had not issued any Policy Statement in over thirty-five years," the court said. "The drive-by procedure and conclusory reasoning that produced the challenged Policy Statement is little match for the full process and detailed analysis that supported the Authority's" prior decision on this issue.

AFGE salutes the court for recognizing that the FLRA impermissibly departed from the statute governing federal-sector labor relations and years of well-founded precedent with little explanation and less reasoning. The court's decisions are a vindication for the rule of law and a necessary move toward returning balance and stability to federal-sector labor relations.



# Local 171 E-Board/Stewards

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*United We Stand Together in Solidarity*

Local 171 Website:

[www.afgelocal171.com](http://www.afgelocal171.com)

### E-Board

J. Lepird – President / SCR Legislative Coordinator

J. Lyon -- Secretary/Treasurer

B. Coker – Vice-President ERE / OWCP

S. O'Brien – Vice-President OKL / OWCP

G. Brueggen – Chief Steward ERE / CPOF

D. Jones – Chief Steward OKL / CPOF

K. Menz – Sergeant at Arms

### Stewards – El Reno

R. Barger – Facilities/Unicor/OWCP

T. Wright – Correctional Services/EEO

G. Strider -- Correctional Services/RDAP

B. Kuykendall – Trust Fund

### Stewards – Oklahoma City

J. Seely -- Correctional Services

C. Dawkins – Correctional Services

J. Lopez -- Correctional Services

D. Morris – Correctional Services

R. Helm – Correctional Services

J. Grigsby – Food Service

M. Michon – R & D

A. Rios – R & D

M. Rudkin -- R & D

S. Adams -- Health Services

Back Issues of this Newsletter can be found on: [www.afgelocal171.com](http://www.afgelocal171.com)

## Your Right to COP after a Workplace Injury

You have a right to 45 calendar days of Continuation of Pay (COP) following a workplace injury. This follows filing a CA-1 for a Traumatic Workplace Injury. Make sure to check that you wish to use COP instead of your own leave when submitting your CA-1 on Ecomp.

COP is just what it sounds like. It continues your pay until you transition over to Workers Comp. After 45 calendar days you will request Leave Without Pay and then request payment thru Workers Comp with a CA-7.

It is important to note that if for some reason your case is denied, you will be required to repay the COP time that you have used. As a result, it is very important to get help with filing your CA-1 promptly after you are injured and going to a Doctor that specializes in Workers Comp to ensure that all the required paper work is submitted in the correct format.

Workers Comp is complicated and can affect you if any step is not completed on time. The Union is here to help you with the process. We have a number of Stewards that have

training on the processes involved to ensure that your claim is handled correctly and goes as smoothly as possible.

For help with your case at FTC Oklahoma City contact S. O'Brien. At FCI El Reno contact R. Barger for help with the process.

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