



# 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

## Executive Order Victory!!! by J. Lepird

Newsletter  
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The Executive Orders were discussed in a previous newsletter issue. The short version is that these orders had a major impact on your rights as bargaining unit employees. The rules that were most harmful restricted representation for the membership, including Union representation during the disciplinary process. This would mean no Union representative could represent a bargaining unit member during questioning or during arbitration unless that representative used Leave Without Pay for the duration, affecting the representatives retirement and pay.

These orders were harmful in other ways as well, taking much of the bargaining power away from the workers and directly contradicted several laws regarding bargaining, according to the Judge who made the ruling at the end of August. These restrictions limited the scope of bargaining, effectively removing the Union's ability to address changes in working conditions fairly and adequately. These orders interfered with the right to bargain in good faith, which was laid out in 1978 in Law.

Judge Jackson ruled, in a 122-page decision, that many of the

provisions of the EO's were contrary to law. Not all of the provisions were violations, according to Judge Jackson, but the Administration was barred from enacting many of them. What has previously been enacted should be stopped for now.

In the decision, the Judge pointed out that executive orders carry the force of law, but the EOs cannot operate in a way that eviscerates the right to collectively bargain under the federal labor-management relations statute, which is existing law. It is important to note that these EOs were already being implemented, but are now on hold. The Justice department has lodged an appeal to the ruling, which we will be watching, and we will inform the bargaining unit the outcome of that appeal.

The Union is here to protect your rights and represent you as a member of the Bargaining Unit. Regardless of what they throw at us next, we will still be working for you. Your Union will negotiate changes in working conditions, policy, and represent staff. One thing that will never change is that Local 171 is here to represent you.

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### Next Union Meeting:

Tuesday  
November 13<sup>th</sup> 2018  
5PM at the  
FCI El Reno Union House

Meetings are held every other  
month.

## Visit from Senator Lankford

by J. Lepird

Recently we were able to participate in a visit by Senator Lankford, one of the Senators from Oklahoma. We have been asking Mr. Lankford to come out and view operations at FCI El Reno and FTC Oklahoma City for a while. His staff has attempted to schedule visits recently, but there have been scheduling conflicts. Luckily, the institution was able to host his visit this time.

It is extremely important to have Senators and Congressmen visit our institutions throughout the country. Sometimes there is a disconnect between what we actually do and what a simple line item on the budget means. When

we are able to educate the lawmakers, we can ensure that they understand what funding goes to and areas of importance such as staffing, programming, and maintenance of the facilities throughout the country, as well as the people who do the job that ensures the safety of the public.

We have not hosted a sitting Senator at FCI El Reno in approximately 14 years. We would like to thank everyone who participated and showed the Senator and his staff the outstanding job we do here in Oklahoma for the Bureau of Prisons. We would also like to thank the folks who escorted the

Senator around the facility and made sure his visit was safe and orderly.

These types of visits humanize the budgetary numbers these folks in Washington deal with when they create funding bills. We appreciate each and every visit from members of Congress. We will continue to send information to our Congressional representatives and let them know what a fine job and essential service everyone here at our facilities provides. Thank you for allowing your Union to represent your issues to these folks, and thank you for the dedication each person brings to our facilities to keep them safe, orderly, and efficient.

## Congratulations to our New National E-Board

Local 171 wants to congratulate our newly elected national E-Board members.

National President J. David Cox Sr. returns to office for another three-year term. Everett Kelley was elected as our National Secretary-Treasurer. Jeremy Lannan was elected our National Vice President

for Women and Fair Practices.

All three individuals are proven leaders with a great deal of experience and will continue to fight for our members on the national level.

National Elections only occur every three years at the National Convention. More than 1560

delegates from 533 locals attended the Convention to vote on our National E-Board and to debate and vote on changes to our AFGE constitution.

## Right-Sizing Phase 2 Stopped

by J. Lepird

Congress recently approved the BOP FY 2018 Spending plan. In the plan the BOP requested to continue position cuts, with an ADDITIONAL 1,085 positions to be cut in "Phase 2" of "rightsizing" the Federal Bureau of Prisons. Most of these positions would have been cut from actual filled positions, as almost all of the positions eliminated previously were not filled when the BOP began cutting staffing numbers this past year. This would continue to hamper operations, and would decrease safety and impact programming that we are required to offer and

facilitate.

Congress has listened to you, the folks that do this job every day, and rejected the BOP's recommendation to continue cutting positions. The BOP's Phase 2 "rightsizing" was rejected by Congress, and will not occur at this time. The planned cuts, which would have included a great number of currently filled positions, have been canceled as Congress has recognized we cannot accomplish more with less.

Your Union has been fighting these cuts and informing Congress about

the unsafe conditions and unfilled positions throughout the BOP. Because of your membership and support, we were able to keep up the pressure that realized this victory. Thank you for your membership, and we will continue to work for you as representatives of your Union. Local 171 has played a significant role in working on legislative issues, and the future of our workplace is directly controlled by Congress. Your membership and support help your Union keep your issues in the open and relevant.

## Using ECOMP for your OWCP case. by B. Coker

When you have a Workers Comp issue, the best way to file your case is with ECOMP. On ECOMP you can file your case electronically and keep track of every step in the process. It is necessary to make sure to complete all the required forms in the process on the website to have a valid claim.

Step 1 is to go to [www.ecomp.dol.gov](http://www.ecomp.dol.gov) and create an account. When creating an account you will let them know what Agency you work for and your duty location. After an account is created you will be able to start a case.

Step 2 is to file a notice of injury with an OSHA Form 301 (Injury and Illness Incident Report). This form will automatically fill in your personal information and then ask you if you went to the Emergency Room, date of injury, time and several questions about what happened and how you were injured.

Step 3 is to review the OSHA Form 301 and certify that it is correct and true. You then submit this form.

Step 4 is to file either a CA-1 or CA-2 based on the OSHA Form 301. Some of the sections of the CA-1 or CA-2 will automatically fill in from the 301 form.

Step 5 is to review the CA-1 or CA-2 and certify that it is correct and true. When you submit the form it will start the process and be sent to Safety and your Supervisor.

The ECOMP website can be accessed from any work computer or from your personal computer. Normally ECOMP will not work on a cellphone as it runs the most up-to-date version of Adobe for security.

After your case is accepted on ECOMP you will be able to upload doctors' reports and other documents directly to your case file. This speeds things up and

**ECOMP is the Best Way to File a  
CA-1 or CA-2.  
[www.ecomp.dol.gov](http://www.ecomp.dol.gov)**

keeps your claim moving in the process.

Accessing ECOMP and filing your claim can be done on duty time. If you don't have time at work or you wish to file it later it can be done on your home computer.

If you need help with filing your claim on ECOMP just let us know as the Union is here to help members with the process. Workers Comp is complicated and there are timelines to stay within to have a valid claim.

Make sure, if you are hurt at work to immediately report it to your direct supervisor. At that point if you need immediate medical care you should go to the Hospital to get urgent care. You can always fill out the CA-1 or CA-2 later.

For help with your Workers Comp case in El Reno contact R. Barger or B. Coker. In Oklahoma City contact T. Russell or S. O'Brien.

## Interrogatories

by B. Coker

Interrogatories are written questions that are required to be answered to clarify issues. Staff may receive interrogatories in relation to their background investigation or EEO cases where they are a witness.

If you receive **interrogatories** in regard to either of the above issues, contact the Union for assistance.

The Union has a great deal of experience in responding to these questions. Responding truthfully

and in the correct format is crucial to getting your background cleared.

Interrogatories have timelines that you must stay within when responding. The Union is here to help you through the process. Contact the Union as soon as you receive your questions.

If you would like assistance, contact C. Bishop (in ERE) or T. Russell (in OKL) (phone number available through control) or any Union Steward.



## The Evaluation Process and Your Rights by K. Menz

Program Statement 3430.09-Performance, can be found in the Policy Directory on the Sallyport website. This policy specifically describes the employer's performance appraisal program used to evaluate employee's performance, recognize accomplishments and good work, identify and correct work deficiencies, and guide personnel actions such as within-grade and quality step increases, promotions, demotions, removals, reassignments, performance awards, and training.

My personal experience of the evaluation process is probably a lot like most other employees. At the beginning of the rating period I sign a copy of the job elements and performance standards and then do not see or hear from a supervisor about an evaluation until time to sign a generically written quarterly or yearly overall rating. This process is fine if you are satisfied with what a rating official wants to give you, but if you want have more influence

in your evaluation and ratings the Union has fought for and negotiated opportunities for you to do so.

Did you know that the performance appraisal process requires that rating officials must observe and note employee performance in a log continuously throughout the rating period to be used to document and substantiate the final rating? The Master Agreement Article 14 section c requires these performance logs are subject to specific timeline requirements and notifications to the affected employee before used for the appraisal process. Furthermore, the Local Supplement Agreement mandates "The employer encourage entries to a performance evaluation which notes positive performance. If the employee feels that an entry should be made or should have been made to note positive performance the employees should so advise the supervisor.

The supervisor will then be free to either make the entry or advise the employee as to why no entry was made." Essentially, if you provide information to satisfy the outstanding requirements that were agreed to in job elements and performance standards the rating official will either have to give you that appropriate rating or provide a valid reason your input was not used.

The Local Supplement Agreement also "reaffirms that performance log entries or counseling sessions will be based on the actual behavior of the employee, not personality traits or judgmental conclusions drawn by the supervisor."

Bargaining unit employees shall have the right to appeal their performance ratings through the negotiated grievance procedure with or without the Union. It is understood that only the Union or the Agency can pursue the matter to arbitration

## Chief Stewards Corner – El Reno by J. Lepird

Your Union has many pending issues that it has been dealing with for the bargaining body. One of the bigger issues at the moment is the Agency refusing to follow prior agreed to procedures and policy regarding background investigations. Specifically, the Agency is putting the responsibility on the staff member for coordinating the background check. This is ridiculous, as none of us have the ability to schedule a background investigation meeting during our shift or clear an investigator to enter the institution.

As the investigators are calling bargaining unit members at home,

we are advising folks to give them the number to the institution and have the investigator schedule your appointment through the HR department, who has always in the past and should be coordinating the investigator's visit and positively identifying the investigator. As there have been issues with identity theft, it is safer to be able to positively identify these folks before you give up any personal information. As we know, better to be safe then to have any personal information stolen. Please send an email to the Union mailbox or a steward if you are having issues. We have tried to resolve the issue, but the

administration has been unwilling to give better direction in this case. There is a grievance pending as we cannot get the Agency to fulfill their responsibilities and do the right thing in this matter.

There are many other issues, but space is limited and we will cover more in future issues.



## 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 1-800-222-0364 if you want to speak with an EAP counselor.



## Update on New Uniforms by B. Coker

Due to backorders with the new Uniform roll out, the national Uniform committee has agreed to postpone the implementation of the new staff uniforms.

All uniform Staff must place an order with an approved vendor by November 1st, 2018.

All uniform Staff will be required to be in the new uniform by March 1st, 2018.

This will give staff that have uniforms on backorder, more time to be in compliance with the national policy. Staff may be requested to provide receipts to show that they have

placed an order after November 1<sup>st</sup>, 2018.



## CBD Oil and the Federal Employee by R. Barger

CBD oil is short for cannabidiol and is a compound found in cannabis, which has gained popularity over the last few years for its therapeutic properties. Advocates claim to see positive changes when combating anxiety, seizures, and a number of other issues, but the products aren't legal in all 50 states.

Although most CBD products claim to have under 0.3% THC, which is classified as hemp, the products remain unregulated making the THC levels unreliable. The DEA states, "for practical purposes, all

extracts that contain CBD will also contain at least small amounts of other cannabinoids. Although it might be theoretically possible to produce a CBD extract that contains absolutely no amounts of other cannabinoids, the DEA is not aware of any industrially-utilized methods that have achieved this result."

Due to the fact that it remains an unregulated drug, some CBD oils have as much as 1/10th the THC concentration as marijuana. Therefore, consuming high quantities of CBD oil will leave

enough THC in your system to trigger a positive test result.

Drug Free Workplace Program (DFWP) for Bureau employees in compliance with Executive Order 12564 and 5 U.S.C. Section 7301. The employees are cautioned to take note that, regardless of individual state legislation or initiatives, the use of any Federal Controlled Substance Act, Schedule I drug, whether non-medical or ostensible medical purpose, violates Federal law and the Federal Drug Free Workplace Place.

# Local 171 E-Board/Stewards

## AFGE Local 171

307 Reformatory Road  
El Reno, OK 73036

Phone El Reno: 405.422.2820

Fax El Reno: 405.422.2850

Phone OKL: 405.680.4298

Fax OKL: 405.680.4297

E-mail: Afge171Alert@yahoo.com



*United We Stand Together in  
Solidarity*

Local 171 Website:  
[www.afgelocal171.com](http://www.afgelocal171.com)

### E-Board

T. Townley – President

S. Johnson - Secretary/Treasurer

B. Coker – Vice-President ERE / OWCP

B. Hutchinson – Vice-President OKL / CPOF

J. Lepird – Chief Steward ERE / SCR Legislative Coordinator

T. Russell – Chief Steward OKL / OWCP

S. O'Brien – Sergeant at Arms

### Stewards – El Reno

R. Barger – Correctional Services/OWCP

C. Bishop – Correctional Services

K. Menz – Correctional Services

G. Strider -- Correctional Services

T. Norton -- Correctional Services

D. Boling – Education/Recreation/DAP

J. Headrick – Facilities/Unicor

G. Brueggen – Health Services/CPOF

B. Kuykendall – Trust Fund

J. Delk – Food Service

### Stewards – Oklahoma City

B. Houck – Correctional Services

M. Michon – Correctional Services

C. Hannaford -- Correctional Services

D. Jones -- Correctional Services/EEO

K. Hyden -- Correctional Services

J. Williams -- R&D

J. Taylor -- Facilities

D. Watts -- Business Management/CPOF

T.J. Howard -- Business Management

J. Grigsby -- Food Service

D. McMullin – Food Service

C. McPherson -- Unit Management

J. Lyon -- Unit Management

*Back Issues of this Newsletter*

*Can be found on:*

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

## Your Right to Privacy During Counseling

In the event that your supervisor wishes to speak with you and counsel you regarding your performance you have a right to have that meeting conducted in a private setting.

According to the Master Agreement Article 6, section L: "In the interest of respect for all staff, the parties agree that reprimands and counseling sessions will be handled in a private setting whenever possible. Both parties further agree that the

Employer and its representatives have the responsibility to instruct, advise, direct, and correct employees in a work setting in a manner that promotes a good working relationship".

There is usually no legitimate reason for a supervisor to correct a staff member in front of other Staff or inmates. You have a right to be corrected in a private setting, as specified in the Master

Agreement. However, this does not take away your right to be represented at these types of meetings with your Supervisor if you believe the meeting could lead to disciplinary action against you.

Protect yourself and ensure your rights are not violated. Request a Union Representative to present with you at the meeting. Your Union is here to protect you from any violation of your rights.