



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

Using Leave During COVID-19

FAQ Answers from US Office of Personnel Management on COVID-19 for Human Resources Flexibilities and Authorities.

The following are an excerpt from guidance put out by the Office of Personnel Management. This is general information. Any specifics should be addressed with the local Human Resources Office.

1) Is COVID-19 a quarantinable communicable disease pursuant to Executive Order (E.O.) 13295?

The Centers for Disease Control and Prevention (CDC) has determined that COVID-19 meets the definition for "severe acute respiratory syndromes" set forth in E.O. 13674. Therefore, this novel coronavirus is a "quarantinable communicable disease," as defined by E.O. 13295, as amended by E.O.s 13375 and 13674.

Additional information on quarantinable communicable diseases is available from the CDC at <http://www.cdc.gov/quarantine/AboutLawsRegulationsQuarantinesolution.html>.

Sick Leave and Other Time Off

(1) If an employee, who has been receiving weather and safety leave due to exposure to COVID-19, becomes symptomatic (ill), should he or she continue to receive weather and safety leave?

No. Sick leave would be used to cover such a period of sickness, as provided in 5 CFR 630.401(a)(2). Agencies must grant sick leave when an illness, such as COVID-19,

prevents an employee from performing work.

(2) If an employee runs out of sick leave, can the agency grant advanced sick leave to an employee who is ill (symptomatic) due to a quarantinable communicable disease, such as COVID-19, or must care for a family member who is ill?

Yes. However, while sick leave may be advanced at an agency's discretion, it is not an employee entitlement. The sick leave regulations allow an employee to be advanced sick leave for exposure to a quarantinable communicable disease, subject to the limitations below:

- a) 240 hours (30 days) may be advanced if the employee would jeopardize the health of others by his or her presence on the job because of exposure to a quarantinable communicable disease;
- b) 104 hours (13 days) may be advanced if the employee is providing care for a family member who would jeopardize the health of others by his or her presence in the community because of exposure to a quarantinable communicable disease.

(3) Must an employee have a doctor's note if requesting to use sick leave for 3 days or more due to an illness from a quarantinable communicable disease, such as COVID-19?

Not necessarily. Under OPM's regulations (5 CFR 630.405(a)), an agency may grant sick leave only when the need for sick leave is supported by administratively acceptable evidence. An agency may consider an employee's self-

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Next Union Meeting:

Tuesday

May 12th 2020

5PM at the

FTC Training Center

Meetings are held every other month.

Using Leave continued...

certification as to the reason for his or her absence as administratively acceptable evidence, regardless of the duration of the absence. An agency may also require a medical certificate or other administratively acceptable evidence as to the reason for an absence for any of the purposes for which sick leave is granted for an absence in excess of 3 workdays, or for a lesser period when the agency determines it is necessary.

Supervisors should use their best judgment and follow their agency's internal practices for granting sick leave. Agencies should also be mindful about the burden and impact of requiring a medical certificate.

(4) If an employee is healthy but chooses to stay home because he or she has been in direct contact with an individual exposed to a quarantinable communicable disease, such as COVID-19, in what pay/leave status is the employee placed?

An employee, covered by a telework agreement, may request to telework with the permission of the supervisor. Agencies could also consider expanding telework to any telework eligible employees to provide additional flexibility for employees. For employees who are not currently covered by a telework agreement, agencies may also consider whether an employee has some portable duties (e.g., reading reports; analyzing documents and studies; preparing written letters, memorandums, reports and other correspondence; setting up conference calls, or other tasks that do not require the employee to be physically present), that would allow him/her to telework on a situational basis. An ad-hoc telework agreement should be signed to cover the period the employee is permitted to work from the approved alternate location (e.g., home).

An employee may also request to take annual leave, advanced annual leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay. An agency may not

authorize weather and safety leave to an employee under this scenario. The use of sick leave would be limited to circumstances where an employee has become symptomatic (ill) due to a quarantinable communicable disease, such as COVID-19.

(5) If an employee is healthy but stays home because his or her asymptomatic family member has been quarantined due to exposure to COVID-19, in what pay/leave status is the employee placed?

Currently, an employee may use annual leave, advanced annual leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay to care for a family member who is healthy but has been quarantined due to COVID-19. An employee, covered by a telework agreement, may be able to telework pursuant to an ad hoc arrangement with the permission of the supervisor during the quarantine period. Provided the employee has telework capabilities and sufficient work to perform, the agency should be flexible in determining whether the employee can accomplish his or her duties from home while caring for a family member. An employee may telework during the time he or she is not responsible for caring for a family member and must request annual leave, advanced annual leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay while caring for a family member.

Weather and Safety Leave (1) Can agencies approve weather and safety leave for an employee who has been exposed to a quarantinable communicable disease, such as Coronavirus Disease 2019 (COVID-19)?

Agencies may authorize weather and safety leave for an asymptomatic employee who is subject to movement restrictions (quarantine or isolation) under the direction of public health authorities due to a significant risk of exposure to a quarantinable communicable disease, such as COVID-19.

(2) If an employee is healthy but stays at home because he/she has been in direct contact with an individual infected with a quarantinable communicable disease such as COVID-19, should an agency authorize weather and safety leave?

An agency may authorize weather and safety leave to an employee exposed to COVID-19, even if asymptomatic, if a local health authority determines the employee would jeopardize the health of others if allowed to return to work. Employees should refer to CDC guidance (<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-business-response.html>) for how to conduct a risk assessment of their potential exposure.

(3) If an employee must stay home to care for an asymptomatic family member who was exposed to a quarantinable communicable disease, such as COVID-19, should an agency authorize weather and safety leave?

No. An agency should not authorize weather and safety leave in this instance. An employee who is healthy and is caring for an asymptomatic family member may request annual leave, advanced annual leave, other paid time off (e.g., earned compensatory time off, earned credit hours), or leave without pay for the period of absence from his or her job. In addition, an employee who is caring for an asymptomatic family member who has been exposed to a quarantinable communicable disease and who is covered by a telework agreement may also request to telework pursuant to an ad hoc arrangement to the extent possible. If the employee's family member becomes symptomatic (ill) with a quarantinable communicable disease, such as COVID-19, sick leave to care for a family member with a serious health condition would be appropriate.

Letter to Leaders and Members of the Council of Prison Locals

There are three main reasons I wanted to address the Leaders and Members of this Union. First and foremost, the first week of Master Agreement ground rules negotiations went well. We are hopeful and optimistic moving forward, understanding that the most contentious discussions are on the horizon. We will continue to fight for the best contract for you.

The program statement for the protective vests has been reissued. The agency determines when personal protective equipment is deemed necessary. The program statement at that time was properly negotiated. Here we are a year and a half later and everyone has not received a vest. The date was extended to allow those institutions a grace period to receive their vests. The extension date is not to preclude any institution from ordering their vests and complying with the policy. Not a week goes by that another example is demonstrated that our vests have prevented a serious injury or saved a life. Any further delays by the agency in providing this vital protective equipment to all of you is unacceptable. Disturbingly, the initial order of vests, in our highest security facilities, begin to expire at the end of this month. A failure to plan for the replacement of this essential piece of lifesaving equipment is not an adequate excuse to their timely replacement. This is a boiling point and will not go unanswered.

This leads us into the discussion about the Director's comments last Friday. Although I do not view her video as entirely nefarious, both the timing and perception offended most of us. Curtailing the use of the internet is not a complete elimination of this vital tool that

most of us use to accomplish our jobs and the missions of the agency. The most concerning of Director's statement is the focus on compressed work schedules. Compressed and alternative work schedules derive from federal law. The same federal laws that saw the benefits of balancing your personal lives with increased benefits to all agencies, have built in protections of those schedules for misinformed overzealous government administrators. I believe that whoever has misdirected the Director's attention on these types of schedules has failed to emphasize the benefits. With alternative and compressed schedules, the Bureau of Prisons has seen a substantial decrease in schedule induced overtime opportunities, expanded hours of operations, and much needed additions to inmate supervision, all the while staffing resources have been deliberately and systematically eliminated. As with most of our most difficult challenges, the Bureau of Prisons cannot make assessments and take actions without a true baseline in staffing. There has been little progress in filling the more than 4,000 vacancies across the country. This of course is of the 'new 100%'. The fact of the matter is, the Bureau of Prisons is down almost 10,000 positions since the last time the Director retired, the implementation of the mission critical initiative. Forgive me if I am apprehensive to the new initiative of 'right-sizing' the agency. Their track record speaks for itself.

This is where the Locals and all members become vitally important. They are your schedules and your ability to defend them will be vital in protecting them. Get involved and assist your local union and executive boards in the process of defending your rights. I must apologize to most of you as the issue of mandatory overtime is never acceptable. We will continue

to use all our avenues of redress to eliminate this unreasonable infringement on your personal lives. Increasing staffing to an acceptable level is the top of our priority. You deserve to be treated better.

I anticipate a survey in the near future related to the state of the Bureau. I am highly encouraging each and every one of you to speak freely and honestly. Change will come from you. A collective voice is always the loudest.

Thank you for the impossible mission you accomplish every day, even when most of America is asleep. You do it with little to limited resources, and absent much needed praise. To imply that you are responsible for the staffing crisis in this agency is reprehensible.

Director, let me offer you one of my favorite quotes:

"Train people well enough so they can leave. Treat them well enough so they don't want to." ~Richard Branson~

Shane Fausey, Council President



Know your rights as a Disabled Federal Employee

First what are disabilities? A person is considered to have/ or can show that he or she has a disability in one of three ways. First is Physical or Mental ADHD such as; Arthritis, TBI, or Dyslexia. Second is a History of disability such as ADHD, Arthritis, TBI, or Dyslexia. Finally, Non-Transitory Impairment which are Sprains and Acute Traumas.

How to determine what is a disability

A person may be disabled if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning). Additionally, he/she may be disabled if he or she has a history of a disability (such as cancer that is in remission). A person may be disabled if he or she is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less).

How Disabilities Affect us?

People respond to disabilities in different ways. Some react negatively and thus their quality of life is negatively affected. Others choose to focus on their abilities as opposed to their disabilities and continue to live a productive life.

How Disabled Persons are afforded Job Opportunities in the Federal Government?

The Department of Justice has an ongoing obligation under the Rehabilitation Act of 1973, 29 U.S.C. § 794, to ensure that employees with physical and mental disabilities are given

reasonable accommodations that will enable them to perform their jobs. Beyond legal obligations, the Agency has been directed towards a strong institutional interest in providing accommodations that will allow employees with disabilities to continue to contribute at the highest levels to the mission of this agency. In order to reaffirm the Agency's commitment to these principles and responsibilities, Department of Justice has joined in a government-wide effort to improve agency responses to requests for reasonable accommodations. The Department of Justice (DOJ) has a legal obligation to provide reasonable job accommodations for employees and job applicants with disabilities. Policy statements provide examples of the types of accommodations that are appropriate and generally will be provided to Department employees and applicants with disabilities. (PS. 3720.03) It also describes basic procedures for processing requests for accommodations. The examples of accommodations identified in these Guidelines are not exhaustive; instead, they illustrate the broad spectrum of appropriate accommodations that generally will be provided at no cost to the employee or applicant. All of the identified accommodations are appropriate for virtually all employees regardless of grade level or experience. The purpose of reasonable accommodations is to provide employment opportunities for persons with disabilities who otherwise would not be able to perform the essential functions of their job, and to allow employees with disabilities to perform or be more productive.

Reasonable accommodations may

include, but are not limited to; making existing facilities readily accessible to individuals with disabilities, job restructuring, modification of work schedules or place of work, extended leave, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, including computer software and hardware, appropriate adjustments or modifications of examinations, training materials or policies, as well as the provision of qualified readers and/or interpreters and other similar accommodations.

Accommodation decisions should be based primarily on whether they will help the applicant or employee become a successful and productive member of the Department's workforce. Even though most job accommodations cost little or nothing, the Department will also satisfy more costly accommodation needs, such as providing readers, sign language interpreters, or personal assistants for travel to employees needing those services in order to perform their jobs. The cost should be evaluated in terms of the overall available financial resources of the Department.

Disabled Veterans do receive hiring preference. The Federal hiring system gives up to a 10 point hiring preference to Veterans with Service Connected Disabilities Each year, thousands of military personnel stationed around the world leave active duty and return to jobs they held before entering the service, or begin the search for new jobs. Recent veterans (OIF, OEF) report high rates of service-connected disabilities (i.e., disabilities that were incurred in, or aggravated during, military service). About thirteen percent of all veterans

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report and are documented of having a service-connected disability. Common injuries incurred by these veterans include missing limbs, burns, spinal cord injuries, post-traumatic stress disorder (PTSD), hearing loss, traumatic brain injuries, and other impairments.

Title I of the Americans with Disabilities Act (ADA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA) - protect veterans from employment discrimination. Title I of the ADA, which is enforced by

the U.S. Equal Employment Opportunity Commission (EEOC), prohibits private and state and local government employers with 15 or more employees from discriminating against individuals on the basis of disability. Any veteran with a disability who meets the ADA's definition is covered, regardless of whether the disability is service-connected. USERRA has requirements for reemploying veterans with and without service-connected disabilities and is enforced by the U. S. Department of Labor (DOL) and the U.S. Department of Justice (DOJ).

If you become disabled, permanent or temporarily, please reach out to your Local 171 representative whether or not it happened at work. You have rights!! The Federal Bureau of Prisons is legally bound to assist you by any means in which they are capable.

By:

Shawn O'Brien Vice-President FTC
&
Darren Jones, Chief Steward FTC

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 immediately when you receive your questions.

If you would like assistance, contact G. Brueggen (in ERE) or S. O'Brien (in OKL) (phone number available through control) or any Union Steward.



Workers Comp (OWCP) – The Process

The Union is here to help you with the Workers Comp (OWCP) process.

If you are hurt at work make sure 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.

If you have a Traumatic Injury you always fill out a CA-1, this could be from getting hurt responding to an

emergency. If you have an Occupational Disease or Illness you fill out a CA-2, this would be for something that develops over time

like carpal-tunnel.

The CA-1 and a CA-2 have different document requirements. Contact the Union to help you with the process.

In Oklahoma City contact S. O'Brien for help through the process. In El Reno contact R. Barger for help with your Workers Comp Case.

**“The Best Way to File a
CA-1 or CA-2 is on ECOMP.
www.ecomp.dol.gov”**

Local 171 E-Board/Stewards

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United We Stand Together in Solidarity

Local 171 Website:

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

T. Norton -- Correctional Services

D. Boling – Education/Recreation/DAP

B. Kuykendall – Trust Fund

Stewards – Oklahoma City

J. McDonald – Correctional Services

M. Michon – Correctional Services

J. Seely -- Correctional Services

J. Stepp – Correctional Services

K. Hyden -- Correctional Systems

T.J. Howard -- Business Management

D. McMullin – Food Service

C. McPherson -- Unit Management

Back Issues of this Newsletter can be found on: www.afgelocal171.com

Your Rights During Disciplinary Conversations

Local 171 wants to remind all bargaining staff of their right to a Union Representative during any examination that could lead to disciplinary action. This includes Office of Inspector General (OIG), Office of Internal Affairs (OIA) and Special Investigative Services (SIS). The agency does not pick the representative, the Union does. The agency also has an obligation to inform you of your right to union representation prior to any

examination that they know could lead to disciplinary action, that's even if you don't ask for it, they still must tell you of your right (this is normally done with a form B during SIS Affidavits).

However, anytime you feel that a conversation could lead to disciplinary action you may request a Union Representative to be present and the meeting will stop until you are represented.

Do not fall for the old line:

"Well, you're not the subject of the investigation". Ask them to call the Union President. The Union is the one who assigns representation.

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