



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

Always Take a Rep by J. Lepird

So you get a call, or the SIA/SIS Lieutenant stops you in the hall and says, "stop by, I need to talk to you." You ask if you need to worry, and the response is, "Don't worry, you're not the subject," or, "It won't take long." You decide to be a good employee and just get it over with, the quicker the better, right?

Wrong. Unfortunately, the SIA/SIS isn't your friend, and we cannot always count on the good nature of the Lieutenant to ensure your rights are not violated. We may have a good SIA/SIS now, but who knows what type of person will show up and take the job in the future. It's best not to develop bad habits, and always take a Union Representative. Some SIS/SIA Lieutenants might be looking to advance their career the wrong way, by burning whoever they have to for street cred to a promotion. It's better to exercise your rights than to ignore them.

Why take a Rep, you didn't do anything wrong, you're just a witness, right? Again, the problem is that if you do not state your side in a clear, understandable manner, you can quickly turn into the subject of the investigation and catch a charge. A Union Rep is there to actively ensure your rights are respected and your affidavit is clear, conveying your statement in a clear, understandable manner, in the way you wish to give your statement. When you give an Affidavit, it is your statement, and you want to ensure that there are no misunderstandings or misstatements as to what you want to convey.

The same thing can happen during a conversation with a supervisor. The key is that when you believe a situation or conversation may lead to discipline, you have a right to a representative. This is a right, not a question you need to ask. You state, "I want a Union rep," not "do I need a Union rep."

To ensure you are treated fairly and your rights are respected, take a Union rep. It's your right, and exercising that right is important. Don't fall for the nonsense, any time you give an affidavit your statement can lead to discipline. It's silly not to utilize your rights to representation, which is an easy statement of, "I want a Union rep."

At that point, the management official is required to contact the Union and arrange representation. It isn't your job to find a Union rep, the Contract puts that responsibility squarely on the management official. They will contact the Union, and the Union will appoint a representative for you. Questioning will cease until a representative can arrive or a new appointment will be made to ensure your representative can attend.

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Next Union Meeting:

Tuesday
March 9th 2021
5PM at the
El Reno
Union House

Meetings are held every other
month.

Political Activity and the Hatch Act for Federal Employees

As this has come up occasionally, we want to ensure that everyone understands the Hatch Act to avoid any issues at work.

The Hatch Act (5 U.S.C 7321-7326) was passed in 1939 by the 76th United States Congress. The purpose of the act was to prohibit federal government employees from engaging in some forms of political activity. The law was named for Senator Carl Hatch of New Mexico. The law was put in place due to allegations that federal employees were used during the congressional elections of 1938 to assist a political party.

The Hatch Act prohibitions for federal employees are listed in 5 U.S.C 7324. They are:

- (a) An employee may not engage in political activity --
- (1) while the employee is on duty;
 - (2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;
 - (3) while wearing a uniform or official insignia

identifying the office or position of the employee; or

- (4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

The Penalties for violating the Hatch Act are listed in 5 U.S.C 7326. They are:

- An employee or individual who violated section 7323 or 7324 shall be subject to --
- (1) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;
 - (2) an assessment of a civil penalty not to exceed \$1000; or
 - (3) a combination of the penalties described in paragraph (1) or (2)

Federal Employees are able to and encouraged to register and vote as they choose. While off duty (not in uniform) engage in political activities and campaign for the candidate of their choice in local and national elections. Lobby members of congress on issues of importance to them while off duty in person or via phone and/or email. Employees can also run for

public office in nonpartisan elections.

It's been a long time since the Hatch Act was written in 1939. However, it still applies to social media apps and website that are very popular today. Social media sites like Facebook, Twitter and others can become a violation if they are accessed when the employee is on duty. Employees are prohibited from posting, blogging, retweeting and liking partisan political content while on duty. When off duty the employee is more than within their rights to make posts and like comments.

For more information regarding the Hatch Act and how it affects Department of Justice employees see: <https://www.justice.gov/jmd/political-activities>



Sergeant at Arm's Corner by K. Menz

What happens when a supervisor violates Overtime Agreements?

Union representatives routinely review the staff roster programs to assure all applicable Laws, Agreements, and policies are being followed by the Agency. Once it has been determined by the Union that a violation of a Law, Agreement, or policy has occurred, the timeline on the process to file a grievance begins.

The first step in the process is to attempt an informal resolution to the issue. This can be, and usually is as simple as meeting with the appropriate party to discuss the issue and determine if there is a solution that is mutually acceptable

to all parties. Both the Union and the Agency endorse the concept that grievances should be resolved informally and will always attempt informal resolution at the lowest appropriate level before filing a formal grievance.

The Union's goal with the resolution is to make the aggrieved party whole again and seek a settlement that does just that, and to take steps with the Agency Representative to avoid future violations with a Settlement Agreement. In 2020 the Union was able to settle approximately 100 overtime/mandatory issues between both facilities, making members whole again with compensation. 2021 appears to be heading on a similar trajectory.

Unfortunately, due to the vast number of records and changes made continuously in the programs, not every violation is caught by Union representatives reviewing the rosters. I am asking all members to help keep an eye out for these violations. That way we can hold the Agency accountable and ensure all of the agreements are followed. If they are not, we will be watching.



Workers Compensation – Commonly Used Forms by B. Coker

The most commonly used form for Workers Compensation claims are:

- * CA-1 -- Federal Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation: This form is used by a federal employee to provide notice of traumatic injury and to claim continuation of pay (compensation).
- * CA-2 -- Notice of Occupational Disease and Claim for Compensation: This form is used by a federal employee to provide notice of occupational disease and to claim compensation.
- * CA-2a -- Notice of Recurrence: This form is used by a federal employee to provide notice of a recurrence of a traumatic injury or occupational disease, and to claim compensation.

* CA-7 -- This form is used by a federal employees to claim compensation for employment-related disability.

* CA-16 -- Authorization for Examination and/or Treatment. This form is given to the Employee by management to authorize your treatment at your first Doctors appointment.

* CA-17 -- Duty Status Report. Your Primary Care Physician sends in a report regarding your ability to return to work, restrictions and Total Temporary Disability if necessary for treatment.

* CA-35 -- Evidence Required in Support of a Claim for Occupational Disease: This form is used by federal employees (and their physicians), supervisors, and compensation specialists to assist

them by listing all the background documentation needed to support an occupational disease claim.

Ecomp (ecomp.dol.gov) is the best way to file forms with Workers Compensation. Staff create an account with ecomp and then can start a claim. An OSHA Form 301 is filed to report and injury and then the staff member selects a CA-1 for traumatic injuries or a CA-2 for an occupational disease or illness. There are different time lines for Workers compensation and the Union is here to help. At the FTC contact S. O'Brien or D. Jones for help through the process. In El Reno contact B. Coker or R. Barger for assistance.

Did you know...

by J. Lepird

Did you know we have posted most of the Agreements that protect your rights as a Bargaining Unit Member? AFGE Local 171 has a webpage that we keep our LSAs and MOUs updated for the membership to review if they have questions about an issue or situation. We don't have each and every settlement agreement or arbitration victory, but most of the MOUs are available for review. We receive questions regarding MOUs regularly, so we want to ensure you, the membership, have access to your agreements.

The Local website is:
<http://www.afgelocal171.com>

The LSAs and MOUs are separated by institution. Though we represent both the FCI and the FTC, our agreements are only applicable at the institution it was negotiated at, so the agreements are not enforceable unless made at that institution. The reason for

this is because of the differing missions of the institutions and different administrations. One administration cannot make an agreement that affects a different institution unless it is a national agreement. One of the benefits of this local is that we have 2 highly competent teams of folks available to work on issues at each institution. This is a huge advantage when tackling issues.

If you go to the local website, simply click on the "Agreements" tab at the top of the page. You will then be directed to our Agreements page where you can view applicable agreements.

There is other information available on the website as well. Take a look at it when you get time, but do so away from work when you are not on duty.

Knowledge regarding your rights is important, because you are protected by a collective

bargaining agreement and local agreements. You have rights, and the Union is here to enforce these agreements and protect your rights. If you find a violation, do not hesitate to contact a Union Representative who will investigate the issue and try to resolve the problem. We do our best to ensure that information is current on the website. If there is an issue, let us know so we can get it fixed. As always, thank you for your membership and support of your Union, AFGE Local 171.



Background issues

by G. Brueggen

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.

The Union and Agency both recognize that all staff have some embarrassing incidents in our past. How we deal with them says something about our integrity and character. If you have failed to disclose some of the issues in your background investigation process, the Agency urges you to do

so now. There are many reasons why these omissions occur and many of them are justified. Sometimes people simply forgot about a previous incident or do not understand the question that is being asked.

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.

Interrogatories have specific timelines that must be adhered to when responding to the Agency.

Mileage Raised for POV's

The mileage rate for authorized use of privately owned vehicles on official government travel was changed on January 1st, 2021 to 56 cents per mile. The GSA rates are posted at www.gsa.gov/travelpolicy under Mileage Reimbursement Rates. Standard Form 1164, Claim for Reimbursement for Expenditures

on Official Business is available on sallyport. Staff can be reimbursed for mileage driven to work the local hospital that is in excess of the staff members normal commute to work.

Check with the business office if you have any questions, as each individual's commute is different.



Not a Member? Join Local 171 Today.

When you become an AFGE member, you join **more than 310,000** other government employees who are united to build a government that works for all Americans and not just the rich and powerful. By standing together, AFGE members have a stronger voice when **defending your pay, retirement and job security.** AFGE is your Voice on Capitol Hill. The Local sends representatives to

talk with our Representatives and Senators about issues that directly affect each and every one of us as Federal Law Enforcement Officers. We want to make sure our

“AFGE Members have a stronger voice when defending your pay, retirement and job security.”

Representatives are aware of our issues and give them the attention they deserve.

Local 171 Represents our members with all levels of Management. We negotiate local policy for all Bargaining Unit Staff.

Contact any Union E-Board or Steward today to sign up and be a member of Local 171.

Final Thoughts – Blast From the Past by P. Rissler May 1999

Why am I in the Union..... If the Bureau of Prisons would adhere to their own policies, i.e., promote the best qualified, treat employees with respect, promote leaders not followers, allow decision makers to make decisions, we wouldn't need a Union.

How many times a day do you see the rules change because of who you are, or who the inmate is or what race or gang he is associated with. I detest this type of management, ask yourself how many different types of training that your supervisor attends on Leadership?

As a union member, don't you just want to go to work and be treated fairly? When you make a mistake, (not if, but when you make a mistake), don't you want to be taught the right way, instead of being slammed with days off? If management is going to treat you that way, then shouldn't your managers be treated the same way, such as ridiculing them with days off, rumors etc., Employees and Management, most times make the same mistakes, don't you want their punishment, promotions and upward mobility dispensed equally as yours? That's why you

are in the Union, that is why you fight each day. We don't believe this agency treats all their employees fairly and with dignity, and it shouldn't be too much to ask for management to begin doing so.



Local 171 E-Board/Stewards

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United We Stand Together in Solidarity

Local 171 Website:

www.afgelocal171.com

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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

B. Kuykendall – Trust Fund

Stewards – Oklahoma City

J. Seely -- Correctional Services

C. Dawkins – Correctional Services

J. Lopez -- Correctional Services

D. Morris – 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

Your Rights – Sick Leave – FFLA and FMLA

Staff accrue sick leave as a benefit of their employment with the Bureau of Prisons. As a benefit it is something that you earn and save to use when necessary. You have a right to use your sick leave when unable to report to work due to a personal illness. Article 20 in the Master Agreement addresses Sick Leave and the requirements for staff to utilize this leave.

In addition to Sick leave, Staff can also elect to use Family Friendly Leave (FFLA). Normally you would just call in and

request to use "Family" leave. This comes out of your sick leave balance. However, it can be used to care for a sick child, take them to a doctor's appointment or care for a family member. There is a limit of 13 days per year that you can use Family leave.

For major medical issues Staff can invoke and use Family Medical Leave (FMLA). Normally you invoke FMLA leave with a Request for Leave or Approved Absence form (OPM 71). In box 5 you invoke FMLA leave and check the

Reason.

1. Birth/Adoption/Foster Care.
2. Serious health condition of spouse, son, daughter, or parent.
3. Serious health condition of self.

The Agency can require a certification from your Doctor to authorize your FMLA and give you a form to have the Doctor fill out. You can choose to use sick or annual leave under FMLA.

Contact the Union if you have any questions about using sick leave under either of these laws.