

Commissioned Officers Association of the U.S. Public Health Service



May 3, 2017

Assistant Attorney General Lee J. Loftus
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Assistant Attorney General Loftus:

Thank you for responding to the joint letter which Major General Phillips of the Reserve Officers Association and I sent to Attorney General Sessions. We are quite pleased that the Department of Justice is appealing the ruling of the arbitrator in the case involving the Federal Bureau of Prisons (BOP) and the American Federation of Government Employees (AFGE). We believe that the ruling is based on erroneous reasoning and should be overturned. Overturning this decision, however, would not resolve the egregious way in which U.S. Public Health Service officers are being treated at BOP facilities, as such treatment preceded the ruling. The arbitrator's decision is also inapplicable to the BOP facilities at Butner, NC, and Lexington, KY.

As we stated in our letter to the Attorney General, the agreement between BOP and the union provides that civilian healthcare providers at BOP facilities are given complete priority over the uniformed officers of the USPHS when it comes to selecting shifts and vacations. No matter how long a PHS officer has worked at BOP, they are discriminated against when it comes to shift and vacation selection. This is really bad management, as well as being a violation, we believe, of the Uniformed Services Employment and Reemployment Rights Act (USERRA). The U.S. Department of Labor has agreed with our position in two cases filed by PHS officers.

We wrote to the Attorney General with the expectation that he would enforce the law and forbid the BOP from continuing its discriminatory practices, and we are disappointed that this has not happened. For your information, PHS officers are "voting with their feet" and leaving BOP facilities for positions elsewhere. In fact, the number of PHS officers working at BOP facilities is down almost seventy officers from what it was as of a year ago. I am sure that you are aware of the staffing problems at BOP, so this is not a good trend for the agency. We are, in fact, urging the Office of the Surgeon General to terminate the agreement with BOP under which PHS officers are assigned to federal prison facilities unless conditions for PHS officers are changed.

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We would very much like to meet with someone at the Justice Department who can address this problem. We have already met with BOP leadership and got nowhere with them. We met with AFGE leadership and got nowhere with them, though we suggested a compromise wherein two rosters would be established at each prison: one for civilians and one for PHS officers. Allow one person on the civilian roster to choose their shift, then allow the first PHS officer to choose, alternating between the two rosters until every person had chosen their shift. This proposal was summarily rejected by the AFGE.

We also believe that you were misinformed, in that the Office of the Surgeon General tells me that they have not met with BOP leadership for several months.

We look forward to hearing from you and to meeting with you or someone whom you designate.

Sincerely,

A handwritten signature in black ink that reads "James T. Currie". The signature is written in a cursive style with a large, stylized initial "J".

Col. James T. Currie, USA (ret.)
Executive Director