

Labor fight threatens inmate health care



Kevin Johnson, USA TODAY

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(Photo: Saul Loeb, AFP/Getty Images)

WASHINGTON — A bitter labor dispute pitting unionized civilian staffers at the federal Bureau of Prisons' medical facilities against uniformed members of the U.S. Public Health Service is threatening to worsen already critical staffing shortages within the vast prison system, officials said.

The little-noticed fight, which questions whether the nearly 900 Public Health Service (PHS) members are entitled to the same seniority rights as their union colleagues for such things as shift assignments and time off, has some uniform members discussing an exodus from the prison system where existing staffing shortages are at "crisis" levels in some institutions, according to a recent Justice Department internal review.

"If the BOP continues to treat officers as second class citizens and employees, they may have even greater staffing problems than they can imagine," said James Currie, executive director of the health service's Commissioned Officers Association. "I can see a gradual...mass exodus from BOP to other agencies and departments of the federal government."

Federal prison officials also have expressed a similar fear, warning in recent arguments before the Federal Labor Relations Authority that uniform nurses "would likely" leave en masse if it decided against the PHS in a Kentucky dispute.

In a series of labor challenges, health service members have asserted that their treatment has amounted to discrimination because of their affiliation with the uniform services.

The PHS, one of the nation's seven uniform services, provides health care assistance to more than two dozen agencies across the federal government, including the federal prison system.

Late last month, the Justice Department's inspector general found persistent staffing shortages that left some prison medical facilities with vacancy rates of 40% or higher. Throughout the prison system, which serves more than 170,000 inmates, there were 656 medical staff vacancies. The aging inmate population has exacerbated the staffing gaps in recent years, as the government has been unable to compete with the private sector for medical professionals who are often paid much more outside of government.



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The labor battle, meanwhile, has added even more to the internal strain where disputes have played out in a number of states, including Arizona, Kentucky, Michigan, Minnesota, North Carolina, Kentucky and Pennsylvania. In some places, the tension is so high that union and uniform staffers do not sit together during lunch or other shift breaks.

A stream of internal emails obtained by USA TODAY outlines a tangle of disputes involving prison health care workers, including allegations of attempts at union busting, punitive overtime assignments and basic confusion over work assignments.

E.O. Young, president of the National Council of Prison Locals union, said troubles have been brewing for "years."

Instead of deploying PHS staffers to locations of greatest need, Young said the uniform members often have been allowed to move to adequately-staffed facilities, prompting disputes over such things as shift and leave time.

"I've never been critical of the public health system and the service it provides," Young said. "It's just that in some places, they have been over-used. There has been a lot of contention."

PHS spokeswoman Kate Migliaccio declined comment.

But Currie challenged Young's assertions, saying that "any job that is filled within the Bureau of Prisons by a PHS officer is a job where there is great need."

"This is all about union aggressiveness toward members of a uniformed service who just want to be treated fairly and equitably by the BOP," Currie said.

"Why should all civilian BOP employees be given seniority over all uniformed officers who work for BOP just because they are represented by a union which PHS officers are not allowed to join, even if they wanted to?"

A written statement issued by the prison bureau acknowledged "staffing challenges at select locations."

"And we are working to resolve those," according to the statement. "The BOP is proud of its team of health care providers. Our civil servants and PHS staff have a long tradition of working together to deliver quality health care to our inmate population."

The statement did not specifically address the labor dispute. But in an October decision by the Federal Labor Relations Authority that went against the PHS nurses at a Kentucky federal prison, the authority noted that federal prison officials raised the dire possibility that such a negative decision "would likely result in a mass exodus" of uniform nurses.

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