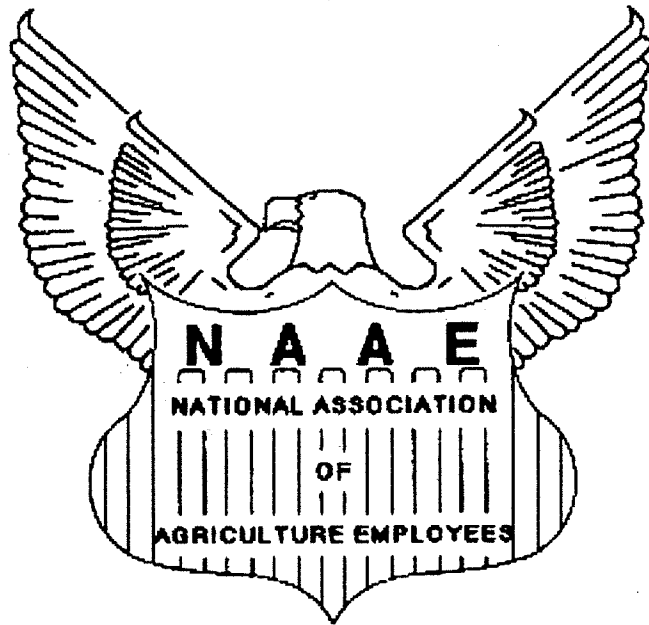


**N.A.A.E.**  
National Association of Agriculture Employees  
**N.A.A.E.**  
**NEWSLETTER**



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**N.A.A.E.**

**National Association of Agriculture Employees**  
Newsletter Issue No. 63 December 2001



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## **A Message From Our President**

*Mike Randall*

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**G**reetings,

Much has happened since the last time I wrote to you. Certainly foremost on everyone's mind are the horrific events of 9/11. NAAE extends its condolences and prayers to all affected both directly and indirectly by the events. We know that many of you have family and friends directly affected in the worst way, perhaps because they worked in the WTC buildings or participated in the rescue efforts. We stand by you. We all must exercise a great deal of patience and try to keep our cool over the multitude of constantly changing conditions at the places we work, especially at airports, adjusting to changes brought on by these events.

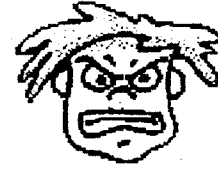
Unfortunately, we learned that the Agency doesn't consider NAAE or the people we represent part of its emergency operations plan. It would have helped to know that we were in the loop, that the Agency considers us a part of the organization and knows it could count on NAAE to do whatever was necessary to keep the condition. The Agency has most of our emergency contact numbers and it part of the emergency operation "phone you were mere parties to some of those Agriculture Secretary and the PPQ Management Team. Changes in working conditions were made without consulting and/or negotiating with the Union, 'gee, I guess it was operations as usual.



organization running in an emergency Executive Committee members' 24-hour would have been simple to include us as a tree." We were not. Instead, NAAE and faceless, impersonal e-mails from the

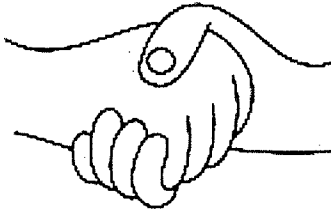
November 4, 2001, "a day which will live in infamy" has passed. 400+ PPQ Officers were abruptly and deliberately downgraded by their Agency. The GS-11 downgrade became effective some 18 months after it had been originally proposed, April, 28, 2000. NAAE was fighting (and continues to fight) for a different outcome. While we cannot change the immediate paper personnel record outcome, we can work for the supreme long-term attitude adjustment that our cavalier agency needs. Our last ditch congressional inquiries, attempting to head off the seemingly inevitable outcome, fell short as the 9/11 events quickly shifted the Washington focus to Homeland Security. Our problem, of 400+ angry federal employees, seemed small in comparison. We did learn that our hope is not with the Agriculture committees in Congress.

Those committees are more interested in promoting free trade than keeping out the bugs. Our interests lie with the Government Reform and Oversight Committees, particularly the committees that watch out for government employees. It is apparent that here are 400+ employees who were genuinely screwed by their Agency's scheming. Personally, I WILL NOT FORGIVE!



The Position Description Re-Write Committee, a committee that includes Management and bargaining unit members, continues its work interrupted by 9/11. Five new position descriptions are up for review and there is a possibility of squeezing out a few more GS-11 jobs such as: Contact Point Officer, Domestic AQI Specialist, Rapid Response Officer, Risk Management Specialist, and Seed Identifier. However, the Union committee members got wind of a somewhat disturbing side-issue during committee discussions: Management may be "rewriting" the GS-9 position description, a project that NAAE will be monitoring closely.

Recently, there has been some light at the end of the garbage disposal. A source of evil and discord has passed from the Agency labor scene. The "Branch Chief" of Labor Relations has departed the Agency on his own accord, reportedly as an alternative to a taste of the Agency's hemlock (or was that Sudden Oak Death?). We hope his departure will somehow improve the prospects of returning Labor-Management Relations to "normal". NAAE is actually getting to complete a few agreements with Management again. (MAYBE the Union will be invited on a



trip back to the long celebrated National Contract Table, a journey the Agency denied us by its recent intransigent labor relations style (clear the cobwebs-bring the dust mops). And we will soon be in arbitration over a number of long pending grievances blocked in the reign of terror of this former "labor Cromwell." The surest way to cause unrest is to ignore and otherwise obstruct the resolution of employee complaints.

This change in labor regime is something to be thankful for, but there is still something fundamentally wrong in the way APHIS has ordained PPQ to conduct its labor relations or rather ordained them NOT to conduct labor relations. Instead of Labor-Management Relations administered by knowledgeable PPQ Staff, we continue to have Labor-Someone-else-who-doesn't-know-jack-about-PPQ-sent-instead-to-insulate-management-from-its-employees Relations. This "Someone Else" is a new-to-the-job APHIS employee who APHIS has foisted off on PPQ and who takes his/her marching orders from M&RP. I do not know what the Agency has in mind by employing this LMR method, but the tactic is sure lacking a certain degree of intestinal fortitude. This short-coming is in PPQ's lack of willingness or ability to tell APHIS to keep out of PPQ business. (It is also possible that PPQ is a willing participant and just tells us they are helpless to ignore APHIS orders.) An example of this contorted form of labor relations is the numerous times these Headquarters labor personnelists were sent to interject themselves into and micromanage local negotiations over purely local issues, such as unpaid lunch. These extra chefs really mucked up the gruel.

Some of the things our "Big Plans" Management has on the drawing board, such as the "Safeguarding" program, will never be embraced without some program people listening to

employees' concerns and providing the employees positive reassurances that what is proposed is truly the right thing to do. Unfortunately, the Safeguarding report was used as cover or an excuse to jam in a bundle of anti-employee initiatives that had no relevance to safeguarding, e.g. modifying the overtime compensation system, eliminating CTT, implementing cargo user fees, packing the agenda with a number of other items unrelated to safeguarding, etc. This is not to say that there are not some good ideas in the Safeguarding plan; it is how the Agency has gone about implementing the plan that is highly suspect. [NAAE will be there as the "truth-squad" at those times when the best laid plans of mice and agencies go astray.]

Within this Newsletter is a nominations ballot. Use it. The election cycle has begun. It is again your turn to direct NAAE how to act by selecting individuals to represent you in obtaining fair and just working conditions. Some of the things that have happened to us in the last two years have been neither just nor fair. Please select individuals strong of stomach to continue the struggle for justice.

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## A Few Words...

### *New and Old*

**C**ONVENTION! The NAAE's biannual Convention will be held in San Diego, CA at the Radisson Hotel San Diego on April 21-26 2002. Keep these dates



open! Mark your calendars! Great room rates. Plenty of things to do in San Diego-- in addition to networking with your Union colleagues, meeting the new National Officers, and learning the arts of labor-management and employee relations. We will be providing additional information in the next Newsletter. Until then, please contact Bill Johnson, NAAE 2<sup>nd</sup> National VP, for further details on: 773-894-2927 or Mike Randall, NAAE President, on 808-861-8449. See you there.

### *Dues Forms*

NAAE apologizes for the recent difficulty in the processing of dues forms. A large number of forms remain unprocessed by

Management as of this date or have been "lost" in the system. Many of these problems are attributable to problems with NFC and the way that APHIS-LR has delegated their work. At least prospective NAAE members can keep their end of the process right by following a few simple procedures:

1. Obtain a copy of the current SF-1187 form available at either of the two following URL Links  
<http://www.infested.net/infested.data/Forms/sf1187PayrollDeduct.pdf> or  
<http://www.aloha.net/~mikeran/sf1187.pdf>

2. Fill in spaces 1, 2, 4, and 5 in the first section and sign where Employee signature is required in the Authorization by Employee Section. Write the Branch number, if known, in the Labor Organization Block in the Labor Organization Section. Dues are currently \$7.50 per pay period. Leave all other spaces blank. The authorized signature is the National President's signature, not the Local President. [Please

note: Department of Labor regulations require NAAE to obtain the member's home address in order that we can send required ballots.]

3. Forward the completed form directly to the National President. We need to have this form come to one place in order that we can officially register you as a member and place you in the database to receive the newsletter and other official mailings.

A large number of forms have been sent over the course of this year (without authorized signature) directly to APHIS-LR or "Minneapolis" (and we know what they think of us there!). The Agency squirreled these forms away and only recently has been sending them to us (some from April 2001.) We process these forms the day we get them, but they probably enter the same abyss when we return the completed forms. We are currently actively trying to correct this obvious MISmanagement, threatening grievances and ULPs.

#### ***Attention Branch Presidents!***

There is strong reason to believe that Management is mishandling employee Official Personnel Folders (OPF). These folders, governed by OPM regulations (5cfr293) as well as the Privacy Act, contain

many of the important documents tracking each employee's federal career. Management is currently, and not for the first time, alleging that documents for basic security



clearance are missing from some employee's OPFs. These employees are being require to resubmit these documents within less than 10 days, including re-fingerprinting, SF171, and SF85

or face possible disciplinary measures "up to and including removal". Every employee has a right to inspect his or her folder and copy the contents. As Branch President you can request, on behalf of interested b.u.e.s, that the OPFs be sent to your port for review and duplication by employees. This review will probably have to be done in the presence of a supervisor. However, having copies should prevent Management from making claims in the future that employees have never provided these documents. Employees not covered by a branch or wanting to access their OPFs independently can do that as well. Your local manager should be able to assist in obtaining access to these folders. If not, contact a Union Representative for assistance.

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## **At The Table**

*Editorial*

Kate Richardson

**P**icking up from my article in the last newsletter...

You might get the idea from the title of this byline that I would be writing about events occurring during National Contract Negotiations. That indeed was the original idea when I started several

years ago. Unfortunately, for well over a year and for an unknown time into the future that has not and cannot be the case. One might imagine that Management has intentionally and effectively put the kibosh to any forward movement toward completion of our new contract.

In the last issue I shared with you my enthusiasm for the progress being made at the beginning of 2000, and that I didn't believe the change in our agency's leadership would, or could, stop that forward momentum. I was wrong.

As the personnel from APHIS' greatly expanded Labor Relations branch took over labor and employee relations from PPQ and moved in on the National Negotiation process, I could easily imagine that they shredded, burned or otherwise discarded virtually all of the work the PPQ management contract team had done during the preceding five years. They exhibited no knowledge or concern for the parties had achieved prior to little to no understanding of bargaining history on those session in July, 2000 was made interruptions requiring the last



more time on the phone than at the table. They put on the skimpiest of shows at the September, 2000 session, under the direction of their leader, Joe Grimes, in a failed effort to suggest that they were "negotiating". Then, after a brief session to test their preposterous idea of dictating overtime assignment procedures from headquarters through a one-size-fits-all plan, Mr. Grimes and his new Management team rushed through production of what they alleged to be their "final best offers" (minus the overtime proposal) on the fourteen disputed contract articles, declared us to be at "impasse", and then embarked on a campaign to dislodge me, as Chief Negotiator and general Union assistant, from the official time granted to the National level Union by PPQ since 1995.

history of effort and success the their arrival. They exhibited their own proposals or their own proposals. The two week into a joke by the chronic PPQ team manager to spend

Of course none of this was going on in a vacuum. One might imagine the new Management had developed an anti-employee, anti-union attitude and had every intention of doing something to express it. We were confronted with the unnecessary GS11 downgrades, the attack on PPQ families with children in English-language schools in Puerto Rico, the suspension of all cruise ship clearance, the demand that officers at NOT be in uniform, unpaid meal breaks proposed at most passenger clearance facilities, numerous administrative changes and a proposal to decrease the Union's official time from 6 to 2 staff years.

I was locked out of the Union office on November 28, 2000 and assigned to the passenger clearance facility, leaving the Union not only to cope with important ongoing issues for which many on the Executive Committee were having to frequently travel, but to enter into the time consuming ULP process on my behalf, made lengthier by Mr. Grimes' harassing machinations. Management hung on until the last minute, signing a "no-fault" agreement to release the official time back to me, just before the FLRA was going to begin taking action, and even after that, insisting the change couldn't be made until "the next" pay period (never mind I had been locked out mid-pay period). I returned to Union work January 16. Through all of these Grimes-led changes, D.A. Dunkle remained silent, whether with complicity or complacency, doing nothing to head off the destruction of labor-management relations.

The labor-relations world I re-emerged into continued to change. The parties had managed to come to agreement on two issues, but Management was continuing to propose even more changes at an ever increasing rate. Based on the nature of many of their proposals, one might imagine their intention was to bury us under a load of work we could never hope to keep up with and that their changes would continue to damage and erode our ability to not only give quality representation through thoughtful negotiations of these issues and the National Contract, but to stymie the ongoing litigation of grievances and ULPs we were winning. Instead of being able to devote my time to finishing our "best and final offers" for the National Contract I was having to help deal with this onslaught.



The pressure on the Executive Committee was and continues to be intense. It simply isn't easy to figure out how to deal with such nasty, negative initiatives as we have been confronted with, nor have we always been successful. The playing field has never been level, it has always been an uphill fight for the Union. The law governing a union's ability to function did not provide us with many tools, but we are learning how to use the few we have. And, as has been and will continue to be the case, we have lost many of our key players to promotions. Everyone in our bargaining unit has a right to compete for a position if qualified. There can be no litmus test or requirement that a Union rep will not accept a different job or promotion during their term in office.

The pressure on the Executive Committee was and continues to be intense. It simply isn't easy to figure out how to deal with such nasty, negative initiatives as we have been confronted with, nor have we always been successful. The playing field has never been level; it has always been an uphill fight for the Union. The law governing a union's ability to function did not provide us with many tools, but we were and are learning how to use the few we have. And, as has been and will continue to be the case, we have lost many of our key players to promotions. Everyone in our bargaining unit has a right to compete for a position if qualified. There can be no litmus test or requirement that a Union rep will not accept a different job or promotion during their term in office.

But as we have staggered under what one might imagine to be a concerted effort on Management's part to smash us, the famous Labor Relations Branch itself is now imploding. Their Branch Chief, Mr. Grimes himself, has departed, and there are no reasons to imagine it was a pleasant departure. One might imagine their staff was also staggering under the workload they were trying to bury us under, and many of them have also left that organization or will do so shortly.

I wish I could say this bodes well for us. We had four weeks slated in October and December to negotiate some pretty nasty stuff, e.g. drug testing, loss of national level official time, headquarters' control over local official time, the end to CTT as we know it, potentially unsafe fumigations, reductions in border cargo overtime, among others. But Management has had to cancel for the time being.

Mr. Grimes may be gone now but he wasn't calling all the shots. One might easily imagine that D.A. Dunkle and PPQ headquarters will continue to work closely with the APHIS LR staff under the leadership of their boss, William Hudnall, to look for ways to "reduce personnel costs" and continue reducing the effectiveness of the Union. With the decline in air travel and a possible recession, user fee dollars will probably not reach anticipated levels, so we must be watchful for possible moves against us, moves the pretexts for which rely upon these reductions. Management has already planted several time bombs into their Safeguarding Report, items which have nothing to do with safeguarding and everything to do with paying employees less money. This temporary crippling of the LR branch is giving us only an imaginary breather, as moves are already being made to manipulate the scheduling of overtime so as to pay employees the least amount of money possible. The idea is to put employees onto overtime schedules which will eliminate multiple callbacks, but cut them loose early if anticipated work doesn't begin before it is cheaper to do it on a callback. PPQ used to consider three elements to balance in overtime - the government, the industry and the employees. One can imagine the new Management is factoring out employees from that equation, and we've also seen an inexplicable willingness to sacrifice the "customer satisfaction" of an industry willing to pay reimbursable overtime for services when they are needed.

As Chief Negotiator, I will continue to look for opportunities to get our national negotiations back on track. We still have work to do on some of our remaining proposals (particularly Travel and Domestic TDY-- if any of you have expertise in these areas, please give me a call). I have made several overtures to individuals in Management seeking to improve our ability to communicate, to calm down this antagonistic relationship, and to identify positive gestures that can be made to clear the air and refocus on dealing with the important issues. However, one might imagine that if it is still Management's intention to mangle us and continue to wreck hardship on members of our bargaining unit, we will continue to resist as best we can while remaining constructive in our attitude, positions and proposals.



## GENERAL COUNSEL'S CORNER – By Kim Mann

During the past two years, the Agency's now-departed Labor Relations Chief carried out a transparent (but unsuccessful) scheme designed to deplete the limited resources of NAAE. He initiated a prolific, multi-faceted attack upon the rights of the Union, the bargaining unit employees, and their working conditions.

This attack took many forms, from frivolous employee investigations and disciplinary actions to curtailment of overtime opportunities and disruption of family life. Below is a summary of the more important battles NAAE has been forced to wage in response.

- 1. GS-11 Downgrades.** Congress gave federal agencies the exclusive right to grade and classify their employees' work, with the concurrence of OPM. When faced with Agency plans to reclassify positions, as with the across-the-board GS-11 downgrades, the Union was able to do little more than negotiate the impact and implementation and apply political pressure to thwart this demoralizing attack upon the professionalism of the PPQ Officer. NAAE negotiated a long delay of the GS-11 downgrades, explicit recognition of the down-graded employees' save-



grade, save-pay protections, maximum opportunity for down-graded GS-11s to apply for new GS-11 positions as they open up, and a joint Management-Union committee to reexamine the Agency functions and realign them, where possible, to create new GS-11 positions. A number of these realigned positions are still in the formative stages, but NAAE is hopeful they will result in new GS-11 opportunities.

**2. 24/7 Coverage.** At Miami, the Agency launched a direct attack upon the overtime system, proposing to eliminate call-out overtime at Air Cargo and substitute 24-hour coverage seven days a week through the creation of five new shifts or tours of duty. NAAE's local branch at Miami, Local #0008, with my assistance, is engaged in intensive, on-going negotiations with Management over this radical extended-coverage plan. At the negotiating table, Management modified its 24/7 Coverage proposal, dropping its plan for midnight shifts, between the hours of 10:30 p.m. and 5:30 a.m., and for scheduled shifts on Sundays.



Management negotiators claim that providing 24-hour coverage at Miami's Air Cargo responds to complaints from the cut-flower industry and other customers about the quality of the overtime service as well as its costs. Upon close examination -- thanks to disclosures revealed through §7114(b)(4) documents -- it became clear the opposite was true: customers are generally satisfied with the quality of service received on call-out overtime and do not object to paying reimbursable overtime for responsive service. In fact, by going to 24-hour coverage, or even 16-hour coverage, the Union negotiators contend that customers are likely to receive far less responsive service, and the Agency has yet to figure out how to pay for the substantial additional costs associated with hiring and training employees to fill these new shifts. (User-fee funds are not legally available unless the Agency amends its user-fee regulations.)

Management made it clear that this attack upon the overtime system at Miami is the first of many the Agency plans for large ports with cargo facilities operating on standard 0800-1630 tours -- JFKIA is next, according to Management negotiators. The Agency seems unconcerned about the adverse effects that working dusk-to-dawn shifts between 5:00 p.m. and 6:00 a.m. will have upon PPQ Officers and their families.

**3. Unpaid Meal Periods.** Management has reversed its long-established position on unpaid meal periods. In the past, it found it advantageous in most locations to schedule 8-hour tours without unpaid periods for lunch. The unpredictability and constant flow of traffic and foreign arrivals at many border crossing points and airports made it impractical for PPQOs to take 30 minutes or so for lunch in a break room. Nothing has changed, but PPQ has opted to ignore this operational fact of life and to compel employees to begin taking unpaid meal periods of at least 30 minutes, extending their workday by 30 minutes or more.

NAAE's Executive Committee was forced to negotiate the impact and implementation of mandatory unpaid meal periods at each location where they were proposed. Unable to reach agreement, the parties submitted their disputes to the Federal Service Impasses Panel ("FSIP") and the Federal Labor Relations Authority ("FLRA") to resolve. The results to date have been a mixed bag. While NAAE did not gain FSIP and FLRA approval for all its proposals, it did achieve some major successes. NAAE succeeded in most instances in limiting the unpaid meal periods to 30 minutes, restricting the meal periods to the middle two hours of the tours, requiring Management to allow employees to take meal periods without interruption, except in

emergencies, forcing Management to upgrade the break-room facilities, and creating one (and sometimes two) paid 15-minute rest periods during the extended tours.

Several unresolved disputes remain pending before FLRA and FSIP at this time, including the conditions surrounding meal periods originally planned for LAX, Philadelphia, and Anchorage.

**4. Antilles Consolidated School System.** In Puerto Rico, the public schools do not teach classes in the English language. As a result, for the past 15 years, Management has provided Puerto Rico-based PPQ employees the opportunity to send their children to the Department of Defense's English-language-taught school system, known as the Antilles Consolidated School System ("ACSS"), certifying them as eligible to attend without cost. Two years ago, DoD decided to require federal agencies such as APHIS to reimburse DoD for those tuition costs, approximately \$11,000/student/year. In response, the Agency notified PPQ employees in Puerto Rico it would not pay these tuition costs and therefore would no longer certify their children as eligible to attend the ACSS. In other words, they would have to start going to Spanish-language-only public schools. This decision adversely affects approximately 75 children enrolled at the ACSS.

At NAAE's request, FSIP and FLRA stepped in last Fall to prevent the Agency from discontinuing its student certification practices until Management concluded negotiations with NAAE over this change. Consequently, the Agency has paid the student tuitions for the past two school years while negotiations continue. The Union's principal counter-proposal is to request "grandfathering" of all current ACSS enrollees: that is, NAAE contends the Agency should delay terminating certification of PPQ employees as eligible to send their dependents to the ACSS until those currently enrolled children either graduate or otherwise leave the ACSS. The annual cost to the Agency for tuition reimbursement, approximately \$350,000, would steadily decline each year under the Union proposal as children graduate. Management has refused to accept the Union's proposal. This negotiating impasse is currently pending before FSIP and should be decided by the Spring of 2002.

NAAE believes it will be substantially successful in convincing FSIP to order the Agency to preserve quality education for the children of its Puerto Rico based employees. The Union argues that the Agency's reimbursement obligations are not significant given the size of its annual budget and the unacceptable alternatives available to loyal PPQ employees who the Agency enticed to work in Puerto Rico based upon promises their children could be able to attend DoD's ACSS.

**5. Unit Certification.** NAAE's efforts to work with Management to create new GS-11 positions for downgraded GS-11 PPQ Officers resulted in the spin-off of the new SITC (Smuggling and International Trade Compliance) Officer position. The Agency elected not to designate this slot as a "PPQ Officer" position and elected to place it outside the GS-436 series, classifying it as part of the GS-401 series, a general agriculturalist series. By so doing, the Agency sought to place the new GS-11-401 SITC Officer outside the bargaining unit of NAAE, i.e. not eligible to join NAAE. Back in the early 1980s, FLRA certified NAAE as representing all professional PPQ Officers and all non-professional employees of APHIS, with certain exceptions. This FLRA certification, defining the scope of the NAAE bargaining unit, is too restrictive to include the new SITC GS-11-401 Officers.

NAAE believes the SITC Officers have much in common with the PPQ Officers with whom they work and whom NAAE represents -- their common mission is to keep the bugs out and plug holes in the country's system of entry. NAAE petitioned FLRA to expand NAAE's certificate of recognition to designate the new SITC Officer position as appropriate to include within the existing bargaining unit of NAAE.

Management is fighting this proposed bargaining unit expansion, contending the new SITC Officer is engaged in work directly affecting the national security of this country and, in addition, is regularly engaged in investigating other PPQ employees (PPQ Officers and Technicians) to determine whether they perform their work honestly and with integrity. Performance of either of these sensitive functions, national security or internal investigation, would be sufficient under the Federal Labor Management Statute to prevent SITC Officers from becoming eligible to join NAAE. (Congress excludes national security workers and internal investigators from belonging to federal unions.) NAAE disputes that SITC Officers are regularly engaged in national security work or internal investigation of the honesty and integrity of PPQ Officers. FLRA recently concluded fact-finding hearings on this representational issue and will make its ruling in the Spring of 2002. NAAE is confident it will prevail.

**6. Retroactive Temporary Promotions/Back Pay.** NAAE continues successfully to pursue through the grievance process the right of more than 125 PPQ Officers to receive retroactive temporary promotions and back pay for performing GS-11 work while being paid as GS-9s.

This Spring the FLRA affirmed the first of the decisions of the Arbitrator the parties selected to hear these series of promotion/backpay cases. Following 1999 hearings in Cleveland, OH, the Arbitrator granted full awards to four domestic-officer grievants, awarding them five-plus years of retroactive temporary promotions and back pay with interest. FLRA in March 2001 rejected the Agency's exceptions to these grievance awards. The Arbitrator also awarded the Union a full reimbursement of its legal fees and directly related costs incurred in fighting the "Cleveland Four" grievances. The Agency did not appeal.

The same Arbitrator who heard the "Cleveland Four" grievances is expected to issue his decision this month (December) in connection with the grievances of 27 Miami-based PPQ Officers also claiming to have performed GS-11 work as GS-9s. NAAE is optimistic it will substantially prevail on behalf of the 27 Miami grievants.

Once the Arbitrator issues his Miami decision, he will turn his attention to deciding nine other domestic-officer grievances, similar to the so-called "Chicago Seven" and the "Cleveland Four." He heard them last Spring in Baltimore, MD. NAAE is equally optimistic it will prevail on behalf of the "Baltimore Nine."

**7. Los Angeles Law Suit.** NAAE and its Local Los Angeles Chapter have been forced to defend themselves against a civil lawsuit filed in California. The widows of the two slain PPQ Supervisors -- killed by PPQ Officer David Rothman, who then took his own life -- filed suit several years ago in state court against the manufacturer of Prozac and the doctors who provided medical care and supervision of Mr. Rothman. The Plaintiffs also sued the Union, claiming the Union should be held partially responsible for the deaths of the two PPQ Supervisors because Mr. Rothman was on Union business at the time of the murders and the Union knew Mr. Rothman was on antidepressant drugs and was unstable and prone to violence.

The Los Angeles judge threw out Plaintiffs' claims against the Union (National and Local) without a trial. Plaintiffs appealed. A few weeks ago, the California Appellate Court affirmed the decision of the trial court dismissing the Union from the lawsuit. The legal defense of NAAE and the Local against this totally baseless lawsuit has come at great financial cost to the Union, and it is not necessarily over. Plaintiffs have the right to file yet another appeal, this time with the California Supreme Court. It is unlikely the Supreme Court will elect to hear this challenge, but again the Union will be forced to defend itself against claims that never should have been filed in the first instance.



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**(Your Input & Feedback Is Most Welcome)**

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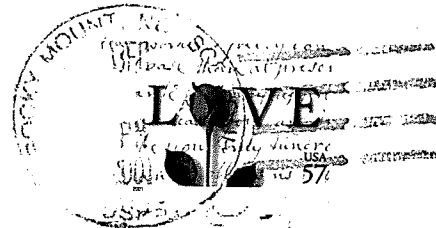
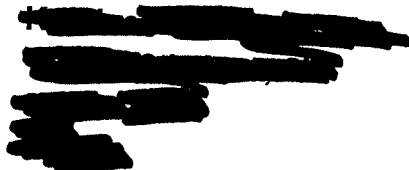
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