

N.A.A.E.

National Association of Agriculture Employees

NEWSLETTER



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National Association of Agriculture Employees

Newsletter Issue No. 75 August 2008



A Message From Our President

Sarah Rehberg

It's hard to know where to start. At the end of the convention, I took over as President and it's been quite a learning experience. I had no idea how many details there were to remember to address, and email responses required. One of the most common complaints we hear from the membership is that there aren't enough newsletters and communication with the Executive Committee. Since there is always something yet to be done, it's difficult to make the time to write a newsletter. Newsletters, like our other representational duties, must be done on the very limited "official time" we have been allotted to carry out our Union duties. But what I've also learned is that it's just really difficult to write a newsletter. This is something that we are always striving to improve, but we pledge to do better.

Since you last heard from us, NAAE has been busy helping, advising, representing bargaining unit members, negotiating settlements, working on the contract, and assisting with grievances. For the most part, we cannot give out details, which is fair as I'm sure many of you wouldn't want your details about your grievances broadcast either. Since the loss of CBP, we've found ourselves with fewer and smaller locals. Many of the locals lost experienced union leaders and are in the process of finding their way. We also have new locals and newly reactivated locals that are starting from scratch. The Executive Committee is your resource. We are all accessible by phone and email. All locations without an active local are directly represented by the Regional Vice Presidents and the rest of the Executive Committee. All of these activities take up a large portion of our official time, which makes it difficult to tell the membership, in printed form, "look what you're union has done for you." The Executive Committee is composed of volunteers. We are only granted a finite amount of official time to perform representational

activities. The balance of the time required to perform those Union functions that does not come under official time comes from ---you know where.

NAAE encourages local branches to take an active role in shaping their working conditions. The NAAE Executive Committee supports and guides the locals and assists bargaining unit members who do not have a local branch. Most importantly, we deal with changes in working conditions at the national level that affect everyone in PPQ or at least a large segment of the bargaining unit. Many people feel that if they don't have currently pressing issues in their work unit, then they don't need the union, and on a day to day basis, this may seem true. However, there are major issues, like new rules for TDY assignment and a new national contract that affect everyone. NAAE needs member support to address those issues. (We also need member support in making NEW MEMBERS—this is an ongoing project discussed below!)

Many of you may have noticed that management keeps restating that PPQ is an emergency response agency. With all the changes in the country after 9-11, this is one that will directly affect us in PPQ. APHIS has created the Emergency Management Leadership Council (EMLC) which is made up of senior management representatives from all the program units in APHIS. APHIS is creating an emergency response frame work and, at some point, will roll out a “Mobilization Guide” that will affect how we participate in TDYs. There has been significant management criticism of our current Domestic TDY Protocol (negotiated procedures for assigning bargaining unit employees to attend domestic TDYs.) The current TDY assignment agreement is seldom used, and it will need some reengineering to make it fit within the parameters of the coming proposed Mobilization Guide and its notion that PPQ employees are now on the TDY hook for every kind of disaster—and not just the “normal” agricultural emergencies.

Initially, management intended to give NAAE notice on each chapter of the Mobilization Guide as it became available. The “enthusiasm” was short lived, when it was realized that each new chapter was dependent upon pieces of other chapters yet to be proposed—talk about a pig in a poke. PPQ management has since thought better about creating such a mess, and has agreed at NAAE's insistence to hold off giving NAAE notice and an opportunity to bargain over these new policies until the Guide is completed. In the meantime, a TDY Protocol Working Group has been established to begin brainstorming as to how to update our existing TDY agreement. NAAE has two representatives involved in this group, Jim Triebwasser, NAAE National Treasurer, and Mark Segall, PPQ identifier

in Houston, TX. We hope that many of the employee issues that implementation of the Mobilization Guide will present can be worked out amicably prior to the Union and Management meeting for negotiations over the final wording of that Guide and its implementation.

NAAE has periodic consultations with management, often informal ones, in addition to the consultation at the Convention. Prior to a meeting with management, the Executive Committee compiles a list of all the questions that we have and have been asked of us and it is submitted to management's Labor Relations staff. This gives LR time to find the right people to ask and brings these answers to us at our meeting. This is a unique opportunity and one that we offer to the membership. Many times we get questions from members that we may know how to answer or where to find the information ourselves, but we also can and do request (and get) answers from management.

We are really making headway with the new contract-- the Green Book. After many years of setbacks and delays, we have now been actively negotiating the Green Book to replace our old, out dated Red Book. It's definitely taking longer than we'd expected primarily because with new managers and Labor Relations comes new perspective. Because we have a good working relationship with LR and in an effort to smooth addressing the remaining 15 unsigned articles, we agreed to re-open certain sections of 15 signed articles—admittedly, some parts previously negotiated were many years out-of-date, and they did not reflect our new organization. In April we had one last face-to-face negotiation session in Seattle with the services of NAAE Vice President and Chief Negotiator, Kate Richardson prior to her retirement. During that week we managed to complete all the renegotiated articles and one previously unsigned article. Renegotiating was a very time consuming process and went a long way toward fostering the cooperative state of negotiations we currently have. We built goodwill and negotiated for some new benefits including some very exciting additional Labor Relations training in webinar format for members and supervisors. We've had to regroup and adjust to working on the contract without Kate, now officially retired, but we're back at it and have just signed two more articles, continuing with the same spirit that Kate always imparted to our representation. Mike Randall has now taken over as Chief Negotiator for the Union and Jim Triebwasser has joined our negotiating team. We are now foraging ahead with the remaining 12 articles and are making good progress. These are the tougher articles where the Union and Management are furthest apart, which is why they were left unsigned previously. We know that many of you have long ago abandoned hopes of a new contract, but we can see daylight ahead and are confident that we'll see the Green Book to

completion. Both sides are committed and we hope to have the new contract in place within a year. Once it is complete, there will be training on the Green Book for employees and managers. We have already had some preliminary discussions with management regarding that.

The 2008 NAAE Convention took place in May in sunny West Palm Beach, Florida. The proverbial great time was had by all! Between each convention, I forget some of my “union lessons” and find myself reminded that those of us on the Executive Committee gain just as much from attending a convention as those local representatives attending for the first time.

It is easy to get caught up in the day to day activities. Seeing so much enthusiasm and passion for what we do as Union “old-timers” displayed on new faces is a powerful motivation for being involved in NAAE. The Convention is often our only opportunity to meet you, the members, face-to-face, and get a real feeling for the “Union Family.” It is also your chance to meet us—the Executive Committee --to know who is behind that cheerful (or crabby) voice on the phone. We all have the same day job!

This was our first convention after the loss of our CBP members. Considering the size of our current membership, we had a great turnout! There were several attendees who previously attended a convention and many new faces. Local representatives and members had the opportunity to compare issues and strategies and make new contacts. NAAE had the opportunity to receive training in the laws and principles that govern labor and employment relations provided jointly by NAAE Counsel Kim Mann and the APHIS Labor Relations staff. We enjoyed a full day consultation session with management. Prior to the convention we sent an agenda to Management listing all of the questions and issues that we wanted addressed. All of the Agenda items were addressed by Management, and there was also the opportunity for members to bring up additional specific issues and concerns to the Management team assembled to respond to our questions and concerns. The Convention provided a great opportunity to meet and talk with PPQ upper management. Attending this year were Paul Eggert, Associate Deputy Administrator, Mike Lidsky, Special Assistant to the Deputy Administrator, Elizabeth Blackwood, Chief of Labor Relations and Peter Brownell, Labor Relations Specialist. If you were unable to make it this year, plan to attend in 2010, and for those of you that did attend, thanks for making the Convention a success! See the articles from others that did attend appearing elsewhere in the Newsletter, describing what they got out of it.

The Executive Committee needs your help. Obtaining new members is critical to the future of NAAE. We need our members to take every opportunity to talk to non-member coworkers about joining. Some may be hard sells but you plant the seed and hopefully down the road they'll join. Some may not even know that they're covered by NAAE and will join. Some are not sure what NAAE does for them – you will need to explain that to them or send them to me, and I will explain. Some just need a push. As a rank and file union, we, the members, control the direction of NAAE. Your elected NAAE Executive Committee requests your total involvement in increasing our membership. We urgently need this from you the MEMBERS. There is only strength in NUMBERS. We are smaller than we used to be—More members, more voice!

Some day—and you'll never know when: You will NEED a Union!

Change in Newsletter Delivery?

NAAE is ever looking for ways that we can cut costs. Here's an idea, for future newsletters, except those that include a nomination ballot, members could receive a notification postcard in the mail. This postcard would alert you that there is a new newsletter posted on our website: www.aginspectors.org. Postcards would cut our mailing and printing costs by more than two-thirds. By sending them to your home addresses it would continue to allow us to keep them current. We often lose member addresses when people move and the newsletters are returned so we know to start tracking them down.

Of course we know that we have traditionalists in the membership, and those with limited internet access, so if you still wished to continue receiving a hard copy newsletter in the mail, you'd only need to let us know.

So that's our new idea. Tell us what you think, love it, hate it, indifferent. Call or email or mail any Executive Committee member.

The Legal Report: A Settlement

Kim Mann, Good NAAE Counsel

NAAE and Agency management have finally brought down the curtain on the long-pending set of grievances, in excess of 100 of them; filed 10 to 12 years ago by a group of PPQ employees seeking retroactive

temporary promotions and backpay for performing GS-11 work while serving as GS-9s. A global settlement of all 100+ grievances has been reached.

Following the successful arbitration of the so-called "Chicago Seven" grievances in 1995, approximately 100+ similar grievances were filed seeking similar relief. About 35 of them went to arbitration hearings before a different arbitrator, Professor Bernhardt. Those based upon performing GS-11 domestic duties were all successful, and about half of the remaining 30, based upon performing GS-11 AQI work (in the port of Miami), were successful. Professor Bernhardt had planned first to hear 24 more "domestic" temporary promotion/backpay grievances in Baltimore once he concluded hearing the 30 Miami set of large-port grievances and then to tackle the remaining 50 or so big-port AQI grievances. He conducted arbitration hearings for nine of those 24 domestic "Baltimore" grievants in early 2001, but unfortunately died shortly thereafter, before he could issue his decision on those nine or schedule the remaining 15 for hearing.

Over the ensuing six years, NAAE tried to get the 24 "Baltimore" domestic cases back on track, heard and decided by a new arbitrator. These efforts met stiff resistance from Management, citing a variety of reasons for delay, some quite valid – changes in Agency Labor Relations chiefs and staff, the disruptive fall-out effect from 9/11, and the split off of the AQI functions (and their bargaining unit employees) from USDA. NAAE reluctantly accepted Management's excuses, but about 18 months ago began pressing the point again.

Finally, in the fall of 2007, a Management team, led by Beth Blackwood, current Agency Labor Chief, and her selected staff, Tony Franklin and Peter Brownell, met with NAAE representatives to explore the possibility of negotiating a global settlement of all remaining 100+ grievances, in lieu of resuming arbitration. Several months of back-and-forth negotiations produced a comprehensive settlement, completed in early July 2008 and now captured in an executed Settlement Agreement. Both sides are satisfied it constitutes a fair, reasonable compromise resolution of this pesky set of grievances, under the circumstances.

The extenuating circumstances dictating the compromise nature of the settlement negotiations included a fundamental change in the relationship between the Agency's Labor Relations office and NAAE, a significant improvement, but off-set in part by several negative decisions from FLRA analyzing the law governing retroactive promotions and back pay. Other practical concerns made resuming arbitration most unattractive for both sides, including the difficulty of arbitrating

grievances that were 12 years old or older and the unknown and unpredictable "outcome" factor, the result of having to select a new arbitrator to hear these grievances, an arbitrator who may or may not have turned out to be inclined to see the facts and the law in the same positive light as Professor Bernhardt did. Most importantly, given the drain on NAAE resources resulting from loss of two-thirds of its bargaining unit members to CBP, resumption of arbitration would have been prohibitively expensive for the Union to support. It also would have been logistically nearly impossible, or at least impractical, to launch protracted arbitration on behalf of those 50 or so AQI grievants who had left USDA/APHIS for DHS/CBP following the March 2003 split.

The Union has signed the Settlement Agreement. Paul Eggert is expected to do so for the Agency the week of July 14. The terms of the Settlement Agreement and the Privacy Act require the parties to observe confidentiality and non-disclosure: we can not divulge the specific terms and conditions of the settlement or the identity of those sharing in the settlement proceeds.

NAAE is pleased to have this contentious matter behind it and looks forward to working in an amicable, cooperative atmosphere with the Agency, Paul Eggert, and his staff, through Beth Blackwood, current Labor Chief, and her staff.

Just Who Are These Union People?

Sarah Rehberg- National President

Sarah started working for PPQ in 1997 in Laredo, Texas. After three years on the southern border, she transferred to her home state of Michigan to work at the International Airport and the Detroit Land Border. In early 2001 she was appointed National Secretary to fill in for a vacancy on the Executive Committee and remained Secretary through the end of this year's Convention. Sarah was also involved with the local executive committee. At the transition with CBP, Sarah remained with PPQ and now does domestic work. Sarah has been a Safety Coordinator for Michigan for several years and has been a member of the Uniform Committee for the past three years. In her imagination, Sarah is a professional dart player and a noted country singer, but in reality she's an avid reader and likes to spend time with her husband, family and friends.

Mike Randall- National Vice President

Mike was raised in Phoenix and received a degree in Entomology at the University of Arizona in 1983. After working through college as a TV repairman, Orkin man, and a Kosher meatcutter, Mike discovered PPQ in 1984 with an 8 year stint at the Los Angeles Airport and the L.A. Harbor. Mike Moved on to Honolulu in 1992 and has vowed never to return to work on the Mainland. Mike initially refused to join NAAE, and then, once he joined, he never could stop. Mike's Union activities started in 1986 as a local branch officer and as NAAE Western Region V.P. from 1988-2000. Mike served as NAAE President from 2000 to 2008 and currently serves as the National V.P. and Chief Negotiator. He lives with his wife Naomi (who is also a PPQ Officer) and daughter on windward Oahu. Mike enjoys flying, fishing, amateur radio, cooking, gardening, and raising tropical fish.

Jim Triebwasser - National Treasurer

Jim started with the federal government as an aquatic biologist with the US EPA in 1990 and after 3 years took a position as a biologist for the US Forest Service in the Chippewa National Forest. After a couple of years he ended up working for PPQ in 1996 in Laredo, Texas. After two years on the southern border, he transferred to Madison, WI, as a domestic officer. During this time he became active in the union as representative to various labor/management committees. After, various Official Duty Station stops in PPQ (MN, NY, ND) and five years with SITC, he finally made it back to his home town of Duluth, MN, as a PPQ officer. Jim was elected National treasurer in 2000 and except for 2 years while SITC was not in the bargaining unit (2002-2004) has been the NAAE national treasurer since.

Jody Feliciano- National Secretary

Jody started working for PPQ at Detroit's International Airport and Land Border in 2001. During the CBP transition, Jody's position was transferred from PPQ Officer to CBP Agriculture Specialist. In 2003 Jody transferred from CBP back to PPQ to work for the Emerald Ash Borer Beetle Program in Brighton, Michigan. At various points in her carrier, Jody has acted as Local 20 President and Vice-President. Recently Jody has been elected National Secretary for NAAE as well as President of Local 20. Jody enjoys reading fiction, watching films, and spending time with her husband, Jose and stepson, Julian.

Willis Gentry- Western Region Vice President

Willis graduated from Texas A & M in 1974 with a degree in Landscape Architecture and Horticulture. He worked for his family business, a Garden Center, Florist and Pet shop until 1990 when he realized there were too many chiefs and not enough Indians. He started his government career in Laredo, Texas on May 5, 1991 as a GS-5 PPQ Officer. In the summer of 1992 he became and still today remains the Local #5 NAAE President. In 1997 he became a GS-11 Operation Officer (Scheduling, Exports, Overtime Assignments, etc.) and also became the Central Region NAAE VP. He has been on the Executive Committee ever since. In 1999 he became the backup identifier and in 2006 became the identifier-Botany/Plant Pathology. He has a wife, two children, 3 dogs (Pinga, Athena and Lucy), 20 birds, 50 + tropical fish and 1 Bearded Dragon Lizard (Kooly).

Athena Pappas- Eastern Region Vice President

Convention Report

Hello Fellow N.A.A.E. Members,

This was our first time attending the N.A.A.E. convention. We personally got a lot of information from it. This convention was very important for us because it gave us the opportunity to meet with members of the Executive Committee and express our frustration with the lack of training opportunities for PPQ Technicians. Express our view of hiring Officers at Grade 11, not 7-11. We feel that our concerns were heard and met with consideration. Also, everyone had a chance to discuss their local matters with the N.A.A.E. National Committee. This was very productive allowing a chance for feedback about your specific interests. Again the Union convention is a unique opportunity to meet other members throughout the Nation.

As you well know everything in the government moves at a snail's pace, but things do happen with perseverance and patience. The ONE MAJOR thing is you must stand up and be heard. If you sit back and complain nothing will ever get done. So get your fellow coworkers to join N.A.A.E., because with each member's one voice added together we become a powerful voice that must be heard. Don't Forget Perseverance, Perseverance, and more Perseverance.

*Lisa A. Charlton
NAAE Local 59 President
Davie, FL.*

*John G. Caruso
NAAE Local 59 Vice President
Davie, FL.*

A Letter of Support for Your Union

I've just finished reading the most recent NAAE newsletter. As a dues paying member, I would like to thank the executive committee for the recent articles regarding technician positions, back pay for the old grade 11 PPQ Officers, and the recent overtime back pay grievance for those who work pre-clearance overseas. These are all examples of what our union does for its members and non-members and justification for a long needed dues increase.

More importantly is that these are excellent reasons that demonstrate why non-members should support and become members of our union. Each year, the NAAE struggles with which issues it can support and those that it cannot afford to fight. There are so many more issues that could be addressed with an increase in membership.

It is not news that many of management's practices are one sided. One example of this is expenditures related to the training budget. Our agency on one hand encourages employee development championing that our employees are our greatest asset! In practice, at least everywhere I've been stationed (5 different work stations in the ER), employee development/training is limited to Ag Learn and learning contracts that contain only activities that are at no cost to the agency. The problem is that training budgets are lump sum with no designation as to on whom it is spent. In most cases it is not spent on bargaining unit employees who have submitted requests for various activities such as shadowing assignments, cold treatment training/certification, on site fumigation experience, etc..

I learned this at the annual NAAE convention recently held in West Palm Beach, an event that more employees should attend. The convention offered valuable training on regulations, employee relations, domestic emergency updates, budget information, new positions, green book/ Contract update, and a whole lot more.

I wonder how many employees who read the newsletter are not members of our union. Please give your position regarding the union new consideration. Our union dues are not expensive, particularly in light of the fact that our union is the way to righting concerns that we have with management. Strength in numbers is not just a concept but wields real power! I would welcome all union discussion via email. You can reach me at im4u51@msn.com.

Sincerely,
Rick McKay
NAAE Member



**No! This is the beginning. We Have
Just Begun to Fight!
Now More Than Ever! Encourage Your Co-
Workers to Join! Strength In Numbers!**

Attention PPQ Bargaining Unit Employees (BUE):

This message is in response to Mike Randall's letter that relates to the failure of the NAAE's initiative to increase the membership dues.

I'm an Export Certification Specialist working in Conyers, Georgia. As a BUE-NAAE member, I sometimes feel isolated from the everyday workplace issues that many of you may experience on a regular basis. Upon my promotion in October of 2003, I considered ending my membership with the NAAE since I did not anticipate employer-employee conflicts as I had in the past. I retained my membership because I figured my dues were still needed to address national matters for the BUE.

If you note, I addressed this letter to the BUE and not just members. Those of you that are members, I'd ask that you present a copy of this letter to those non-members in your work unit. As a BUE, the NAAE is pro-employee regardless of your membership status. The tireless efforts of local and national officers works on your behalf behind the scenes, unrewarded with the exception of successfully negotiated agenda items.

I submitted the accompanying correspondence, *Endangered Species*, to Stan Freihofer back in 1993. Back then, the status of the PPQ Officer was moving from "threatened" to "endangered". It wasn't easy but the NAAE fought long and hard for the BUE.

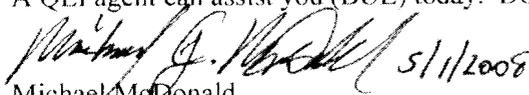
In recent years, we've seen the establishment of Homeland Security. Former co-workers who weren't lucky enough (in some circumstances) to remain with the USDA, have seen their status updated once again to "endangered" and headed to "extinction". Education is still a major component of their qualification criteria; however, they are now considered as non-professionals.

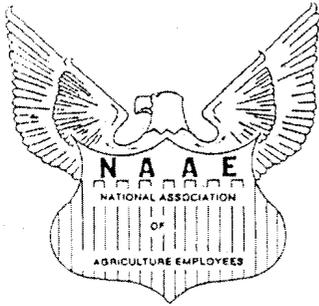
The BUE is now threatened with extinction due to a fiscal crisis. I too considered a vote against increasing dues initially but as a former local president, I knew that this funding was needed. Mike mentioned that our current dues (\$7.50) were set back in 1994. As a BUE, I look forward to our yearly "cost of living adjustment" to our salaries. What our representatives may have known but failed to consider 14 years in the future, a "cost of doing business adjustment" (CDBA). Based on these facts, you should not look at the \$2.50 increase as "sticker shock".

We've been lucky to have retained excellent legal counsel in Mr. Kim Mann but even he or his future replacement will mandate a higher fee. Your elected representatives also cover the needs of the BUE at an astonishing rate, FREE!! Their only charges are for lodging and travel expenses. The \$7.50 that you presently pay vs the \$10.00 that was requested represents *Quality of Life Insurance* (QLI) to the BUE.

I'm asking many of you to reconsider your decision, perhaps ask non-members to join and then request that our representatives include a CDBA as a part of future dues criteria. In coming years, Mike and I as well as many others will be looking forward to that PPQ "Release" (retirement) stamp. Your active participation is needed now, along with your financial support.

A QLI agent can assist you (BUE) today. BUE minus NAAE = Work Unit Employee (e.g. CBP).

 5/11/2008
Michael McDonald



NEWSLETTER

NATIONAL ASSOCIATION OF AGRICULTURE EMPLOYEES

ISSUE NO. 39

DETROIT, MICHIGAN

SEPTEMBER 1993

ENDANGERED SPECIES

ORDER : UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
FAMILY : ANIMAL PLANT HEALTH INSPECTION SERVICE (APHIS)
GENUS : PLANT PROTECTION AND QUARANTINE (PPQ)
SPECIES: GS 436 OFFICER
RANGE : WORLDWIDE
HABITAT: AIRPORTS, DOMESTIC SITES, EMERGENCY PROGRAMS, INTERNATIONAL SERVICES, LAND BORDER PORTS, SEAPORTS
STATUS : E N D A N G E R E D

A Message From Our President

Stan Freihofer

The Agriculture Quarantine Inspection Program (AQI) is politically incorrect. Pest exclusion is insupportable (it is a trade barrier) and unaffordable (deficit reduction spending cutbacks). APHIS 2000 is our survival guide, and it is no rose to the nose.

Program enforcement functions are shifted to exporting countries under the guise of "assured certification" and "self-inspection." The fox will guard the henhouse. We will speed passengers with "red door/green door," and cargo with the "Border Cargo Release Program." The AQI mission is subtly shifted from pest exclusion to pest tolerance. The expansion of new pest detection, the emphasis on non-chemical responses to new pest introductions, and the creation of a permanent full-time emergency response cadre reflects the

program's expected ineffectiveness.

Nothing would generate stronger program support faster than a nasty infestation of pests or diseases. Nothing could emphasize the wisdom of "an ounce of prevention" better than a devastating outbreak with no adequate control measures available. Look how well a few rotten hamburgers at "Jack-in-the-Box" worked for FSIS. Is this some asinine strategy?

NAAE has begun another mailing campaign to show APHIS 2000 for what it is: Poison being sold as medicine, a cure which is worse than the disease. APHIS 2000 emasculates AQI to correct a budget problem, while administration remains plump. There are more specialists than ever, and less field level program delivery. If Vice President Gore's recently announced plan to drastically re-

duce the bloated middle-management of the federal government needs a place to begin, APHIS is a prime candidate. We don't think APHIS 2000 can stand up to scrutiny. We're turning up the heat.

Management has refused to hold a required consultation meeting with NAAE before October because they say they have no money. Isn't it strange that there is money for every management meeting, but none for consultations required by contract and statute? This is in spite of all that is going on and the alarm and worry that has been expressed from the field. Again, it shows management's priorities and their attitude toward the employees. You are secondary.

Management wants to meet for consultation in the '94 fiscal year to discuss our pending deficit-

YOUR NATIONAL NAAE REPRESENTATIVES
(Your Input & Feedback Is Most Welcome)
PLEASE MAIL ALL DUES WITHHOLDING FORMS TO NAAE NAT'L
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