

N.A.A.E.

National Association of Agriculture Employees

NEWSLETTER



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Newsletter Issue No. 78 November 2010



A Message From Our President

Sarah Rehberg

A Message from Our President

Here we go with another newsletter to let you all know what's been going on and what we've been working on. You can view almost real-time news—a little newsletter in progress, if you go to our NEW-look, easier-to-use website at: <http://www.AgInspectors.org>. We've completely redesigned and reorganized the site. We've added lots of new and helpful information. Since none of us are IT types, we contracted out the work, and still this was no easy task, but it's finished. This has freed up time for your Executive Committee to work on this newsletter and perform its other union functions. We want our website to be the first place members go to get information, and we want you to go there often to get the latest info affecting your jobs. Please take some time to look at the new and improved site and send us your feedback.

The 2010 NAAE National Convention took place in May in Las Vegas and it was a huge success! I'd like to thank everyone who attended for contributing to that success and encourage those who couldn't attend to give serious consideration to joining us in 2012. A day and a half of excellent labor management training was given jointly by Kim Mann, NAAE General Counsel, and Peter Brownell, Western Region Labor Relations Specialist. The training not only gave attendees a solid foundation in the basics of the union's labor-management relations <http://WWW.AGInspectors.org>

world, but clearly demonstrated once again the open and cooperative relationship that NAAE and APHIS Labor Relations has thoughtfully cultivated. The training and various perspectives were greatly enhanced and complemented by the attendance of Mike Lidsky from the Deputy Administrator's Office, Carlos Martinez from the Eastern Region, and Sherry Sanderson from the Western Region.

As is our custom, we had a consultation session with Management. NAAE compiled a long list of job and mission related questions in advance, and we spent an entire day listening to responses from management to our questions and asking further questions. We were thrilled that so many management representatives could attend. Attending for management were Paul Eggert, Associate Deputy Administrator, Mike Lidsky, Special Assistant to the Deputy Administrator, Bill Wade, Director of the Professional Development Center, Carlos Martinez, Eastern Region Assistant Regional Director, Sherry Sanderson, Western Region Assistant Regional Director, Beth Blackwood, Labor Relations Chief, Peter Brownell, Labor Relations Specialist, and Robi Maple, Labor Relations Specialist.

Here are some of the highlights of what we learned during consultation:

- The federal budget freeze is not in effect yet; there are still a lot of variables out there.
- There is no hiring freeze. At this time, the need for filling vacant positions is being evaluated at the Regions on a case-by-case basis.
- Teleworking is approved on a case-by-case basis, is at the discretion of local managers, and does not require regional approval. But keep in mind that many of the positions within the NAAE bargaining unit don't lend themselves to working from home.
- A Working Group is being assembled to assess the training opportunities available for technicians. Victor Zeno, PPQ Technician in Sanford, FL, will be NAAE's representative on this group.
- ICS training opportunities are **not** position specific. That means, slots in training classes are not officers only or officers first.
- PPQ is working on a new contract to include the purchase of employees' homes in paid move relocation packages. The Agency

hopes to have a new contract, which costs the agency significantly less than the previous contract, in place soon.

- Each Region advertises 10 regional developmental assignments per year. These are highly competitive, so a push will be made to create more opportunities at the State (SPHD) level. As always, funding becomes an issue so we talked with Bill Wade from the Professional Development Center about some creative solutions. We know – and now Bill Wade and Management know – that employees are eager for training beyond AgLearn and local “shadowing” assignments. Bill told us that the Agency is working on some additional training opportunities outside of AgLearn -- some of the training is on-line and available through different universities. The Agency is looking at webinars and the use of web cameras to deliver training.

In other news, the Atlanta Plant Inspection Station had a situation where it had been dealing with a customer who regularly displayed unacceptable, unprofessional and hostile behavior. Warnings had been issued through the Eastern Region; however, the unacceptable situation continued to escalate. NAAE appealed to the Deputy Administrator for assistance. We would like to sincerely thank PPQ for an appropriate and strong response issued in support of our employees. After reviewing all the information, the customer was banned from any and all contact with the PIS for 3 months. To our knowledge, this was unprecedented. Thank you, PPQ. Zero tolerance for threatening and abusive behavior. Bravo!

After many years of bringing up the issue that technicians needed a method of applying for PHSS positions that would give them an advantage over people applying off the street, PPQ made a change. Merit promotion PHSS vacancies will now be open to technicians. Previously PHSS vacancies were only advertised at the GS-11 level. To be eligible, employees had to have one year in time- in- grade at one grade level below the level the vacancy was advertised. PPQ will now be advertising the vacancies at the GS 5/7/9 and 11 levels. The method for filling vacancies remains at the discretion of the selecting official, but the above method advertising is a very significant change – and opportunity. Let your supervisor know about this change. Puerto Rico has already utilized this new option for PHSS vacancies opened at the lower grade level.

Executive Order 13522

In our last newsletter, we told you about anticipating a new Executive Order on labor-management relations. On December 9, 2009, Executive Order 13522, "Creating Labor-Management Forums to Improve Delivery of Government Services," became effective. This E.O. differs from that of the Clinton era in that metrics must be developed to monitor improvements. Over the life of this E.O., measurements can be taken to see if the E.O. works. At first glance, it would seem like a reduction in the numbers of grievances, ULPs, trips to FMCS and FSIP would be the obvious indicator of success. Unfortunately there are too many other extenuating circumstances that affect whether or not grievances and ULPs get filed. So the general consensus is that a measure of success will include a blend of those numbers and the results of a number of surveys. We will see if cooperative labor-management efforts work better this time than the previous effort in the 1990s.

The E.O. created a National Council, reporting directly to the President. This Council will set the tone and oversee lower level Forums. Then, the National Council met and provided some guidance, requiring each Department to create its own department Forum and to submit a plan of action to the National Council. NAAE has a seat on the USDA Forum. That forum has since given direction to the mission areas to create their own forums, so now we're in the process of forming a PPQ Forum that will include both NAAE and NAPPQOSE. What happens at all these forums? Well, the E.O. did not come through in the way we had hoped; it did not deem all "permissive" or "b1" topics negotiable. What it did do, though, was to require that management involve the unions pre-decisionally in all workplace matters, without regard to whether subjects are negotiable under the Statute. Pre-decisional involvement, PDI, allows for group problem-solving before a final decision has been made. In theory, the parties could work collaboratively to resolve any issues and arrive at solutions ahead of time, which would reduce the need for post-notice negotiations. The union's statutory rights to notice and the opportunity to negotiate the Impact & Implementation of changes are not waived. We'll keep you posted as to how the Forums continue to develop.

Cooperation Award

This year, NAAE, PPQ and APHIS Labor Relations were honored in being awarded both the APHIS Administrator's Award and the Society of Federal Labor & Employee Relations Professionals Annual Labor-Management Cooperation Award for "Most Improved Relationship." We're all very proud of the significant turnaround in our relationship as

well as for the public recognition both sides have received for this achievement. Below is the write-up submitted by Ted Gutman, Deputy Director, Employee and Management Services, Human Resources Division:

For over twenty (20) years, the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ), APHIS Labor Relations, and the National Association of Agricultural Employees (NAAE) had an unproductive, uncooperative and adversarial relationship. I'm told that the consequences of their inability to effectively cooperate and collaborate were significant. Costly term contracts negotiations carried on for decades, the parties at the national-level were unable to resolve any difference and often utilized the services of third parties that resulted in further costs and overall dissatisfaction with the decisions that were imposed. Consequently, labor-management conflict existed at all levels of the organization and promoted more frequent grievances and costly arbitrations. With all due respect to participants from the past, and noting that these were very different times, I respectfully submit the following information in support of this nomination for most improved relationship.

It is my understanding that preparations by the parties for negotiation of the collective bargaining agreement ("Green Book") began in the 1980s and actual face-to-face negotiations were initiated in 1995. During this period, the parties took extreme positions on issues resulting in diametrically opposed contract proposals. Negotiation sessions were long, grueling, and no matter what size or type of issue, the parties were at opposite ends of the table on proposals. I am told that negotiations became so strained that the parties would cut-and-paste language into contract proposals even if it did not apply to the article. And, I even heard that at negotiation sessions, the management team would gamble on who could provoke the Union Chief Negotiator and cause her to swear first.

As a result of this lack of respect, trust or cooperation, disputes would require third-party intervention such as FLRA and FSIP. Both the parties' conduct and lack of cooperation impacted their ability to balance the interests of bargaining unit employees while ensuring the needs of the mission. While negotiations were stalled by 911, this dysfunction contributed to the parties' failure to return to contract negotiations in a timely manner. Negotiations were stalled for at least five years.

I have observed both the Union and Management work very hard to repair their broken relationship. Beth Blackwood, Chief, APHIS Labor Relations, assumed her position in 2006. Beth has recruited and retained an exceptional Labor Relations staff of 4 Specialists. Michael Lidsky, Special Assistant to the Deputy Administrator of PPQ, became Labor Relations liaison shortly after Ms. Blackwood arrived. Ms. Sarah Rehberg, President, NAAE, assumed her position in 2008; Mr. Mike Randall, Union, Chief Negotiator, assumed his position in 2008. (Mr. Randall was former President, NAAE, for many years and has weathered the changes of the relationship.) With this new team in place, the parties have developed a relationship that is grounded in trust, more open communication, and collaboration. In just four years, this team has made significant strides towards respectful and innovative problem-solving. Some of the more significant accomplishments include:

The team worked together to negotiate a complete Collective Bargaining Agreement for Smuggling and Interdiction Trade Compliance Officers (SITC). SITC Officers were part of the NAAE bargaining unit, but had no collective bargaining agreement. The experience of negotiating this subordinate agreement enabled the parties to develop the skills necessary to more effectively negotiate the anticipated primary agreement.

After the establishment of the new labor-management team, and after years of dysfunction, the parties returned to the table to tackle the completion of Green Book negotiations. The parties were able to agree to re-negotiate ground rules that provided for a fairer negotiation process. The parties agreed that most of the negotiations would occur telephonically. This has resulted in significant cost savings for the Agency and demonstrates the Union's commitment to the mission of the Agency. Labor-Management collaboration was further illustrated by the parties' ability to renegotiate previously signed articles. They are presently completing negotiation of fifteen (15) articles that were not previously signed off by the parties. The team is in the final stages of negotiations.

Unfortunately, Green Book negotiations were temporarily interrupted when the Emergency Response Unit for APHIS, decided to implement a Mobilization Guide (MOB Guide). The proposed implementation of the MOB Guide required PPQ to negotiate with NAAE. Substantive negotiations as well as negotiations over the impact and implementation of the MOB Guide occurred between the parties.

Temporary duty assignments were a very important issue for the Union and the parties' inability to effectively negotiate this TDY MOU could have impacted the Agency's ability to respond to national emergencies. While the assistance of FMCS was initially requested, the parties were able to reach agreement on their own and had the MOU incorporated in the MOB Guide. Now, an effective process is in place for APHIS for the mobilization of bargaining unit employees in a national emergency. Yet again, the Union has demonstrated its strong commitment to the mission of the Agency.

Other ways that the parties have displayed their ability to work together effectively has occurred in the grievance/ arbitration arena. I watched while the parties resolved a significant set of grievances (100+) called the "Baltimore 21." Previous labor-management parties had fought similar matters in precedent setting arbitrations. Rather than invoking arbitration, the parties made a good faith effort to resolve the grievances. As a result, the parties negotiated resolution over one hundred higher level grievances.

The parties have also shown a willingness to work together to resolve complex grievance matters without third party intervention and by using innovative means. In one instance, the parties agreed to utilize mediation like strategies without bringing in a third party. As a result, the parties ensured successful resolution of commuted travel time (CTT) grievances for PPQ Officers who do work internationally with APHIS International Services (IS). By resolving this thorny grievance matter, the parties are now better positioned to engage in effective problem solving.

I've been with USDA for a decade and have never seen such extraordinary conflict resolution efforts and with such significant results. While their partnership is still developing, their efforts towards a mature labor-management relationship deserve to be recognized.

Contract Update

The Green Book is **almost done!** We have been actively negotiating the remaining articles for quite a while now, and we're nearing the end. In October we had a final face-to-face negotiation session in Ft. Collins. We went there with 7 remaining articles, all partly negotiated but with unresolved issues. During that week we were able to resolve and sign 5 of those articles. A significant achievement that is a result of the sincere resolve on both sides to get this contract completed. Unfortunately we do

have two articles remaining that could not be resolved so we're beginning the mediation/Impasse process. We don't see this as a failure though, it's simply a means to an end.

The Hottest Ticket on the Strip

By Kathy Ortega and Barbara Hashioka

The National Association of Agriculture Employees 2010 National Convention, which was held May 16, 2010, through May 19, 2010, was my very first National NAAE convention. This 4-day meeting, which was held at the Las Vegas Flamingo Hotel, provided a jackpot of learning opportunities to this relatively new SITC-Los Angeles local NAAE President. Being this was my first National NAAE convention, I didn't know exactly what to expect so I was pleasantly surprised how much I enjoyed it. All the information provided during this convention was like an all-you-can-eat buffet for this newbie Union Representative and I left each day stuffed and fully satisfied.

The first day of the meeting, Sunday, was dedicated to internal union issues such as NAAE reports from the President, the Treasurer, the Secretary, and the Election Committee. Time was also allotted for convention attendees to interact with each other which allowed me to meet in person people I had only talked to over the phone or in emails.

Monday started out with discussions conducted on joint basic labor relations with Kim Mann, Esq. and Peter Brownell, Western Region Labor Relations Specialist. There were so many valuable bites of information; I kept going back for another plate full!

This was followed by a PPQ management consultation with a question and answer session. All this "food-for-thought" made my eyes "go big" seeing PPQ from a totally new perspective. For dessert, there was a very delicious candid, hands-on PPQ management Consultant Q&A with headliners such as Paul Eggert (Associate Deputy Administrator), Mike Lidsky(Special Assistant to the Deputy Administrator), Bill Wade (PDC Director), Sherry Sanderson (WR ARD), Carlos Martinez (ER ARD), Beth Blackwood(Labor Relations Chief), Peter Brownell (WR Labor Relations

Specialist) and Robi Maple (ER Labor Relations Specialist), discussing budgetary information and answering a list of issues the BUEs wanted to know. Even Mark Segall (NAAE Safety Representative) discussed safety and was a great closing act. Wow, what a provocative and yet valuable session!

During all these discussions, I really appreciated the valuable numerous opportunities to discuss how to solve problems at my local unit and being given a forum to ask questions and bring up issues that are ongoing in the workplace.

I took a chance on going to Las Vegas and the gamble paid off. What a great program! The transparency between management and union made everyone a winner. Desired change doesn't come from just luck or from a one-armed bandit, but from working together toward a common goal. I would like to applaud National NAAE for putting on such a wonderful and informative extravaganza, but really only a standing ovation will do! What a show and it didn't even have a two drink minimum!

Does what happens in Vegas stay in Vegas? NOT a chance! This information went directly to my local branch to enrich and support a truly great staff. Thank you, National NAAE!

Plant Inspection Station Biological Technician Position

In 2007 PPQ developed a new position called a Plant Inspection Station Biological Technician. This position contains sufficient increase in the scope, duties, and knowledge required to justify a journeyman GS-7 grade for a technician in an Inspection Station. The PIS Bio Tech assists and supports the Identifiers and Safeguarding Specialists. Duties include organizing identification activities, preparing specimens and slides for examination, dissection of organisms, taking digital images, organizing the digital image collections, maintaining the specimen collections, cleaning slides and lab equipment, and data entry. These additional duties have done much to free up Identifier time to address the backlog issues that CBP loves to bring up.

If this sounds like something you'd like to pursue with your manager, contact a National Executive Committee member for more information. There is a Position Description, but it's a discrete PD and so it is not listed on the Agency MRPBS website.

So far the Western Region has begun to successfully use this new position with 6 PIS Bio Techs working in 5 different locations. For those of you in the Eastern Region, talk to your supervisors about the benefits of this new position. To date the Eastern Region office has approved 2 requests for this position in Miami and one in Ft. Lauderdale, and this position has inspired a similar type position in a non-Inspection Station work unit. These positions were originally requested as NTE (Not to Exceed) in an attempt to improve the chances of approval. That would have placed current technicians in the unfortunate position of giving up their permanent status in order to gain a promotion. NAAE addressed the issue with PPQ management and PPQ quickly corrected the problem. Thanks PPQ!

So request it! "the Sqveezy Veal gets da' grease" - that, according to Mike Randall.

A New Labor Relations Specialist on the Block

Robi Maple –APHIS Labor Relations Specialist

NAAE welcomes the newest addition to the Labor Relations staff! Though we'd heard his voice on conference calls, we had the opportunity to get to know Robi in person during our Convention in Las Vegas.

Robi started his career in the Marine Corp assigned to Security Forces and later to 3rd Battalion 8th Marines. After his honorable discharge from the Marines, he began his federal career in the Postal Service in 1992 in Richmond, VA. He transferred to the Charlotte, NC Area in 2007, where he remained until 2009 when he transferred to the USDA. During his Postal career, he was a bargaining unit employee for 10+ years and served as a Union Shop Steward and Union President for the National Postal Mail Handlers Union (NPMHU) from 1992 through 2002. Between 1997 and 2002 Robi also represented the National Postal Mail Handlers as one of their advocates in over 70 Regional arbitration hearings. From 2002-2009, he served the Postal Service as a Labor Relations Specialist at the District and Area, representing the Postal Service in over 60 arbitration cases. Since joining the USDA, Robi has been an Employee Relations Specialist with APHIS, handling issues with AMS/Livestock and Seed, Cotton and Tobacco and APHIS International Services. In

November 2008 he joined the Labor Relations staff, with primary responsibilities dealing with the Eastern Region of PPQ.

Robi was born in Carrollton, Ohio. He has been married for over 20 years to his wife Deana. They have 3 children (Daughter 21, Son 15 and Son 7). His hobbies include hunting, golf, fishing, and is a Cub Scout Den Leader.

Uniform Committee Update- *by Marjorie Bestwick*

Greetings to all! When I was asked to be the Eastern Region's NAAE representative on the National Uniform Committee, I wasn't sure what I was getting myself into. After meeting with the committee on August 25 & 26, I realized that I was now a member of one of the hardest working committees in USDA. The Committee met with the folks at Lion Apparel in Dayton, Ohio and voiced our concerns and made many requests. We critiqued each item in the current catalog. We also selected a new committee Chairperson, John Yankosky, from Glenco, GA. After returning from the meeting, the Committee was bombarded with numerous e-mails and phone calls from employees voicing their complaints and suggestions (and we appreciate hearing from you). Most of the complaints addressed the issues of incorrect sizing, poor quality, lack of choices, lack of comfort, and deficient time that it is taking to get an order filled. As a result, John requested an emergency conference call so that each of your concerns could be addressed. Please know that we hear you and that we take all concerns and suggestions seriously. John sent out a spreadsheet so that we could document each e-mail and phone call and how the issue was resolved (or if it was resolved). Know that some issues cannot be resolved overnight, but we are working on them.

Several of you were concerned with the fact that people serving on the Committee do not wear the uniform and can't truly understand their concerns. I can assure you that is not true. The Uniform Committee is composed of two NAAE representatives, one for each region, and two NAPPQM representatives, one for each region. Within the representatives it is balanced so that different work units and geographic areas are represented. I am a Plant Health Safeguarding Specialist in Walterboro, SC and I've been wearing the PPQ uniform since 1993. I wore the black

and white uniform at the port of Charleston, SC when we had a contract with Lion Apparel back then. I currently wear the green and tan uniform in a domestic position. I work in a temperate environment where it reaches 100 degrees with 100% humidity in the summer and 20 degree weather at times in the winter---and yes, it snows sometimes in South Carolina. Granted we don't get New York or Massachusetts weather, but it can get quite cold here. Rest assured that we are trying to resolve issues with Lion Apparel and the uniforms provided.

One major issue that the committee wanted to ensure is that we go to all USA made products, while obtaining a quality uniform that isn't too costly. Many of the current items are remaining Zeffi stock. If the catalog does not say USA Made, then it is not the final item. As Lion is working to find USA Made sources for all the items, please be patient, also know that some of the items, like coveralls and the ranger vest, will come back, it's just that pants and shirts needed to be figured out first. I hope to see many positive changes in the uniform over the next year. If I can be of service to our employees regarding uniforms, please feel free to contact me at marjorie.bestwick@aphis.usda.gov.

NAAE Uniform Committee Representatives

Marjorie Bestwick- Eastern Region
Dennis Punzal- Western Region

LM-4 Forms...Make Sure Your Local is Up-to-Date!

By Jody Feliciano, NAAE National Secretary

Each year every local branch must submit an LM-4 form to the Department of Labor- whether or not you collect local dues. An “LM” form is a Department of Labor form for reporting on the status of a labor organization. Your branch, large or small is a separate labor organization chartered by the National NAAE. The completed form will contain information on the names of the local officers, and will account for the disposition of dues. Periodic submission of the local by-laws with this form, if by-laws exist, can make DOL a resource –just in case the last copy of the by-laws gets “lost” in a file cabinet. Please take a minute to see if your local’s LM-4 submissions are current by following these instructions...

- Go to www.dol.gov/olms
<http://WWW.AGInspectors.org>

- Click on “Union Reports and Collective Bargaining Agreements: Online Public Disclosure Room” (under “Most Requested” heading).
- Click on “Union Search” (under “Union Reports and Constitutions and Bylaws” heading).
- Fill in the “Union Name” box with AEI. There are many blanks and drop down boxes but you only need to fill this one.
- Click submit.
- Find your local/branch number on the list and click on that link with the branch number. A link to the last LM-4 filed for your local will be displayed.

Missing forms for past years? Don't delay! Just file a LM-4 for each missing year. You can get to the LM-4 and instructions by going back to www.dol.gov/olms and clicking on “Forms and Instructions” (under “Most Requested” heading). To complete the form you will need an estimated number of members at the end of your local's fiscal year. If you can't estimate this number, contact me (JodyFeliciano@yahoo.com) and I can help you with that. In fact, contact me with ANY questions or problems you have with the LM-4 and I'll see what I can do to help!

IN DEPTH

CBP GS-12s---What about us?

by Mike Randall, NAAE National VP

As you are likely aware, Customs and Border Protection has recently reclassified the CBP Officer and Agriculture Specialist position journeyman level to GS-12. This article is one of the most difficult I have had to write. I am not disparaging the union (NTEU) or the CBP employees who worked very hard to achieve their pay increase. I believe most employee groups in the federal government to be worthy of a pay increase, when considering the disparity with private sector wages. However, what I am trying to convey here is that there is great difficulty, as well as a number of hurdles in the way, of NAAE's achievement of the same result for its PPQ bargaining unit employees.

NAAE has been on top of this issue since it arose last year. National President, Sarah Rehberg wrote a letter to PPQ Deputy Administrator, Rebecca Bech, on November 4, 2009, expressing our concerns regarding the CBP reclassification. [a copy of that letter can be found on our website at this link: <http://www.aginspectors.org/PDF/GS-12.pdf>]

We received a response to that letter on December 16, 2009. [see link: <http://www.aginspectors.org/PDF/DeputyAdministrator%27sResponsetoNAAEsCBPUpgradeLetter.pdf>] Generally, it said “we’re looking in to it.” During our May 2010 Convention in Las Vegas, Associate DA, Paul Eggert reinforced the message of the Bech letter, assuring us that our jobs would also be evaluated to see if some PPQ duties warrant a GS-12 rating.

NAAE has not been privy to all goings-on in CBP and the internal wrangling that led to the GS-12 grade. I have had to rely on my understanding of the classification and political processes and the little bits of info that were apparent in press releases, and a number of e-mails forwarded by friends of NAAE in CBP. Below, I have provided three theoretical or possible scenarios as to how the GS-12 in CBP came about. I think you will find for yourself that one scenario is more likely than the others. Nothing here is meant to demean the important work being done by CBP Agriculture. This lightning-fast upgrade is just the likely result of the priorities dictated by the political realities of today.

THE PLOT(S)

Scenario No. 1. Under intense lobbying pressure, Congress passes a bill and the President signs the measure into law that states in effect: “No matter what current law and OPM regulations say about the classification of a position, the journeyman level of a CBP Officer/ Agriculture Specialist IS GS-12 (Na-na-na-na-na---nah).”

This approach was somewhat successful a number of years ago when US Customs and the Immigration and Naturalization Service sought to raise the journeyman level of their inspectors and Border Patrol officers to GS-11 at the dawn of the era of “homeland security at ANY cost”

Needless to say, such a scenario today, one that would include automatically raising the salaries of 20,000 federal employees, yet again (The same employees who were given “automatic” GS-11s just a few years ago), would be a public relations nightmare and go over like the proverbial lead balloon. This scenario is a true non-starter in this time of budgetary and economic crises. We didn’t see a new law passed on Customs pay, thus, this is probably not the way the GS-12 came about.

Scenario No.2. The Agency, having a true desire to increase the grade level of its employees, either asks OPM to evaluate the classification of the employees, or the Agency uses its own in-house classification authority to truthfully evaluate the classification and finds that incumbents in the CBP Officer/Ag Specialist family warrant classification raising the journeyman level to GS-12.

There are a number of pitfalls to this method underlying this scenario. The classification needs to classify (score out) to a “good solid GS-12” and not a marginal GS-12 (This is just a simple math addition problem.) Classification methodology gives points to each of the “factors” or duty requirements of the position, and if they all add up to enough points, the position is classified as a GS-12.

PPQ’s first attempt at journeyman GS-11s starting in 1994 fell short of an across-the-board journeyman level of GS-11. The perceived differences of opinion within PPQ management regarding who was and wasn’t entitled to a GS-11 resulted in grievance litigation (these cases have only been fully resolved in the past two years.) When OPM was called in 1999 as the final authority to determine its own opinion on PPQ’s in-house GS-11 classifications made in 1994, it found that none of the classifications made in 1994 were sustainable at the GS-11 level—the positions were found to be GS-9, and ALL of our positions were downgraded just a few weeks after 9/11.

Scenario No.3. A panicked CBP management looks for ways to stop the hemorrhage of CBP Officers and Ag Specialists from its ranks. This exodus of its staff was a direct result of CBP’s wildly successful **“Be Nice to Employees Program” (EXTREME sarcasm intended)** begun on March 1st, 2003 [coincidentally, this date is the same date that CBP came into existence composed of the former US Customs Service, the death of the Immigration and Naturalization Service, and the THEFT of 2600 employees and accompanying budget stolen from PPQ ...and our bargaining unit.]

Things were looking bleak for CBP. CBP couldn’t train new Ag officers as fast as they were losing them. More than one-third of CBP’s 20,000 employee staff had jumped ship for retirement or beat feet to the door because **“CBP is a wonderful place to work.”** (There’s that sarcasm again) Almost 150 folks found their way back to PPQ. Morale couldn’t have been lower at CBP.

CBP must have figured that it couldn't provide a better place to work, so, at the very least---it could sweeten the pot.

Here is how it's done in this CBP mindset: Intense external pressure is put upon the Administration to increase the CBPO/Ag Spec. pay (without having to ask Congress). The Administration finally gives in and tells its Office of Personnel Management---"Hands OFF!" on any classification that CBP writes for itself.....CBP writes a new classification that miraculously finds CBPO's and Ag Specialists to be classified at the GS-12 level. VOILA! GS-12...from thin air! This stealth pay raise is carefully hidden in the budget as "increased operating cost." This scenario sounds awfully plausible, at least to me

GETTING DOWN TO THE BRASS TACKS

Now that you have arrived at your own theory on how CBP Ag Specialists may have become GS-12s, and you really want to understand the process, you must become: "AMATEUR CLASSIFIER for a DAY" (wasn't there a game show for that?).

I have been studying the classification art for NAAE since 1988 as a member of the old "Employee Utilization Committees"—the time in PPQ history when we first began discussions on the possibility of a journeyman GS-11 grade for PPQ Officers. As I remember, PPQ Associate Deputy Administrator, Paul Eggert, spearheaded this group as Special Assistant to the Deputy Administrator.

[Realize that it was only **this year** that the GS-11 journeyman level was achieved for all Safeguarding Specialists. Some PHSS in Puerto Rico and Hawaii had remained GS-9s even after the 2004 GS-11 promotions. All GS-9s who applied for the recent GS-11s have now been promoted. We deeply appreciate Management's consideration and positive action on this matter.]

We will now explore classification and the way the government does this. Of course, I don't expect you will remember all this or be able to claim future expertise on the subject. I just want to point out the resources available for performing classification-- so if you want to become an expert, you can knock yourself out. Be aware that this is no easy topic, nor is the rest of this article an easy read. It is a technical and detailed process.

The Office of Personnel Management (OPM), the personnel system overseer for ALL federal government employees, uses the Factor Evaluation System (FES) for classifying and grading our GS jobs. This is <http://WWW.AGInspectors.org>

the same system that was being used when I started working for PPQ 26 years ago with only slight changes.

Before you begin compiling lists of great accomplishments and voluminous work/duties at some lower grade in pursuit of some higher grade, you first need to know some of OPM's house rules—how the current system works and why:

1. The FES is set out for us by law. If you want to change it or abolish it, you need to get 218 Congressfolk and 60 Senators...to change the law. I don't know about you, but I have YET to be successful at changing a law (ok, maybe the slightest influence on a law, but that's another story for another time).
2. The OPM is the final authority on classification. There is no appeal following a determination by OPM. You can't grieve around them or sue past them---if you don't like it, tough.
3. Last, the most painful rules, are the series of "gotchas" throughout the FES that neutralize many of the things on that accomplishment list of yours I was talking about above. The "gotcha" rules include:

-Volume of work does not count—one phyto written per year equals 3000 phytos written per year; no additional credit.

-As long as you are basically qualified, your additional qualifications are not valued, if at all, beyond your hiring.

-Specialization is valued more highly than generalization---if you are a generalist, you get paid less than the specialist. (Adding more generalized duties knocks you down a classification rung.—This was long a bane to the old PPQ Officer position description—the PPQO NEEDED to be a generalist.)

Before I paste on your O'fishul Klassifier Badge, I need to give you the tools and rule books to permit you to gin up your new position descriptions. I do not expect that everyone will have the time or desire to pore over these arcane and monotonous tomes. But for those who take to a challenge, you will make me and a whole new generation of union folks proud—"Badges, badges?? We don't need no stinkin' badges!"

The first resource you'll need for the "short course" is "The Classifier's Handbook," an OPM publication. You can find this at the following link: <http://www.opm.gov/fedclass/clashnbk.pdf> . This book will give you the basic mechanics of how Positions Descriptions (PD's) are created:

The next resource you'll need, if you really want to become a pro, is the "Introduction to Position Classification Standards," Another OPM publication. <http://www.opm.gov/fedclass/gshintro.pdf> This book provides a much more "nuts and bolts" explanation of how and why position classification works (and what to do when it doesn't).

To get your "masters" in classifying any of the GS-401 series jobs, you will need the latest guide for classifying biology work –"Professional Work in the Natural Resources Management and Biological Sciences Group, 0400," <http://www.opm.gov/fedclass/gso400p.pdf> This guide will give more appropriate direction in assigning different "benchmark" levels of greater or lesser value in assessing the "factors" that make up each position. This guide on biological positions is an attempt to avoid "apples and oranges" comparison with "non-biological" jobs.

For a "masters" in classifying the PPQ Technician jobs, use the following two links for the analogous biological jobs assessment manuals:

<http://www.opm.gov/fedclass/gso421.pdf>

<http://www.opm.gov/fedclass/gso400.pdf> There is not much difference in the mechanics of classification:

Finished with your reading assignment, you are now poised for action in the classification arena. I will provide documents you may not have seen before: your Position Description---with the numbers-- the values a classifier has given to the factors composing your job. We will take the PPQ Safeguarding Specialist PD and compare it to the original CBP GS-11 Agriculture Specialist and the new CBP GS-12 Agriculture Specialist. In this way, we can "reverse-engineer" CBP's PD and see if what they did can work for us.

Link to PPQ PHSS GS-11:

<http://www.aginspectors.org/PDF/PPQGS11.pdf>

Link to former CBP AG Specialist GS-11:

<http://www.aginspectors.org/PDF/CBPGS11.pdf>

Link to New CBP Ag Specialist GS-12:

<http://www.aginspectors.org/PDF/CBPGS12.pdf>

Disclaimer: Note that I have selected the GS-11 PHSS position to illustrate the classification differences between the CBP Ag Specialist and our classifications. This selection only acknowledges that the PHSS represents a majority of our GS-11s and is an evolution of the PPQ Officer job, which also gave rise to the Ag Specialist. We are not ignoring SITC Officers, Pest Survey Specialists, and

other GS-401 classified positions in our unit or Technicians. [Remember: certain Trade Specialists and all Identifier positions already have a career path to GS-12]

PUTTING IT ALL TOGETHER

In the briefest terms possible: your job's ultimate grade is evaluated by an assessment of nine factors. Each factor is given a numerical score as determined by a "benchmark" level assigned according to what level of knowledge is needed, how much you need to be supervised, what you have to do for the job, etc. The factor names in themselves are fairly explanatory of what is being evaluated, but if a factor is not clear to you, it still is government work, rely on "RTM"—read the manual.

The excerpts in blue below were borrowed from: "Introduction to Position Classification Standards."

The Primary Standard serves as a "standard-for-standards" for the Factor Evaluation System (FES). Factor level descriptions for position classification standards are point rated against the Primary Standard. Thus, the Primary Standard serves as a basic tool for maintaining alignment across occupations.

The Primary Standard has descriptions of each of the nine FES factors and the levels within each factor as well as the point values appropriate for each level.

The nine factors are:

Factor 1, Knowledge Required by the Position

Factor 2, Supervisory Controls

Factor 3, Guidelines

Factor 4, Complexity

Factor 5, Scope and Effect

Factor 6, Personal Contacts

Factor 7, Purpose of Contacts

Factor 8, Physical Demands

Factor 9, Work Environment

The evaluation scheme of the FES always reminds me of Dante's "The Inferno." "Factor 6--- Benchmark 3" sounds like Level 7- Pit 9 of a certain "hot" place.

The best way I can relate to what factors and benchmarks represent is to use my ancient, but hopefully humorous analogy. For our biological classifications OPM combines, levels 6 and 7 into one rating (for reasons I will explain when we get to factor 6—you can play along for now).

Factor 6 Personal Contacts plus Factor 7 Purpose of Contacts
And for the heck of it, I will assess somewhat arbitrary point values for each benchmark, making up the titles while I am at it:

<u>Benchmarks Levels</u>	<u>Points</u>
5	Talks with gods 50
4	Talks with kings 40
3	Talks with co-workers 30
2	Talks with spouse 15
1	Talks with self 5

Once you get the hang of it, classification can be easy. The hard part is getting your assigned benchmarks past the “smell test.” What is a smell test? Your benchmarks have to be realistic—they must pass the scrutiny of others (so-called “classification experts”) and they need to reflect what you’re actually doing in your job. You can’t claim “talks to kings” (thus claiming 40 points) when EVERYONE knows all you need for the job is “talks to self,” for which you are only entitled to 5 points.

Armed with the Position Description, you can see what the classifier wrote about the benchmark he or she assigned to a factor. One can take that assigned benchmark and compare it to the more general explanations in the GS-400 series classification manual and the Classifier’s handbook. It is difficult to “fudge” benchmark levels if one is performing an HONEST assessment.

We are now ready to reverse engineer PDs. I have illustrated the differences in the following table:

Factor	Pts.		Pts.		Pts	
	BMK	Current PPQ GS- 11	BMK	Former CBP GS-11	BMK	New CBP GS-401-12
Factor 1, Knowledge Required by the Pos.	1-7	1250	1-7	1250	1-7	1250
Factor 2, Supervisory Controls	2-4	450	2-4	450	2-4	450
Factor 3, Guidelines	3-3	275	3-3	275	3-4	450
Factor 4, Complexity	4-3	150	4-4	225	4-4	225
Factor 5, Scope and Effect	5-3	150	5-4	225	5-4	225
Factor 6, Personal Contacts	3B	110	3C	180	3C	180
Factor 7, Purpose of Contacts						
Factor 8, Physical Demands	8-1	5	8-2	20	8-2	20
Factor 9, Work Environment	9-1	5	9-2	20	9-2	20
Point Totals		2395		2645		2820
Grade		11		11		12

BMK=Benchmark level the first example above “1-7” means: factor 1 level 7
The second column is the point value (Pts.) for the Benchmark level—all three jobs score level 7 for factor 1 and level 4 for Factor 2 and are awarded 1250 points and 450 respectively.

The total points don't mean much without the following table:

GRADE CONVERSION TABLE

GS Grade	Point Range
1	190-250
2	255-450
3	455-650
4	655-850
5	855-1100
6	1105-1350
7	1355-1600
8	1605-1850
9	1855-2100
10	2105-2350
11	2355-2750
12	2755-3150
13	3155-3600
14	3605-4050
15	4055-up

Our current PPQ GS-11 scores 2395 points, falling into the lower level of the GS-11 point range. We need an increase of 360 points to achieve a marginal GS-12.
 $2755 - 2395 = 360$

FACTOR 3 GUIDELINES

In our analysis, the first difference between the PPQ GS-11 PD and the CBP GS-12 PD occurs at Factor 3 Guidelines. The difference between our rating 3 Level 3 and CBP's Level 4 within Factor 3 (referred to as Level 3-3 and Level 3-4 respectively) is 175 points or nearly half of our "deficit."

Here is what the Classifier's Handbook says in the general explanation of the two different levels:

Level 3-3 – 275 points

Guidelines are available but are not completely applicable to the work or have gaps in specificity.

The employee uses judgment in interpreting and adapting guidelines, such as agency policies, regulations, precedents, and work directions for application to specific cases or problems. The employee analyzes results and recommends changes.

Level 3-4 – 450 points

Administrative policies and precedents are applicable but are stated in general terms. Guidelines for performing the work are scarce or of limited use.

The employee uses initiative and resourcefulness in deviating from traditional methods or researching trends and patterns to develop new methods, criteria, or proposed new policies.

It is ironic that this factor, “Guidelines”, is where CBP Management made part of its case-in-chief against NAAE in our Representation Petition seeking to retain representation of professional Agriculture Specialists in CBP. CBP claimed that specialists were given manual guidelines for everything and could not make any other decisions or judgment calls other than what the manual requires. CBP insisted that all CBP Agriculture Specialists were non-professional employees who should be lumped in with non-professional CBP Officers. CBP even had the gall to argue that the then level 3 of 275 points should have been LOWER.

FACTOR 4 COMPLEXITY

The next difference is at Factor 4 Complexity. Customs gave both their GS-11 and GS-12 Factor 4 Level 4 worth 225 points, while our current Factor 4 level is Level 3 worth only 150 points.

Here is what the Classifier’s Handbook has to say about that:

Level 4-3 – 150 points

The work includes various duties involving different and unrelated processes and methods. The decision regarding what needs to be done depends upon the analysis of the subject, phase, or issues involved in each assignment, and the chosen course of action may have to be selected from many alternatives. The work involves conditions and elements that must be identified and analyzed to discern interrelationships.

Level 4-4 – 225 points

The work typically includes varied duties that require many different and unrelated processes and methods, such as those relating to well established aspects of an administrative or professional field. Decisions regarding what needs to be done include the assessment of unusual circumstances, variations in approach, and incomplete or conflicting data. The work requires making many decisions concerning such things as interpretation of considerable data, planning of the work, or refinement of the methods and techniques to be used.

All I have to say about this one is that a CBP Ag Specialist can't be assessing too many "unusual circumstances" if he/she is being told what to do 100% of the time[so maybe they aren't being told what to do 100% of the time.]. The more you are around ports and borders, the more you know that weird stuff happening is normal. In fact the same weird stuff happens over and over again. Is this the "unusual circumstances" the classifier is talking about? If so, we do it, too.

FACTOR 5 SCOPE AND EFFECT

For Factor 5, PPQ scores a Level 3 while the CBP GS-12 scores Level 4, 75 points higher. It appears that the work we do as PPQ employees does not make enough "noise". This factor says that to score Level 4, one needs to have a work product that "affects a wide range of agency activities, major activities or industrial concerns, or the operation of other agencies." If, the CBP Ag Specialist is doing this, we're doing it too.

According to the Classifier's Handbook:

Level 5-3 – 150 points

The work involves treating a variety of conventional problems, questions, or situations in conformance with established criteria. The work product or service affects the design or operation of systems, programs, or equipment; the adequacy of such activities as field investigations, testing operations, or research conclusions; or the social, physical, and economic well being of people.

Level 5-4 – 225 points

The work involves establishing criteria; formulating projects; assessing program effectiveness; or investigating or analyzing a variety of unusual conditions, problems, or questions. The work product or service affects a wide range of agency activities, major activities or industrial concerns, or the operation of other agencies.

FACTORS 6, PERSONAL CONTACTS & 7, PURPOSE OF CONTACTS

These two factors evaluate the personal contacts and the purpose of those contacts, making a slight departure from the consideration method of the other factors. These two factors are considered together as the evaluation method assumes that the purpose of the contacts becomes more complex as you contact people of greater importance. Both of these factors are given one composite score. PPQ's Safeguarding Specialist GS-11 was rated 3B while the CBP Ag Specialist is rated at 3C.

The main difference between the two ratings (besides the 70 points) appears to be whether your customers are skeptical and uncooperative or that the customers are already convinced and want to comply. I think this factor area is one where a proper analysis of our jobs would or should result in an upgraded evaluation. We all have interacted with many people who have no intention of compliance. I have provided the full section of the Biological Sciences Group Guide for these factors below.

**FACTOR 6 – PERSONAL CONTACTS
AND
FACTOR 7 – PURPOSE OF CONTACTS**

These factors include face-to-face and remote dialogue – e.g., telephone, email, and video conferences – with persons not in the supervisory chain. (Personal contacts with supervisors are under Factor 2 – Supervisory Controls.) The levels of these factors consider the work required to make the initial contact, difficulty of communicating with those contacted, the setting in which the contact takes place, and the nature of the discourse. The setting describes how well the employee and those contacted recognize their relative roles and authorities. The nature of the discourse defines the reason for the communication and the context or environment in which the communication takes place. For example, the reason for communicating may be to exchange factual information or to negotiate. The communication may take place in an environment of significant controversy and/or with people of differing viewpoints and goals.

Only credit points under Factors 6 and 7 for contacts that are essential for successfully performing the work and that have a demonstrable impact on its difficulty and responsibility. Factors 6 and 7 are interdependent, so use the same personal contacts to evaluate both factors.

Determine the appropriate level for Personal Contacts and the corresponding level for Purpose of Contacts. Obtain the point value for these factors from the intersection of the two levels as shown on the [Point Assignment Chart](#) at the end of this section.

NOTE: These factor level descriptions (FLDs) apply to all 0400P occupational series in this JFS.

PERSONAL CONTACTS	
Level 1	Other professionals, technicians, and support personnel in the immediate office or related units within the agency. Limited contact with the public and employees outside the office.
Level 2	Employees in the same agency and/or with members of the public in a moderately structured setting. Contacts may include professionals and specialists in different functional areas within the agency and at different organizational levels.
Level 3	Individuals or groups inside and outside the employing agency representing high levels of organizations internal and external to the Federal Government. Typical contacts are with: <ul style="list-style-type: none"> • contractors; • legal professionals; • representatives of community action committees; • management officials or senior technical staff of corporations; and • Federal agencies, academia, or professional organizations.
Level 4	High-ranking officials from outside the employing department or agency at national or international levels in highly unstructured settings. Typical contacts at this level include: <ul style="list-style-type: none"> • leaders of national stakeholder and/or interest groups; • presidents of large national or international firms; • national news media; • State governors, mayors of large cities, or tribal leaders; • Members of Congress; and • Presidential advisors and cabinet-level appointees of major departments and agencies.

PURPOSE OF CONTACTS	
Level A	To obtain, clarify, or exchange information or facts needed to complete an assignment.
Level B	To plan, coordinate, or advise on work efforts, or to resolve issues or operating problems. Contacts involve influencing or persuading people who are working toward mutual goals and have cooperative attitudes. Contacts typically involve identifying options for resolving problems.
Level C	To influence and persuade persons or groups who may be skeptical or uncooperative. Employees must be experienced in approaching the individual or group to obtain the desired effect, such as gaining compliance with established policies or acceptance of established methods using persuasion or negotiation, or establishing rapport to gain information.
Level D	To justify, defend, negotiate, or settle matters involving significant or controversial issues and/or programs. Work at this level usually involves active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance. Persons contacted typically have diverse viewpoints, goals, or objectives. The employee must achieve a common understanding of the problem and a satisfactory solution by persuading, compromising, or developing suitable alternatives.

POINT ASSIGNMENT CHART					
		Purpose of Contacts			
		Level	A	B	C
Personal Contacts	1	30	60	130*	230*
	2	45	75	145	245
	3	80	110	180	280
	4	130*	160	230	330

*THIS COMBINATION IS UNLIKELY

FACTOR 8 PHYSICAL DEMANDS

Factor 8 evaluates the physical demands of the job. I believe this factor had been higher for PPQ when we were inspecting baggage as GS-9s. I don't know how much the job has changed for others, but I still inspect some baggage in Hawaii. Field work , trapping, surveying, inspecting for phytos, and practically every job qualifying as "domestic" work is hardly "sedentary". For most of us this factor rating is clearly in error; it is too low. I also think our being on the hook for "all hazards" emergencies warrants a higher physical demands rating than the current one (especially if we need to scrounge for extra points.)

According to the Classifier's Handbook:

Level 8-1 – 5 points

The work is sedentary. Typically, the employee sits comfortably to do the work. However, there may be some walking; standing; bending; carrying of light items, such as papers, books, or small parts; or driving an automobile. No special physical demands are required to perform the work.

Level 8-2 – 20 points

The work requires some physical exertion, such as long periods of standing; walking over rough, uneven, or rocky surfaces; recurring bending, crouching, stooping, stretching, reaching, or similar activities; or recurring lifting of moderately heavy items, such as typewriters and record boxes. The work may require specific, but common, physical characteristics and abilities, such as above average agility and dexterity.

FACTOR 9 WORK ENVIRONMENT

Factor 9 is also a place where I think we as PPQ employees have been underclassified, i.e. rated too low. I don't believe the environments we work in have become any safer or less "icky" than before the CBP split. We still fumigate, and are fitted for N-95 masks just in case we are sent to "all hazards" emergencies. (General field work , sawmills, rail yards, etc. are awful risky places to perform your job.) Over the years, the PPQ jobs have had this score dropped down to level 1 while the CBP jobs have stayed at level 2. No good reason seems to support this new disparity.

According to the Classifier's Handbook:

Level 9-1 – 5 points

<http://WWW.AGInspectors.org>

The environment involves everyday risks or discomforts that require normal safety precautions typical of such places as offices, meeting and training rooms, libraries, residences, or commercial vehicles, e.g., use of safe work practices with office equipment, avoidance of trips and falls, observance of fire regulations and traffic signals. The work area is adequately lighted, heated, and ventilated.

Level 9-2 - 20 points

The work involves moderate risks or discomforts that require special safety precautions, e.g., working around moving parts, carts, or machines; exposure to contagious diseases or irritant chemicals. Employees may be required to use protective clothing or gear, such as masks, gowns, coats, boots, goggles, gloves, or shields.

CONCLUSIONS

In November 2010, a group consisting of employees (us), managers, and classification experts will begin meeting regarding the classification of our positions. NAAE is represented in this group. The charge of this group will be to see if any of our positions warrant the GS-12 level. In this article we have examined the factor areas that have seen an upward change in the CBP Ag Specialist GS-12 classification. These factor areas will be where we have to look for enhancement for PPQ. We did not look at Factors 1 & 2, where there was no change in the ratings between the GS-11 and GS-12, as these ratings are unlikely to change—we did not need to acquire more schooling nor did we lose more supervisory oversight. What we do see are several areas in our PPQ classification that we believe have been overlooked and should be rated higher. Unfortunately, in some areas it seemed easier to make an argument against where CBP has rated their GS-12s. These are the areas where it will be difficult for us to make the same claim for a higher rating.

Nevertheless, WE WILL TRY.

If you have some brainy ideas about this classification issue, do not hesitate to call me at the office on 808-838-2705 after 0730 HST. --Mike

THE END???

?

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

YOUR NATIONAL NAAE REPRESENTATIVES
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This Newsletter is distributed to NAAE members & to members of the House and Senate Agriculture Committees

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