

N.A.A.E.

National Association of Agriculture Employees

NEWSLETTER



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National Association of Agriculture Employees

Newsletter Issue No. 82 April 2013



A Message from Our President

Sarah Rehberg

To be perfectly honest, I dread writing the “Letter from the President” and drag my feet on writing this letter every time. But, it’s this, or study for pesticides. Guess which noble endeavor wins. There are so many issues that we work on--- and trying to figure out how to share that information and have it be of interest to everyone --- it amounts to an insane amount of pressure. So, if there is something that we’re not covering in these newsletters, please let us know.

Budget

^%\$*&@* Sequestration happens. As we’ve all been told numerous times, and NAAE keeps asking to make sure nothing has changed, APHIS/PPQ plans no furloughs in 2013. For those that don’t read the Administrator blog, we were promised this twice by Kevin Shea well before the emails went out promising no furloughs---yet again. As a result of many cost savings measures, including lapsed salaries, office closures, reduced travel and reduced training, PPQ, along with the rest of APHIS, will be able to make it through these budget cuts without furloughs during FY 2013. But it will not be without cost. Our friends in pre-departure (Puerto Rico and Hawaii) are about to begin some really difficult times. At this point the particulars are still being negotiated, but people are going to lose overtime, and be tasked with doing more than they do now with significantly fewer people. We all hope this will be very temporary.

SITC

An additional consequence of the budget uncertainty, coupled with the continued adjustments to PPQ’s “modernization”, is that not a whole lot of management-level decisions are being made. I know for those of you in SITC it must be agony to wait for the other shoe to fall or, depending

on the misinformation you've been fed, for the magical date of October 1st. Believe me when I say that the floodgates will not open on October 1st with PPQ and SITC work becoming instantly interchangeable. Work on the blended Position Description is ongoing. After that, there will still be training issues to resolve. We aren't running the time table here, but NAAE can say that at this point, implementation of the changes is still a long ways off due to the amount of preparatory work yet to be completed.

Drug Testing

Speaking of SITC, late one week last fall we learned that multiple SITCO's had been slated to be randomly drug tested at the beginning of the following week. After many hoops were jumped, we were able to stop this from happening. However we were unable to find out how SITCO's were added to the mixture of employees allowed to be randomly drug tested. It has since been corrected and all the SITCO's removed from the mix. Somehow, every few years something like this happens, so I'd like to take this opportunity to remind everyone that, with few exceptions (none believed to be relevant to us), only those employees who have a Commercial Driver's License (CDL) for work and those who have a Top Secret level security clearance are supposed to be eligible for random drug testing. This doesn't, however, mean you cannot be specifically drug tested based upon reasonable suspicion of drug use or as a result of a car accident (under specified criteria, see Newsletter 81- we are still waiting for a response from management about the inconsistencies in the policies).

ALB

The Asian Longhorn Beetle program in New Jersey has been a success, and an Eradication Declaration has been issued for the project. Unfortunately that means the end of the program and the closure of the office. Employees there are currently being forced to make an impossible decision, either lose their positions or move to another location. We send our deepest sympathies and hope for positive outcomes and soft landings for all.

Extended Tours

It is with great disappointment that we let you know that the days of a regular Monday through Friday schedule at Plant Inspection Stations may be coming to a close. At this time there are two locations that have been forced to expand their regular time coverage as a result of the Agency's acquiescence to pressure from industry. The work needs to be there to support a change, though. As a result, PPQ management has been analyzing work patterns which have resulted in schedule adjustments.

Green Book Perk

Adjusting to a 200 page national collective bargaining agreement, after 20+ years under a 30 page agreement takes time (though we are all so glad to be doing it!). One new gem that NAAE is entitled to under the Green Book that we did not have in the Red Book is transparency in awards. Article 40, Employee Incentives & Recognition Section 6 provides the NAAE Regional Vice Presidents with an annual list of all bargaining unit employee awards for the past year. These lists include name, award type, and amount and it includes all awards: cash, time off and Quality Step Increases. NAAE will share this information upon member request. Also, this Green Book provision allows local branches to make the same request.

Telework

Is telework an issue? You tell us. We know of many locations that would like to telework but can't because they don't have laptops. Many are legacy Western Region employees. Western Region may still have a policy about who is allowed to have laptops and who isn't. NAAE bargaining unit employees fall into the "isn't" category, but management keeps telling us that: "Maybe next time the computers need replacing employees can get laptops." Much of the work we do domestically can't be projected out onto a regularly recurring basis to warrant a set telework day or days. But if this is something you'd like to do, we encourage people to utilize situational telework, as long as you think it'll be approved. There is an AgLearn course "telework 101" that can provide you a starting point to discuss telework with your supervisor. There's also a lot of guidance in the Human Resources Desk Guide on how telework should work.

http://www.aphis.usda.gov/mrpbs/publications/hr_desk_guide/4368/index.shtml. If you won't be approved to actually telework, then don't give management the extra numbers and accept situational telework when situations will never arise. A teleworker is a teleworker as far as the Department is concerned, whether it's just for weather related telework or if it's 3 days a week of regular telework. Though on that note, we keep hearing about the new version of the Departmental Regulation (DR) that will not allow any mission areas, agencies or programs to have their own telework policies, what the DR says goes- which would lift the MRP restriction on teleworking no more than 3 days a week. This should be interesting to see, though we've been hearing about the DR coming out for months now, but it has yet to make its appearance. So as always we'd love to hear from you on this: if you want to telework and have been denied, or if you're teleworking and its going great, tell us about it. NAAE tries to keep track of who is teleworking and where so we can get a

better idea of locations and positions where it works and locations and positions where it doesn't. Without knowing we don't know if it's still a problem.

PPQ Forum

The PPQ Forum held its annual face to face meeting last August in Romulus, MI. The Forum took advantage of the free services provided by the Federal Mediation and Conciliation Service (FMCS) and invited one of its mediators in to provide some training on team building, problem solving, interest based bargaining, and working with labor management forums. For those of you that don't know, FMCS is a federal agency that provides mediation and arbitration services to industry and local, state and federal government agencies. FMCS is the first stop on the road to the Impasses Panel to resolve negotiation disputes, and that's how we normally use FMCS, but they offer so much more. The PPQ Forum's very first meeting was held in the FMCS office in Atlanta, GA and the mediator facilitated the Forum meeting for us. FMCS's whole goal is to improve labor-management relations and get the parties talking to each other. So, we really appreciated two days of group training at the Forum meeting, and it's something that we encourage could be done locally. Also discussed were several issues including telework, the Emerald Ash Borer reassignments, the PPQ reorganization, and ultimately the future of the Forum. At that time we didn't know how the Fall National elections would go, the results of which would determine whether the Executive Order mandating agency-union forums would continue or not. Also, the PPQ reorganization caused some changes to the membership on the management side.

Now that we know that forums will continue at least through the Obama administration, and since we began a new calendar year, the PPQ Forum has finalized our metrics plan for this year and, as a result, we have some new and exciting projects. The full report will soon be posted on the PPQ Labor Management Forum intranet site:

<http://inside.aphis.usda.gov/ppq/LaborManagement/index.shtml> The Agency sends out a survey annually to all of our local presidents to assess the climate of labor management relations in PPQ, and we noticed that there are a lot of you who say you've had Interest Based Bargaining (IBB) training. Now, while we know that it's entirely possible that some of you were interested and went out on your own and took a class in IBB, or maybe your local manager set it up with the local FMCS office, we're kind of skeptical because we know that IBB training hasn't been offered through NAAE in a long time. It was covered somewhat during our 2000s era traveling dog and pony show when joint Labor-Management training was offered at many major ports. Before we restarted

negotiations on the Green Book, PPQ sent our team and the management team to Boston to attend IBB training. So I know that two of us in NAAE have had IBB training, though the results tell us that significantly more of us would benefit from such training. We saw a need and an opportunity to provide some additional training. It's still in the production stages but the Forum hopes to host several webinars on IBB this year.

Other goals this year include improving the communications regarding 5 USC 7114 (b) (4) Information Requests, [documentary information that Management holds that the Union has a right to see—information needed to negotiate or to pursue a grievance or a ULP] and increasing the amount of Pre-decisional Involvement (PDI) [the opportunity afforded the Union to hear about changes from Management before the changes have been formally proposed—and while we hopefully still have a chance to change the outcome] opportunities at the local level. Other goals are working on a process to ensure consistency through PPQ in medical monitoring and creating a new employee “spotlight” process. This last goal hasn't really taken shape yet, but we've formed a working group to look at building a process or procedure that showcases employees and work units. My very favorite attribute of PPQ is that we are a small program and everyone knows someone in other work units from previous TDYs and trainings. I know that when I receive a newsletter, on any topic, the first thing I do is scan through the pictures to see if there's anyone that I know. With reduced travel and fewer outbreaks (knock on wood) we run the risk of losing touch, losing not only the personal contacts but also the understanding of what work occurs in other work units. So we really hope this spotlight program produces a fun, interesting and informative tool for employees. We will keep you posted as the working group progresses.

Transfers

There is a completely new process in place now for lateral and hardship transfers. Very soon an updated announcement should be sent out. But the gist is, you can put in for a lateral at any time; there's no more waiting for open periods, though you can't make changes for 6 months after that initial request. And the biggest change is that employees may lateral to different positions within their current series. For example, PHSS's can lateral into SITCO positions. We hope this helps open up additional locations for employees. Take a look at the MOU that addresses our procedures at:

http://inside.aphis.usda.gov/mrpbs/labor_relations/downloads/Lateral_Transfer_MOU.pdf

Uniform Update:

Victor Zeno, NAAE Eastern Hub Uniform Committee Representative

On behalf of the Uniform Committee, we would like to thank everyone for being patient with us during the transition from Lion to Zeffi as our uniform vendor. There are some misconceptions out there when it comes to uniforms and the Uniform Committee. Sometimes people contact us frustrated about issues over which we have no control. This is a great opportunity to clarify some of those issues.

What is a Uniform and what isn't a Uniform

When considering clothes for the APHIS workplace, there are three categories: personal clothing, the uniform, and safety equipment. Personal clothing includes underclothes and other personal items; the Agency is not responsible for these. The purpose of the uniform is for the public to easily recognize us as USDA employees. Safety equipment includes any protective gear that is necessary for you to do your job. We often get messages from employees wishing we would add a particular article to the uniform contract. It is important to understand that uniforms are not equivalent to safety equipment. This is what regulations say about uniforms:

5CFR 591.102 Definitions

Uniform means a specified article or articles of clothing that may include, but is not limited to, such items as shoes, boots, hats, shirts, slacks, skirts, or outerwear an employee is required by an agency to wear to provide a distinctive and easily identifiable appearance in performing his or her job. A "uniform" does not include protective equipment required for the employee's safety under 5 U.S.C. 7903 or normal business or work attire purchased at the discretion of the employee.

Protective equipment is not meant to be supplied by the Uniform contract. Personal protective equipment (PPE) is required to be provided by the Employer, in this case, the program to which the employee belongs. According to the Green Book, the NAAE Collective Bargaining Agreement, Article 30, Section 5, a and c, it stipulates that the employer will be provide the employee(s) with necessary safety equipment.

Section 5. Safety Equipment

Employer Responsibility

A. The Employer will provide employees with protective equipment in proper working order and provide training on the proper use and care of the government issued protective equipment as required and prescribed by applicable laws, rules, regulations, directives and manuals.

C. The Parties recognize that supplemental gear, e.g., steel toe boots, snake bite chaps etc. necessary to complete the mission and not provided in the uniform contract will be provided by the Employer.

Any requirements for safety equipment need to be presented to the Supervisor or discussed with your work unit Safety Coordinator. The Uniform Committee has nothing to do with safety equipment; therefore addressing safety equipment with the uniform committee is not the proper venue.

Vendors

There are Federal Acquisition Regulations that apply to purchasing supplies and services for the Federal Government. Ethics rules for the federal government do not allow the Uniform Committee to approach or solicit a specific vendor to bid for our contract. When the contract is created, a competitive solicitation is issued which allows vendors to bid on the requirement. As members of the Uniform Committee, it would be totally inappropriate if we start sending invites to company X and not company Y. That doesn't mean that employees that are not involved in the Uniform Committee can't approach a specific company and suggest to them to place a bid for our contract. Once the contract is created and ready for bids, it will be announced publicly.

In accordance with Federal Acquisition Regulations the current contract was established with a GSA vendor after a competitive solicitation process. The vendor is required to be GSA compliant. That means they have to follow the rules and regulations that GSA has in place. One of the main regulations GSA has is that companies provide products that are compliant with the Trade Agreements Act (TAA).

GSA Schedule Contracts are subject to the Trade Agreements Act (TAA), meaning all products listed on the GSA Schedule Contract be manufactured or "substantially transformed" in a "designated country". The designated countries are composed of:

- *World Trade Organization Government Procurement Agreement Countries;*
- *Free Trade Agreement Countries;*
- *Least Developed Countries; and*
- *Caribbean Basin Countries*

<http://gsa.federalschedules.com/Resource-Center/Resources/TAA-Designated-Countries.aspx>

What this means is, companies that provide products that are made in China cannot provide those products to us. That discourages a lot of companies from wanting to bid for our contract. There is a lot of work involved in making sure the products provided are compliant with the TAA. Another hindrance for companies interested in our contract: the size of our contract. Agencies like

the Forest Service have uniform contracts with an annual dollar value of 3-4 million dollars. Our contract is only \$800,000. You think that is a big chunk of money! Well, it is to us, but for so many companies, it is not. It is a small dollar value contract for the extensive amount of work of setting up and printing a catalog, establishing the electronic ordering system, tracking uniform allowances, maintain a large inventory, administering the contract and managing shipments. That is one main reason why we don't get a lot of competition for the PPQ contract.

Pricing of Items

Many people complain about the prices of the items in the catalog. Yes, I am sure you can find articles that are much cheaper in retail stores and online. But this is not a regular catalog. There are many restrictions to the items our uniform supplier can provide to us as I mentioned previously in this article. And there are expenses that are included in the pricing that we get from Zeffi: we are paying for the e-commerce ordering that was custom made for PPQ, the maintaining of employee records and employee log, administration of employee spending, shipping, catalog, and maintaining an inventory which costs money in overhead and administration. Additionally, please remember the current vendor is not a huge super store that gets bulk discounts on orders. Zeffi is a small business and because of the smaller orders, they do not get the huge discounts other big retailers get. All those factors cited above add up to higher prices. Moreover, due to federal procurement regulations we are not able to do business with the large business vendors selling on the internet. When comparing prices on the internet with the prices we pay for uniform items, it's also important to remember you need to compare apples to apples. It is not an accurate comparison to compare high quality Red Wing boots with some lower quality brand on the internet, large business with local retailer or even another government uniform contract. The current uniforms look good and are of good quality. Will they last after regular use in rough terrains? Probably not, but they are not meant for this purpose. They are meant to identify employees out in the public as USDA employees.

Though the Zeffi catalog has generally improved since the transition, there are items that are still not available, and others that we would like replace. The rain gear currently available is an improvement on what was available in the past, and personally, I really like the Red Wing Boots. We still have not been able to find winter gloves that are GSA compliant.

One last thing: some employees have this idea that the Uniform Committee members are office workers who do not understand the needs of their fellow employees. I am a Plant Protection Technician with the Fruit Fly Detection program in Florida. I work in the heat, in the woods, deal with mosquitos, ticks and alligators. Most of my work is done out in the field. Tim is a PPQ Officer at the airport in Kona, Hawaii. All the current committee members have worked in the field. The committee understands the needs of field employees because we wear the uniform daily. But we ask that you also understand there

are regulations to which we must adhere that make it difficult to accommodate every need and desire. Additionally, due to the large number of people and diverse working conditions of the PPQ uniform wearers we are not able to please everyone that wears the uniforms. It is one size fits most, not one size fits all. We try to accommodate as many people as possible but realize it is impossible to please everyone. We all wish it was that easy, but it isn't. We will still continue doing the job we have to do, following the rules and regulations the agency has established for the uniforms. And we welcome your feedback, we just hope you can keep in mind that we are trying to help in the ways that we can.

Department of Labor LM-4 Reminder

LM-4 Forms...Make Sure Your Local is Up-to-Date! 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
- Click on "Online Public Disclosure Room: LMRDA Reports and Collective Bargaining Agreements" (under "Highlights" heading).
- Click on "Union Search" (under "Union Reports and Constitutions and Bylaws" heading).
- Fill in the "Union Name by Abbreviation" box with AEI- Agriculture Employees Ind. There are many blanks and drop down boxes but you only need to fill this one.
- Click submit (at the bottom of the page).
- 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.

You can submit your form online or by mail. If you submit a paper form, make sure that it's a current form. Even though they don't appear to change, on the top right corner of the form is an expiration date. If the form is expired they won't accept it and return it to you in the mail.

ELECTION COMMITTEE

It's almost that time again. This fall it will be time to begin the process of choosing who will lead YOUR organization and present your issues to Management, Congress, and the public. NAAE needs several members in one location to volunteer to serve as an Election Committee to run our National Election prior to the 2014 Convention. The Election Committee chairperson will have his/her travel paid by NAAE to attend the National Convention to deliver the Election Report. If you volunteer for this important duty, you will not be alone. There is guidance all along the way with an election manual of written procedures and your National Executive Committee members to use as a resource. If you and your fellow work unit union members are willing to serve, please contact Sarah Rehberg on 734-229-1654 or at sarahrehberg1@yahoo.com

CONVENTION COMMITTEE

It is not too early to start thinking about our 2014 Convention. The National NAAE Convention must take place every two years after the National Election. A newly elected National Executive Committee takes charge at the conclusion of the Convention. The biennial convention is our chance to catch up on training, see each other face to face, and renew the special spirit that makes us a UNION of people who genuinely care and not some bunch of cranky employees.

Where and when will that convention be held? What kind of hotel will we have? How will the agenda be run? These are some of the things we need an ambitious group of volunteers from our membership to help your Executive Committee decide. An obvious benefit is paid convention travel. The other benefit is the feeling you get when you have made a difference and helped out everyone. Are you one of the special people? Please contact an Executive Committee member and help us get the ball rolling!



Union Member Rights and Officer Responsibilities under the Civil Service Reform Act

U.S. Department of Labor
Washington, DC 20210

Office of Labor-Management Standards

The standards of conduct provisions of the Civil Service Reform Act of 1978 (CSRA), among other statutes, guarantee certain rights to members of unions representing Federal employees and impose certain responsibilities on officers of these unions to ensure union democracy, financial integrity, and transparency. The Office of Labor-Management Standards (OLMS) is the Federal agency with primary authority to enforce many standards of conduct provisions. If you need additional information or suspect a violation of these rights or responsibilities, please contact OLMS at 1-866-4-USA-DOL. You should also refer to 29 CFR 457.1 – 459.5, and your union's constitution and bylaws for information on union procedures, timelines, and remedies.

Union Member Rights

Bill of Rights – Union members have:

- equal rights to participate in union activities
- freedom of speech and assembly
- voice in setting rates of dues, fees, and assessments
- protection of the right to sue
- safeguards against improper discipline

Collective Bargaining Agreements – Union members (and certain nonunion employees) have the right to receive or inspect copies of collective bargaining agreements.

Constitutions, Bylaws, and Reports – Unions are required to file an initial information report (Form LM-1), copies of constitutions and bylaws, and an annual financial report (Form LM-2/3/4) with OLMS. Unions must make these documents available to members and permit members to examine the records necessary to verify the financial reports for just cause. The documents are public information and copies of reports are available from OLMS and on the Internet at www.union-reports.dol.gov.

Officer Elections – Union members have the right to:

- nominate candidates for office
- run for office
- cast a secret ballot
- protest the conduct of an election

Officer Removal – Local union members have the right to an adequate procedure for the removal of an elected officer guilty of serious misconduct.

Trusteeships – A union may not be placed in trusteeship by a parent body except for those reasons specified in the standards of conduct regulations.

Protection for Exercising CSRA Rights – A union or any of its officials may not fine, expel, or otherwise discipline a member for exercising any CSRA right.

Prohibition Against Violence – No one may use or threaten to use force or violence to interfere with a union member in the exercise of his or her CSRA rights.

Union Officer Responsibilities

Financial Safeguards – Union officers have a duty to manage the funds and property of the union solely for the benefit of the union and its members in accordance with the union's constitution and bylaws. The union must provide accounting and financial controls necessary to assure fiscal integrity.

Prohibition of Conflicts of Interest – A union officer or employee may not (1) have any monetary or personal interest or (2) engage in any business or financial transaction that would conflict with his or her fiduciary obligation to the union.

Bonding – Union officers or employees who handle union funds or property must be bonded to provide protection against losses if their union has property and annual financial receipts that exceed \$5,000.

Labor Organization Reports – Union officers must:

- file an initial information report (Form LM-1) and annual financial reports (Forms LM-2/3/4) with OLMS.
- retain the records necessary to verify the reports for at least five years.

Officer Elections – Unions must:

- hold elections of officers of local unions by secret ballot at least every three years.
- conduct regular elections in accordance with their constitution and bylaws and preserve all records for one year.
- mail a notice of election to every member at least 15 days prior to the election.
- comply with a candidate's request to distribute campaign material.
- not use union funds or resources to promote any candidate (nor may employer funds or resources be used).
- permit candidates to have election observers.

Restrictions on Holding Office – A person convicted of certain crimes may not serve as a union officer, employee, or other representative of a union for up to 13 years.

Loans – A union may not have outstanding loans to any one officer or employee that in total exceed \$2,000 at any time.

THE END???

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**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
(Your Input & Feedback Is Most Welcome) PLEASE MAIL ALL DUES
WITHHOLDING FORMS TO NAAE NAT'L PRESIDENT FOR SIGNATURE

Sarah Rehberg, **President**
11200 Metro Airport Center
Dr. Suite 140
Romulus, MI 48174

Work: (734) 229-1654
Fax: (734) 942-7691 U
Email: sarahrehberg1@yahoo.com

Kathy Ortega, **WR Assistant VP**
5871 Rickenbacker Rd
Commerce, CA 90040

Work: (323) 726-4682
Email: kathywr63@gmail.com

Mike Randall, **Vice President**
NAAE Chief Negotiator
P.O. Box 31143
Honolulu, HI 96820-1143
C/O USDA 375 Rodgers Blvd
Honolulu, HI 96819

Work: (808)838-2705
Fax: (808) 838-2706
Home: (808)239-4393
Email: Mikeeran@aloha.net
Cell: 808-782-6556
Please call AFTER 0700
Hawaii Standard Time!

Arlo Wiltenburg **ER VP**
11200 Metro Airport Center
Dr. Suite 140
Romulus, MI 48174

Work: (734) 229-1681
Fax: (734) 942-1218 U
Email: awiltenburg@yahoo.com

Trish Claves, **Secretary**
9 North Grand Ave Ste 120
Nogales, AZ 85621

Work: (520) 285-5404
Fax: (520) 397-0138 U
Email: pimahorse@hotmail.com

Paul Hodges, **ER Assistant VP**
200 Crofton Rd Box 5
Kenner, LA 70062

Work: (504) 461-4225
Email: naeeph@hotmail.com

Jim Triebwasser, **Treasurer**
3663 C-R 35
Barnum, MN 55804

Work: (218) 720-5282
Fax: (218) 720-5281
Email: Triebwas2000@yahoo.com

Kim Mann, Esq.: **Legal Counsel**
1850 M St. N.W., Suite 280
Washington, DC 20036

Willis Gentry, **WR VP**
520 Martens Dr.
Laredo, TX 78041

Work: (956) 726-2258
Fax: (956) 726-2322 U
Email: Willis.e.gentry@usda.gov

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PLEASE NOTIFY THE NATIONAL SECRETARY OF AN ADDRESS CHANGE!

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

Trish Claves, Secretary
25457 South via Montana Vista
Green Valley, AZ 85621

POSTMASTER: ADDRESS CORRECTION REQUESTED – PLEASE DO NOT FORWARD