

N.A.A.E.

National Association of Agriculture Employees

NEWSLETTER



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



A Message from Our President

Sarah Rehberg

Newsletter Housekeeping

After the last newsletter I got feedback suggesting that we put the name of the author of each topic within this column under its underscored heading, those commenters apparently not realizing each topic was still part of my “letter.” So I’ll try to make it clearer that they’re part of it, but I want to continue to have headings, too. Let’s hope it works! And I love that we got feedback; not only does it let me know that, yes!, people are reading the newsletter but the feedback recognizes that we are always striving to improve. In some areas, we are all too well aware of our shortcomings, such as the (in)frequency of the newsletter, but if something in our format isn’t working for you, or you have an idea for improvement, by all means let us know!

NAAE 2014 Convention

Every two years, on the even year, NAAE holds a national convention that takes place after the national NAAE elections. Conventions are great! Conventions provide opportunities for new local and national representatives to gain valuable training. At most conventions, there’s a management consultation where we get to ask all those burning questions of top level that we’ve received from members or we know pertain to major topics of concern for employees. Most importantly, we get to see each other in person! Typically, every biennial convention has many of the same faces; it’s not a surprise to us because, like I said, Conventions are great! With fewer travel opportunities, it’s often the only time we get to see each other. Of course we are always looking forward to seeing new faces! We not only need to see new faces at the Convention but we need to get those new faces involved as volunteers in national and local union activities. The Convention is usually the starting point.

I remember my first Convention in Tampa, Florida in 2000. I had no clue what went on with the union but was fortunate enough to have been “volunteered” to help with the national election. I attended as the election chairperson and was told to go to the meeting and read the

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election results and answer any questions about the election. So I did my best to get to Tampa. I got there late, wheeled my suitcase into the room and was hustled to a podium where I very nervously read a long list of results to a group of probably 40 or 50 people. The rest was a blur of labor relations training overload. There was so much to listen to, so much I didn't know about, and so many people to meet and talk to. As luck would have it, I started filling in as national secretary a year later when there was a vacancy, and I haven't missed a Convention since.

This year we held our national Convention in St. Louis and it was a blast, but you don't have to take my word for it. Below is a write-up from Julie F. Orr, PHSS and NAAE Local 37 President in Atlanta, Georgia.

The biennial NAAE (National Association of Agriculture Employees) 2014 National Convention was held in St. Louis, Missouri, April 5 through April 9th. In attendance were 6 upper level Agency representatives: Osama El-Lissy (by phone), Mike Lidsky, Matt Royer, Keith Miller, Carlos Martinez, Beatrice Jacobs; 3 Labor Relations representatives: Frank King, Peter Brownell, and Joanne Adams; and 18 local NAAE representatives from Arizona, California, Florida, Georgia, Hawaii, Louisiana, Michigan, New Jersey, Puerto Rico, and Texas.

The convention started off with an internal union business meeting on Sunday to discuss the NAAE budget, resources, local issues and other various interests from union members. The next three days were set aside for training. Legal counsel for NAAE, Kim Mann, teamed up with Labor Relations Specialists, Peter Brownell and Joanne Adams, to present joint basic labor relations training. This training included explaining employee and management statutory rights and agreements in the Green Book. This lively group of trainers kept our attention by relating the information using actual past and present experiences. When a disagreement on interpretation arose, they each stated their view and gave an explanation. In advance, the Agency representatives were given a list of 40 questions submitted from employees in the field. Each question was addressed by the management team. Responses were recorded and are available upon request.

On the last day, a mock negotiation exercise was presented by Kim Mann and Mike Randall, NAAE National Vice President and Chief Negotiator. This example took a scenario and walked everyone through the step by step process for responding to agency notices and proposals. The National NAAE Safety Representative, Mark Segall, presented training on Safety, Health and the Union. Former NAAE Eastern Region VP, Arlo Wiltenburg presented training on Family Medical Leave Act. In conclusion, the meeting finished with Department of Labor considerations and reporting requirements and local issue problem-solving.

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First time attendee, Allen Dawson, PPQ Plant Pathologist in Nogales, AZ commented: "The training sessions were really informative and having the labor relations personnel there was a good way of showing that upper management does want to work with the employees on making PPQ a better place to work." Congratulations to the NAAE Executive Committee for another successful and informative convention. The next one will be in the spring of 2016. We hope to see you there!

SITCO+ PHSS = PHTCO

In the last newsletter I explained what was going on with the Smuggling Interdiction and Trade Compliance/ Plant Health Safeguarding Specialist (SITCO/ PHSS) blended position description. We reported on the purpose of the creation of this position, where this change was initiated, and informed you that we were still in negotiations with Management over this new PD and the resulting changes. Now, negotiations have long since completed and many of you already know, from first-hand experience, what has transpired. We are also cognizant that a number of you are still not aware of this change. Lately there have been a few vacancies posted for the PHTCO (Plant Health Trade Compliance Officer) position and this has raised many questions. It is a new position, in the sense that it has all of the duties of both SITC officers and PHSS's lumped together into one. There are no new duties though, and a PHTCO is still a GS 11 position.

The finalized PHTCO MOU negotiated with Management is posted, but to be honest, it's got some issues regarding terminology and not being clear in certain provisions as to our intent. Confusing? It certainly is. We worked on this issue for so long that I think everyone involved knew what we meant but the wording we used, because we'd been using it so much, ended up not being perfectly clear. This issue and the resulting MOU apply to every employee who will be tasked with performing duties from the other position, regardless of the percentage of time spent in "blended" duties. An employee performing 25% or more of the duties of the other PD (SITCO or PHSS) will have his/her PD changed to the blended PD, but that's really just a Human Resources thing. For us, we had been referring to anyone performing duties from the other PD as a "blended" person and that's not what the MOU language says. So, we may have confused ourselves and perhaps others unnecessarily. It's really hard to not use that term "blended" in the incorrect way. It is even harder to remember PHTCO and what it means.

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The most significant issue we had during negotiations was training. Some PHSS duties have their own obvious required training, e.g. in order to write phytos, one needs ACO training, etc. But for domestic work, BAST (when you serve out your sentence in Frederick) is the source of that training and is much longer than most people would want to spend in Frederick, Maryland. Luckily we were able to work out a mutually agreeable option: for SITCOs who didn't attend BAST (very much not the same training as New Officer Training or NOT) and are going to be expected to perform domestic work-- the PDC is developing a new training course, a condensed version of BAST that should only be one week! This new training hasn't been offered yet, but it's more of a logistical issue right now. That doesn't mean SITCOs can't perform any of the PHSS work-- just that they can't perform it alone. The same applies to PHSSs who are going to be performing SITC work. Recently, a two week training class was held at the Federal Law Enforcement Training Center, aka "FLETC," that covered the SITC new-hire training. I know that class had some not-so-new SITCOs who hadn't had the opportunity previously to take the SITC class because PPQ wasn't hiring and there weren't enough people needing the class to fill a class. The last page of our negotiated MOU has a comprehensive list of all the duties and what the appropriate training is for performance of those duties; it's a good place to look for guidance. See the following site:<http://www.aginspectors.org/PDF/BlendedPDMOU4-17-14.pdf>

Phased Retirement

Phased retirement is a new law, passed by Congress, signed by President Obama, where eligible, qualified employees can work part time while drawing on part of his/her earned retirement benefits. Phased retirees have to spend a minimum of 20% of his/her time mentoring other employees to facilitate the transfer of knowledge and skills. The new law went into effect in early November of this year. Unfortunately it has not been implemented in PPQ yet. That doesn't mean it won't. While it is discretionary, PPQ does intend to implement a phased retirement program sometime in 2015. I heard the other day that there is a group in HR that is working on our plan and that they've seen the Department's draft plan and are working from that. Hang in there and we'll keep you posted.

New Emblem Contest

Before the last Convention, we held a contest to come up with a new emblem for NAAE. We got several submissions and want to

<http://WWW.AGInspectors.org>

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keep the contest going, we're seeing this as a start on an expanding process. So, between now and the end of 2015 we will continue accepting emblem entries. The best entry will be selected by the NAAE Executive Committee and the entrant will win an all-expense paid trip to the NAAE 2016 Convention.

Below is the winner (a rough depiction of the submittal) from last year, 2014, submitted by Debbie Perreira in Atlanta.



National Council Success Story

The National Council on Federal Labor-Management Relations was created as a result of Executive Order 13522. This Council advises the President on matters involving labor-management relations in the executive branch. It is the guiding body for all of the subordinate forums, like the USDA Forum and PPQ Forum- NAAE is a member of both. At the Council's last meeting, NAAE, jointly with APHIS Labor Relations, was asked to present our "Success Story" to the National Council. So, Frank King, APHIS Labor Relations Chief and I had the

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opportunity to discuss all of the achievements that have been made by the PPQ Forum so far. Honestly until it was all pulled together into a Power Point, I hadn't realized just how significant our accomplishments were. It's so easy to get caught up in the day-to-day, but the presentation of our "Success Story" is impressive. We haven't figured out yet where we want to post the presentation, but we will and will let you know when we do. I am very proud of the work we've done through the PPQ Forum and look forward to doing more in the future. Even more impressive is that NAAE made the agenda of a National Council that reports to the President of the United States!

NAAE Website

The NAAE website is more than just the place to read newsletters. Our intent is for the site to become a valuable resource for NAAE members and local NAAE representatives. During the summer, we put a lot of work into adding even more information. True, there is always housekeeping, and we had to fix a lot of broken links. Did you even know those links were there? Each time modifications are made to the Department site, the Agency site, the SharePoint sites, etc., those seriously hard-to-find sites change. In fact, they just did again last week with the creation of myAPHIS. We have a list under the "Resources for Local Branches" tab called "Links to Helpful Websites" where you can find all the Agency policies, directives, guides, travel regulations and more. We have added a whole new page called Training. On our Training page, we have posted all of the Green Book webinars (though the taped live ones are still in AgLearn) and all the training webinars we've done through the PPQ Forum including Interest Based Bargaining and Labor Relations 101. We even added some training that NAAE wasn't involved in developing but we believe is helpful, specifically the Federal Labor Relations Authority (FLRA) published training on Executive Order 13522, "Creating Labor Management Forums to Improve Delivery of Government Services", and lastly we included some of the training that is given at the NAAE National Convention. Of course, nothing can compare to the live training at the Convention, but if you can't make it, want to preview the training, or have attended and lost your copies, copies of our training materials can all be found and downloaded from our Training Page. Please send any and all website feedback to me at sarahrehberg1@yahoo.com. We don't know if we're on the right track or not if we don't hear from you. We are always looking for new ideas and suggestions! We want NAAE to become an even more valuable resource and advocate for PPQ employees in our bargaining unit.

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Export Certification Specialist Reorganization

For a number of years, when an ECS has left his/her position, NAAE would receive notice regarding how Management intended to split up the vacated coverage area among remaining ECSs. At some point, we knew there just would not be enough remaining employees to take on yet another adjoining state, and that point was reached earlier this year. At that time, we realized that this reallocation of areas had mostly occurred in the West with few if any changes made in the East, and so coverage areas and phyto counts were all over the place. As a result, NAAE and management worked together to redraw all the lines in a fair and equitable way. Now each ECS has close to the same number of phytos issued. We all know some areas issue more than other areas so the state counts and sizes are not all equal. It might seem disruptive at first, building new relationships, but the overall goal was to fairly divide the work for everyone. I think we have achieved that objective.

Fiscal Year 2014 NAAE Activities

I know that we've talked in the past about Pre-Decisional Involvement (PDI) in this column and elsewhere so I won't over-explain now, but just to jog your memories, as a result of Executive Order 13522, the Union is consulted on issues once management has decided that there is a need to look at an issue revolving around the prospect of making a change. By being involved in the decision-making process early on, we are able to contribute to the end product, have input in the decision, and know what the thought process was that led to the final decision. PDI is not limited to those issues and changes on which we get Official Notice from Management with an opportunity to negotiate, nor is it a substitute for such Notice. It's for everything! There are no exclusions for training, security, or numbers, types, and grades or for other matters that by law are non-negotiable. If the PDI topic does affect a change in working conditions, we still receive Notice on the change and are afforded the opportunity to bargain.

In the last newsletter, I included a list of all the topics and issues that we had received PDI and Notice on nationally. In fact it's actually only a list of all the issues I have been involved in, and doesn't include all of the Notice and PDI topics that our Regional Vice Presidents have received and handled, though it might have some overlap if I was also involved. PDI has more than doubled our work load as a national union, and it's been great. Below is the list of everything from fiscal year '14. I'm not

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sure if it's actually fewer issues than the previous year's list or if we've just gotten accustomed to more involvement. If you look at the list, you'll see some items listed both as Notice and PDI, while other PDI issues did not result in Notice given. No Notice was given in those instances either because Notice wasn't required to be given or Management decided against going forward with the change following PDI.

Fiscal Year 2014

PPQ- Notice

Use of Web Roster

Residential Survey SOP (also had a working group to develop it with a union rep on it)

Approval Plan and SOP for Regulated Garbage

Change in Procedures for Processing APHIS 29s

Condition of Employment Reinstatement for entry-level PHSS attending BAST
SNICAS Instruction Manual

Preclearance and Offshore Programs Guidelines for TDY Travelers

Prohibition from Storing Chemicals at Residential Locations

Updates and Changes to the SNICAS Instruction Manual

13 SITC SOPs Rescinded

Field Ops Guidance: Prohibition from Storing Chemicals at Residential
Locations

SITC Reference Guide- 1st set of revisions

SITC SOP 29 Mail Interception Follow up Activities

SITC SOP 8 Animal Products in Commerce

SITC Trace Closure Definitions

SITC Initial Risk Based Actions- Animal Products

EPA Buffer Zones for Methyl Bromide Aeration

SITC Reference Guide- BSE rule change

SITCO/ PHSS Blended Position Description- MOU signed

Identification Authority Policy Change for Entomologists

Lyme Disease Guidance Memo

Change in Authority Statement on the back of the PPQ-516 (site badges)

Changes to the SNICAS Manual

Policy on Treatments for Potential Quarantine Pests Pending Final ID

Recall Guidelines for Imported Products

Molecular Diagnostics Canary Pilot Extension

Federally Recognized State Managed Phytosanitary Program

BRS Staffing in Oregon

Changes in the SNICAS Manual 9-14

Courtesy Notice Transition to Electronic Barcoded Shipping Labels for Permit
Shipments

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PPQ- PDI

Shutdown Details

Condition of Employment Reinstatement for entry-level PHSS attending BAST

Recall Guidelines Working Group- Union Rep

Preclearance and Offshore Programs Guidelines for TDY Travelers

Updated Position Description for SOSOs

16 SITC SOPs Rescinded

Changes to SITC SOP 08, 09 and SITC Initial Risk Based Actions- Animal Products

Updated Position Description for State Operations Support Officer

Updated Staffing Roster Procedures

SITC Trace Closure Definitions

EPA Buffer Zones for Methyl Bromide Aeration

Identification Authority Policy Change for Entomologists

Changes to Export and Trade Specialists Areas of Coverage to Fill a Vacancy

Policy on Treatments for Potential Quarantine Pests Pending Final ID

Lyme Disease Guidance Memo

Abandonment Guidance for Trace Work

Spot Settlement Cross Functional Working Group- Union Rep

Predeparture and Domestic Mail Cross Functional Working Group- Union Rep

SITCO/PHSS Blended Position Performance Elements Working Group- Union Rep

SITC Working Group on a Pilot Operation with CBP for Processes and Referrals-

Union Rep

Transition from AQAS to Agricultural Risk Management System (ARM)

Field Operations Tour of Duty Guidance for the Hubs

Footnote added to SITC Initial Risk Based Action on Animal Products

Field Operations Office Closure SOP

PPQ Strategic Plan

FRSMP- Federally Recognized State Managed Phytosanitary Program

SITC Officer Performance Element Review Working Group

SITC Analyst PD

BRS Position in Portland, Oregon

SITC- IES MOU

Proposed Rule Change on Streamlining

APHIS/ MRP- Notices

APHIS Directive 1810.1 Emergency Notification System

MRP 5400 Motor Vehicle Manual

MRP Directive 1620.2 Acquisition and Use of Commercial Storage Facilities

Changes to HRDG 4630 Absence and Leave

Changes to HRDG 4368 Telework

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APHIS/MRP- PDI

MRP Directive 1620.2 Acquisition and Use of Commercial Storage Facilities

APHIS Shutdown Contingency Plan and Startup Plan

APHIS Directive 3555.1 Acquisition and Information Systems Security Requirements

MRP 3052 Acknowledgement of Employee Rules of Behavior for Government Furnished Mobile Devices

MRP Directive 4630.1 Absence and Leave & HRDG 4630 Excused Absence for Funeral or Memorial Services

HRDG 4630 Leave Restoration

APHIS Directive on Suspension and Debarment

Changes to Chapter 4 of the Motor Vehicle Manual, MRP 5400

APHIS Strategic Plan

APHIS Directive 3210.1 Application Development Policy

Changes to HRDG 4630 Absence and Leave

Changes to HRDG 4368 Telework Program

Update of the Fact Sheet: Flexibilities for Employees affected by Weather and other Emergencies

APHIS Directive 1310.2 Emergency Management

APHIS Directive 1512.1 Alternatives to Rulemaking

USDA- Notice

DR 4040-430 Performance Management

DR 4080-811-002 Telework Program

New DR for Commuter Transit Subsidy Benefits Program

Other

Transit Benefit Service Interruption (during the shutdown)

Employee Viewpoint Survey

PPQ Guiding Coalition

A few times and in a few ways I've previously brought up the PPQ Guiding Coalition. I had a few paragraphs planned for insertion here to reiterate what it is and what we've done (I'm the NAAE representative on the group), but when I sent the paragraphs to Mike Randall for editing, he told me he had a real hard time with it and that they "needed more help than I can give." So, that reminded me that a very talented subgroup of the Coalition had put together a white paper on our activities, and I concluded that their paper would work better than anything I could put together. So here it is:

A Message from Our President- continued

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Who we are: In the fall of 2013, the PPQ Management Team (MT) created the Guiding Coalition (GC), a cross sectional group of employees charged with strengthening modernization in PPQ by engaging the workforce and encouraging employee-led change projects that contribute to the overall effort. The ability to identify and try out grass roots change ideas at all levels in PPQ empowers employees to help shape the agency from the ground up.

Currently, the group is comprised of 16 members spanning all three Core Functional Areas and PPQ's varied work. The GC is working to build, enhance, and engage networks of employees to not only identify and encourage grass roots change opportunities, but to facilitate open dialogue throughout the agency, effectively creating a bidirectional channel for communication between employees and the MT. These employee-based networks provide an efficient way for the PPQMT to leverage employees' experience in solving organizational and mission-related problems not related directly to modernization. The end result is an environment where our leadership and employees are better connected and work together to lead the agency forward. Further, we work toward improving employee engagement by empowering employees to innovate and improve program and organizational processes.

GC Vision: An engaged and dedicated workforce empowered to enhance and optimize efforts to accomplish PPQ's mission. The GC works with all PPQ employees and the PPQ Management Team to:

- Identify ideas, solutions, and improvements within the respective peer groups of GC members;
- Take advantage of opportunities you identify;
- Help solve organizational problems;
- Solicit innovative ideas—whether large or small—that can be tested as initiatives or projects to see whether they work;
- Help those who have suggested improvements overcome barriers to trying their ideas and—if their ideas work—help get those ideas implemented more broadly;
- Assist and guide those who manage and work on these projects; and
- Recommend which projects or initiatives should be expanded and which should be stopped.

The GC will sponsor projects that will help PPQ develop consistent policies, improve internal and external collaboration, increase our efficient use of resources, respond to change with more flexibility, and stay focused on the highest risks to agriculture and natural resources. Small examples may involve improving the way employees communicate, improving processes or forms, or considering procedures we can reduce or stop doing (and of course, still achieve our mission). Bigger examples may include: improving a whole line of PPQ work such as compliance or pre-departure inspections or other broad processes.

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Work to date:

Interim Evaluation Survey: The GC reviewed comments provided by PPQ employees in the Fall of 2013. From those responses, the GC identified a handful of projects, vetted them through the MT, and sponsored the following projects:

- Position Description Revision Initiative: The PPQMT supported the need to refresh and update PPQ position descriptions to reflect the reorganization effort.
- Geographical Use Initiative: an effort to consider utilizing PPQ employees based on how close they are to an assigned task and not by the state the task is located in;
- Resource Inventory initiative: collecting and streamlining the information relating to regulations, training courses, and developmental opportunities information into one location, which can now be found on the GC Share Point site (insert link here).
- PPQ Spotlight: The survey identified a desire by employees to know more about what others throughout PPQ are doing. We tied in this need with the PPQ Spotlight initiative that was already started as a labor relations project.
- Hand-held Device support: The field wanted consistency and support for field data gathering. Information was provided to the since-established hand-held device working group, who is currently working on this issue.

Idea and Initiative Submission Process:

- This on-line process was rolled out in the spring of 2014, allowing all PPQ employees to identify areas of improvement and suggest changes that could be made.
- 27 ideas have been submitted to-date.,
 - o 26 from Field Operations,
 - o 1 from Policy Management,
 - o Many of these submissions resulted in a transfer in information, rather than implementation of a new initiative. See summary of I&Is on the table near the Poster.

Moving Forward: Following the first year, the GC felt there was a need to expand on the member's networking capabilities to reach out to our colleagues throughout PPQ.

- The GC members have begun to reach out to our peers and have conversations with the intent of identifying some common themes that the GC and others can work toward finding better solutions
- A list of items was compiled. Reoccurring themes have been identified and the GC is identifying one or two that we can work further to identify challenges, opportunities, and strengths to hopefully improve upon.

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Challenges:

- **Forming:** The GC was allowed to formulate our own structure and processes, where none previously existed. Our first efforts had some successes, but we continue to look for ways improve and be relevant.
- **Communication:** The GC's first efforts were a one-way request for ideas. This met with some success but we felt the process wasn't optimal. Current efforts to reach out and talk directly with individuals throughout PPQ may prove to be more successful. The GC has struggled to create an identity and purpose which would be embraced by PPQ.
- **Influence:** The GC is a group of volunteer employees excited about making a difference. The Coalition is not a formal decision making body with authority to require change, but instead relies on members' dedication, networking skills, volunteerism, and influence to build new opportunities and affect change.

Welcome New and Returning NAAE Executive Committee Members

Athena Maura Pappas- NAAE Eastern Region Vice President



Hello everyone! My name is Athena Maura Pappas and I have been working with the USDA now for over twelve years I truly love the work the USDA allows me to experience and I look forward to new experiences every day. I began my involvement with NAAE in 2004 when I helped create a local for our work unit in NYC. I joined the National Executive Committee as the Eastern Region Vice President in 2006 and served in that capacity until May 2009, when I needed to take time off to care for my terminally ill Dad. I did remain active in my local after that and then rejoined the National Executive Committee as Eastern Region Vice President in 2014. I truly enjoy being part of the National team and working to help make the conditions of our employment the best they can be.

Throughout my career, I have been fortunate to volunteer and participate on several TDY's which allowed me to meet some wonderful employees throughout the country and develop my skills and knowledge about various mission goals of our Agency.

Athena Maura Pappas- NAAE Eastern Region Vice President- continued

I love to keep busy so I have also held EEO Special Emphasis Program Manager positions in both New York and New Jersey, am on the PPQ Spotlight Committee and work on the NJ EEO Special Emphasis Bi-Annual newsletter. Don't be surprised if you get a call from me sometime to be part of the PPQ Spotlight Newsletter! I really enjoy spotlighting all the wonderful people, groups, teams and programs we have here in the Agency.

I have learned to relax a little bit now, so outside of work, my favorite thing in the world to do is laugh. I have a great sense of humor and feel that I can't laugh enough. I enjoy spending time with my family and friends and getting involved in my community and children's education by volunteering with school leadership teams and Parent Teacher Associations throughout my 29 years as a mom. I have 1 daughter, 3 sons and 2 beautiful grandchildren. Two of my sons, a daughter in law, 7 week old grandson and sister share my home with me. I have two beautiful dogs named Clark and Bella and a gorgeous Albino cat named Vanessa. All have a personality of their own and bring much joy to me at the end of the day when I go home after work.

Mark Segall- NAAE Vice President for Safety and Health

NAAE would like to welcome a new addition to and new position on the National Executive Committee. Mark Segall, PPQ Insect Identifier in Houston, TX is now our first NAAE Vice President for Safety and Health. Mark has worked for PPQ for 33 years. He started as a PPQ officer in Laredo, TX. After two years he transferred to Houston as a PPQ Officer working at the airport and seaport. Also worked at the PIS and later became the back-up identifier. Several years later Mark was added as an additional Insect Identifier. Mark has been a union representative for NAAE for years, primarily as our safety rep. He is currently the NAAE representative on the National APHIS Safety & Health Council and also on the Field Ops Safety Council. He is the NAAE representative on the Plant Inspection Working Group. And as of this year, we are really excited to announce is also the NAAE representative on the FACOSH, the Federal Advisory Council on Occupational Safety and Health. This council advises the Secretary of Labor on matters related to the occupational safety and health of the federal employees. It is made up of 16 members, half management and half labor organizations. This is so exciting and huge for NAAE. Mark, we are so proud of you! Mark's experience with safety is extensive and more than earned him a seat on this Council. He has assisted with several safety reviews which included the Pink

Mark Segall- NAAE Vice President for Safety and Health- continued

Bollworm Rearing Facility and a Plant Inspection Station. Mark has received numerous awards and certificates for his excellent safety achievements. He has initiated the creation of policies and procedures, and even specialized in safety for his GS 12 identifier advancement plan.

New NAAE Facebook Page

Kathy Ortega, Los Angeles SITC Officer and Assistant Western Region VP and

Barbara Hashioka, Los Angeles SITC Officer and PPQ Spotlight Committee Member

A new wrinkle on FACEbook?

What do you and FACE book have in common?

Well, you are fun....right?

You like to keep up-to-date all the time...right?

You are social...Oh yeah you are!

We're not going to NEEDLE you, but it is so painless (and rewarding!) to join our NAAE FACEbook page. It's not BOTOX-ic. It's NO TOXIC. Just follow the easy directions. No high-priced Beverly Hills Plastic Surgeon needed.

Not everyone can join. It is exclusively for NAAE members only.

Let's FACE it. YOU belong!!!

How do you join? Email Victor Zeno <zenivictor@gmail.com>. He will hook you up to our secret FACEbook page only accessible to our members. It's all in the privacy settings.

Get started today. We want to EAR from you!

Check out our page in the near future for a contest where you could win an NAAE FACEbook MUG or something else.

NAAE General Counsel Report

Kim D. Mann

NAAE's relationship with the Labor Relations regime tasked with managing employment and labor matters for APHIS/PPQ continues to flourish, building upon the excellent rapport established during the preceding six years or so. While not totally dispute-free, that relationship has been, for the most part, harmonious and non-adversarial, thanks to an atmosphere of mutual respect, cooperation, and understanding. This symbiotic relationship is traceable to a number of factors. The respect and courtesy with which the respective

NAAE General Counsel Report- continued

leaderships of NAAE and APHIS Labor Relations treat each other, the extensive and generally successful use of Pre-Decisional Involvement (known as “PDI”) to obtain union input and iron out potential differences in advance of Agency changes affecting PPQ employees, the relatively reasonable positions each side stakes out for itself on tough issues, and the comprehensive scope of the so-called “Green Book,” the new national collective bargaining agreement, all play important roles.

Despite the excellent relationship, NAAE and Agency Management have not seen eye-to-eye on every issue cropping up during FY 2014. They were, however, able to resolve their differences without resorting to third-party intervention – arbitration or filing unfair labor practice charges. How three of these “disputes” arose and were amicably resolved – one is still pending – may be instructive in dealing with future disagreements.

1. POV Parking. One potentially contentious dispute started when PPQ advised the local NAAE union representative that PPQ would be moving its local inspection operations into a new facility leased from GSA, and the new leased location would have only limited space available adjacent to the facility for parking PPQ vehicles. The local union elected to negotiate this change in conditions of employment, requesting PPQ to set aside for employee POV parking seven of the 10 “free” spaces GSA had designated for “USDA-only” parking in the adjacent government-leased lot.

Management initially declined NAAE’s request, claiming GSA will not permit employees free parking for their POVs on GSA-provided lots, and, therefore, all the limited space available to USDA/APHIS would have to be designated for GOV-only parking. Employees were told they could use a near-by small crowded employee lot shared with CBP or a commercial visitors’ lot for their POVs. The local was not satisfied. The CBP-shared employee lot was often full at report times; near-by on-street parking was non-existent; and the area surrounding the visitors’ lot was considered unsafe, plagued by crime and periodic shootings.

During the ensuing collective bargaining process, local Management produced evidence of its efforts to persuade GSA to designate some of the USDA-allocated spots for PPQ employee POV parking. GSA had refused, claiming public funds could not be used to subsidize employee parking and citing a GSA policy, codified as a regulation at 49 C.F.R. § 102-74.285, allegedly prohibiting employee parking on GSA-leased land. PPQ Management claimed its hands were tied, and the NAAE-Agency negotiations stalled.

NAAE General Counsel Report- continued

The local union then filed a grievance, arguing that Management's non-action violated the Green Book, specifically Article 48, Section 5, requiring PPQ to make "a reasonable effort" to obtain properly marked parking spaces for employees at PPQ facilities. (The local union interpreted this obligation to mean free parking.) The union also pointed out that the GSA regulation in question wasn't a mandatory regulation or directive at all, only a guideline for federal agencies, and, even as guidance, it merely suggested how to prioritize available parking in GSA-leased space. While GOVs headed this GSA priority list, and thus were entitled to top priority, employee POVs were also listed, albeit near the bottom as a low priority after POVs of the handicapped and visiting dignitaries. The union's grievance may have been on shaky legal grounds – PPQ quickly denied the grievance at the first and second steps – because the Agency's legal commitment under Art. 48, Sec. 5 of the Green Book was only to exert a "reasonable effort" to secure marked parking for POVs, and its proven effort, albeit unsuccessful, to convince GSA to agree to give BUEs marked spots on the new adjacent lot arguably might pass this modest "reasonable effort" test.

Nevertheless, even while the union's grievance was pending, the local PPQ Manager and the local NAAE President continued to search for common ground, leading them to engage in further discussions addressing the parking dilemma. Informally, they resumed negotiations and put the union grievance temporarily on hold. The local union modified its original negotiating proposal. Relying on the GSA guidance listing recommended parking priorities and seizing upon an earlier constructive suggestion from Management's negotiator for equitable shared use of parking space, the union proposed a compromise solution: the Agency allows PPQ employees to park their POVs in any available vacant USDA-only marked spot on the adjacent lot not in use or needed at the time for parking GOVs, and any POV overflow parking is in the visitors' lot or the CBP-shared lot near the new facility. The Agency accepted this revised proposal, finally settling with NAAE in a written MOU to which GSA apparently did not object. NAAE, of course, then dropped its grievance.

2. Delayed Promotions. Four PPQ Officers working at the same duty station were up for career-ladder promotions from grade GS-7 to GS-9 after putting in the requisite time in grade. Their anniversary dates and waiting periods came and went. No promotions. They were not informed why, although each had "satisfactory" or "fully-successful" performance ratings. They complained to their supervisor and requested

NAAE General Counsel Report- continued

retroactive promotions, with back pay. Their supervisor's initial response: you're out of luck; you're not entitled to retroactive promotions and back pay.

The NAAE local filed a grievance on their behalf under the Back Pay Act, 5 U.S.C. § 5596. The local claimed the Agency committed an unjustified personnel action – namely, its inexcusable failure to promote them in a timely manner violated the Green Book, Article 42, Section 6 and cost them loss of pay, the difference between the GS-7 pay they did receive and the GS-9 pay they would have received had they received the timely promotions to which they were entitled. The grievance sought retroactive promotions and back pay for the grievants.

The union and grievants soon discovered or were told that the grievants' supervisor had not intentionally denied them promotions or delayed their effective dates, nor did he have any basis for doing so. He simply had failed (or forgotten?) to process the necessary paperwork for the promotions and submit it through proper Agency channels in a timely fashion. In responding to the grievance, local Management first took the untenable position that the employee-grievants were to blame – it was their fault, Management contended, because they had failed to notify their managers in advance that it was time to promote them. That harsh, blame-shifting position was a non-starter. It was contrary to the Green Book's negotiated article on career-ladder promotions, Article 42. Section 6 of that article states in effect that only two conditions must be met in order for a PPQ employee to receive an otherwise automatic career-ladder promotion: the PPQ employee must (1) possess the job qualifications and meet the time-in-trade requirements, and (2) hold a performance rating of at least "fully successful." The four grievants had met those conditions. The Green Book says nothing about employees having to notify their supervisors in advance.

While the grievance was still in the informal stage, Management backed away from its initial position when faced with the clear language of Section 6 of Article 42. The Agency ended up agreeing to grant the grievants retroactive promotions to GS-9 positions, retroactive to their respective anniversary dates, and to provide them the back pay as requested.

During discussions with Management over the terms of the grievance settlement, another issue arose: were the grievants also entitled to receive interest on the unpaid amounts they were owed? At first Management said "no," claiming federal agencies may not pay interest on <http://WWW.AGInspectors.org>

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sums due employees unless a judge orders them to do so. While interest payments are not specifically addressed in the Green Book, the Agency's position conflicted with the governing federal statute, the Back Pay Act. There, Congress provides that federal employees entitled to back pay from their agencies shall also be paid interest on all amounts owed, computed at the rate specified in § 6621(a)(1) of the Internal Revenue Code, compounded daily. That rate is the federal monthly short-term interest rate plus three percentage points.

The local NAAE union held out for this statute-based entitlement to interest, and PPQ finally agreed. It became an important provision in the final version of the settlement agreement signed with the Agency.

3. GPS Tracking. Is Big Brother watching you, or planning to watch you, even when you're off the clock? APHIS/PPQ claims not, but NAAE wants to make sure. In a "dispute" arising in the context of collective bargaining over the wording of a new document, MRP-3502, titled "Rules of Behavior For Government Furnished Mobile Devices," currently only in draft form, NAAE and Management are battling over the scope and limitation of those Rules of Behavior. The Agency wants APHIS/PPQ employees to sign this document at the time they receive Agency issued mobile devices (*i.e.*, cell phones, smart phones, tablets, laptops, etc.) and as a condition to receiving and being able to use them. By signing, they would be effectively agreeing to and acknowledging, among other things, the Agency's right to monitor and report on their whereabouts while on duty through the mobile device's built-in GPS function. They would also be agreeing to relinquish their right to privacy when using these devices.

The contested draft agreement sets forth in detail the Agency's rights and employees' obligations in connection with the employees' use of the Agency's mobile devices. No where in this Agency drafted agreement, however, is there any mention of employee limitations on device use, such as for government-business only, or of restrictions on the Agency's use of the device in monitoring employee movement and location, such as only while on duty, or of any software program or mechanism installed on the device, whether employee activated or otherwise, disconnecting the device's GPS capability when employees are off duty.

When NAAE's Chief negotiator, Michael Randall, questioned Agency representatives about these three unaddressed subjects, he was told not to worry, the GPS function would not be used to track employees when

NAAE General Counsel Report- continued

off duty, but, contrary to what MRP staff had told NAAE during PDI, its use would not be limited to aiding state, federal, and local law enforcement track missing devices.

NAAE's initial negotiating proposals, addressing the impact-and-implementation of the proposed mobile device agreement, included the following, among other requests: (1) the Agency will use the devices' monitoring-and-reporting functions only at the direction of law enforcement agencies seeking to retrieve lost or stolen devices; (2) alternatively, the Agency will furnish all employees receiving the device written notice that the devices may be used for tracking their performance and for disciplinary (or conduct) purposes while the employees are on duty; (3) the Agency may not use GPS functioning devices to track employees unless there is a legitimate agency business purpose for doing so and the device itself has been recently certified to provide 99% reliable, accurate information; (4) the Agency will not use the GPS function to track employees during off-duty hours, will deactivate the devices when off-duty hours commence, and will not access or otherwise use stored data collected from such devices during off-duty hours; and (5) the Agency, when using GPS data for performance or conduct purposes, will comply with all state and federal privacy laws.

These GPS negotiations are on hold for the moment as NAAE and Agency negotiators tackle more pressing issues. But before postponement, Management informally commented on NAAE's five-point proposal above. It claims generally the union proposals would unreasonably and unnecessarily restrict Management's right to access and use the GPS data, characterizing those data as "official records." The Agency, at the same time, also reiterated that "Management does not [intend to] utilize the GPS information to track employees during their off-duty hours." Given the Agency's informal position, NAAE may modify, possibly even delete, its first and third proposals once negotiations resume. NAAE is, however, also likely to continue to insist that the Agency supplement the new Rules of Behavior by adding an express statement to the effect that the Agency will not access or use for any purpose GPS information about employee whereabouts collected during employees' off-duty hours. On what possible basis could the Agency, in good faith, refuse to agree to this union proposal, given its verbal commitment not to track employees during off-duty hours? Without that written inclusion, there are no assurances the Agency will not be able to make improper if not abusive use of the collected data.

Uniform Update

Victor Zeno, PPQ Technician and Uniform Committee Chairperson

The Uniform Committee has been really busy trying to get new and improved items for our uniform wearers. When the Agency's contract ended with Zeffi, we were guided to follow new directions proposed by USDA and joined a program called Ability One (<http://www.abilityone.org/>). Eventually, all USDA agencies will be joining this program. Through this program, we selected our new uniform supplier, Human Technologies Corp, HTC for short.

Last summer we met with representatives of HTC to discuss our requirements and requests and they were very open to our ideas and needs. Since then we have been exchanging emails, holding teleconferences and reviewing new items to be added to our catalog. In the beginning, when we open the website for orders, there will be a lot of items that were carried before. DO NOT STRESS! HTC is working with us to improve our uniforms for better materials, better quality items and better variety. But this takes time. HTC will be working with some suppliers to manufacture those new items for us. This is a process that takes time. In the meantime, there are new items, some old items and more choices. That is what we strive for. Better quality items and better choices. We do not have an exact date for when the ordering will start, but keep an eye on your emails; it will be sooner than later.

Extra Note on Uniforms

Sarah Rehberg, NAAE President

I can't help it; I just have to chime in. The Uniform Committee is by far my most favorite committee and I had the privilege of being a part of it for several years. Its hard work and the committee members take a lot of abuse from employees, so remember to be nice to your representatives! Many aspects are just out of the control of the committee members, but they can and will get you information and answers.

That's not what I wanted to say though; we wanted to take this opportunity to remind everyone that there is a provision in the Uniform Guidelines that allows domestic work units to negotiate the wearing of uniform and non-uniform apparel. If you haven't taken advantage of this opportunity, you might want to; it's nice to have that added flexibility to not wear all of your uniform, or to not wear your uniform at all on certain days. Check it out under Section 11 e: <http://aginspectors.org/PDF/Uniform.pdf>. Our Green Book in Article 54, titled "Uniforms," Section 2, sets forth our rights, your rights on this subject: "Optional use of uniform parts and insignia will be negotiated at the local level and not conflict with national policy and guidelines."

Safety “A State of Mind”

Mark Segall, NAAE Vice President for Health & Safety

Whether you realize it or not safety is such an important part of our everyday lives, both at home and at work. From the moment we wake up to when we go to sleep we are constantly challenged by events that may pose a safety and health issue. We try our best to navigate these waters based on life experiences. I believe it is essential that we make every effort to recognize these hazards if we are to prevent a loss of a life or a limb. Each person must take an active role concerning protecting his/her health and safety on a daily basis. One way of doing this is to ask ourselves the following questions, to do a daily mental tune-up in order to always keep **“Safety as a state of mind.”**

ARE YOU PREPARED IN THE EVENT OF AN EMERGENCY?

The following is a brief list of questions that a person needs to be able to answer to make sure they are prepared in the event an emergency occurs:

- Do you have a family Emergency Plan?
- Does your Emergency Plan include Evacuating Procedures and Escape Routes?
- Do you have a Basic Disaster Supply Kit?
- Do you have a first-aid kit? Do you know how to use it? When was the last time you checked the kit to make sure nothing is missing or has expired?
- Do you have flashlights? Do they work? Do you have enough fresh batteries?
- Do you have enough food and fresh water for each person in your family?

This is the time to answer these questions so you are ready to act when the situation arises.

Remember, the life you may save could be your own.

PPQ Forum Update

Jim Triebwasser, NAAE National Treasurer

On December 9, 2009, Executive Order 13522, “Creating Labor-Management Forums to Improve Delivery of Government Services,” became effective. The purpose of the Executive Order is to establish a cooperative and productive form of labor-management relations

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PPQ Forum Update- continued

throughout the Executive branch, including USDA, as a means of improving the effectiveness and efficiency of government operations. In 2011, PPQ created a Forum with the National Association of Plant Protection and Quarantine Office Support Employees (NAPPQOSE) and the National Association of Agriculture Employees (NAAE). NAAE currently has four members on the PPQ Forum: Sarah Rehberg, Mike Randall, Jim Triebwasser and Arlo Wiltenburg.

The PPQ Forum held its annual face-to-face meeting in Los Angeles, CA during the week of March 24th of this year. Some of the highlights of the meeting include Federal Mediation and Conciliation Service (FMCS) team building exercises, interest based problem solving, a refresher on Executive Order 13522, and an overview of the function of FMCS. This was followed by a tour of the new Los Angeles Plant Inspection Station, where the Forum meeting was held. Once again we discussed the challenges of coming up with good ideas for metric projects -- joint Labor-Management projects producing objectively measureable results -- so we'd just like to remind everyone we are open to ideas! Please send them on to any NAAE PPQ Forum member.

The Executive Order requires the PPQ Forum to develop a set of "metrics" each year that can be used to measure the results of the PPQ Forum. Metrics are used to assess program success in government and other arenas. The PPQ Forum has set goals in its metrics to measure the success of certain activities. The PPQ Forum is using an improvement in the results of the Employee Viewpoint Survey ("EVS") data as the measure for some of the areas.

There are three areas for which metrics must be developed:

1. Labor-Management Relationship
2. Employee Satisfaction and Engagement
3. Mission and Service Delivery

The table below is an outline of this year's metrics and includes a progress report. It is very likely that for the first time the PPQ Forum may not meet all of our goals this year. We're ok with that, well NAAE is; the PPQ Forum always had an ambitious list of projects, and sometimes it's more than we can accomplish, a fact we readily acknowledge.

PPQ Forum Update- continued

Metric	Issues	Elements	Baselines	Goals	Progress
Labor Management Relationship	<p>1.Desire for collaborative rather than confrontational relationship.</p> <p>2. Increased efficiency of the forum.</p>	<p>Productivity of the relationship</p> <p>Productivity of the relationship</p>	<p>Baseline is zero the parties have not participated in Consultation /PDI in the past</p> <p>Baseline is zero the parties don't have a way to determine if PDI is reducing time to implement change.</p>	<p>Jointly develop Consultation /PDI training webinar and host a minimum of 4 webinars prior to November 30, 2015</p> <p>Jointly develop a tracking mechanism by July 30, 2014 to evaluate the successfulness of PDI. (Identify when PDI has reduced or eliminated the official notification period)</p>	<p>Four sites identified and scheduled, one completed: Los Angeles, CA Honolulu, HI Miami, FL Puerto Rico</p> <p>Mechanism not developed</p>
Employee Satisfaction and Engagement	Improve the process for employees to receive information from management regarding happenings in their organizations	My Satisfaction	Baseline is 2. The SharePoint site has minutes from 2 SPHD calls in 2013	Post all SPHD call minutes on SharePoint in 2014	Not completed, only two sets of minutes have been posted for this year
Mission and Service Delivery	Identifying employees that are exempt/accepted during a government shutdown	Problem resolution	Broad agency shutdown plan	Draft a shutdown guidance document by November30, 2014 which identifies the principles of how employees are designated to work or not during a government shutdown	Plan was sent out on December 1, 2014 that was incomplete and functionally questionable-very much in progress

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

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