

N.A.A.E.

National Association of Agriculture Employees

NEWSLETTER



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OUR Web Site <http://www.aginspectors.org>

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



A Message from Our President

Sarah Rehberg

Raleigh Management Consultation

The last week of February, the NAAE Executive Committee had a meeting in Raleigh, North Carolina, which included a consultation with Management. It was definitely my most memorable meeting, a meeting made memorable by unexpected winter weather. The day of our consultation meeting it snowed, not a lot from my perspective being a native Michigander, but a lot for Raleigh, reportedly 9 inches though it didn't accumulate. As a result the Hub office was closed. Though, we still carried on with our meeting. Later in the week, our hotel lost power (as did most of Raleigh) for several hours during the troubling flurries, so we enjoyed training from Kim Mann, NAAE General Counsel, delivered by the light of several hotel provided glow sticks, the dying screens of our laptops, and the flashlight power of an iPhone.

Our consultation meeting was well attended by top Management and included: Rebecca Bech, Associate Deputy Administrator; Carlos Martinez, Associate Executive Director; Mike Lidsky, Special Assistant to the Deputy Administrator; Keith Miller, Labor Relations & Employee Relations, Office of the Deputy Administrator; Beatrice Jacobs, LR & ER, Office of the DA; Frank King, Chief of Labor Relations; Robi Maple, Labor Relations Specialist; Kirk Bateman, Employee Relations Specialist (on developmental assignment with Labor Relations).

We talked about the budget, the 401 freeze, the User Fee increase, general hiring frustrations, unresolved shutdown issues, our interactions with CBP, training, safety, fumigations, telework, several questions submitted by members and more. We checked in on every issue we could think of that PPQ employees would have an interest in. Management officials were very candid with us and forthcoming with valuable information. Now we are in an even better position to answer

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your questions on those topics. For more specifics talk to your local president or join our NAAE Facebook page. Just as important, Field Ops management now knows what's on the employees' minds in the field. Lots of good give-and-take.



New Emblem Contest

I covered this in the last newsletter but want to bring it up again. As a reminder, we are holding a contest to come up with a new emblem or logo for NAAE. It doesn't have to be created by an NAAE member--empower those who are artistic in your lives; the only hitch is that the creator has to be willing to give the design to us, license us to use it. 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.

NAAE is on Facebook

Yeah, I know I talked about this last time too, but I'm doing it again and most likely in every newsletter for a while. We know we are late to the

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game when it comes to Facebook, but we are really hoping it will become a helpful interactive tool for members, and we on the Executive Committee of NAAE are committed to ensuring that it will. We tried this several years ago with a Yahoo email group and it worked for a little while but fizzled. That's likely when we now know we should have been on Facebook.

Being a member of the NAAE Facebook page does not open your personal profile to anyone one else on the page unless you are already friends with them or don't have any privacy settings. I tested this myself to be sure. The process for being added to the page is simple: if you want to join our page (or if we find you), just send a friend request to the profile, NAAE-PPQ. We added the NAAE emblem/logo as the profile picture so you'll recognize it. Once we add you to that page, we can put you into the group page and then you can unfriend the NAAE profile.

If you're already on the page, let us know what you like, don't like, and would like to see more of or done differently. We know we can always do better but need your feedback in order to improve.

Honolulu, Hawaii

A couple weeks ago I had the opportunity to go to Hawaii. The local agreement negotiations taking place there had been ongoing for several years and because of issues within the port, PPQ decided several months ago to dedicate the resources needed to finish that local contract and hopefully fix some of the festering issues. So instead of periodic telephonic negotiations that had been taking place spread over a long period of time and had included Labor Relations, a week of intense face-to-face negotiations was planned. To assist with that negotiation effort as support and possibly to serve as mediators, Frank King, Labor Relations Chief, and I were enlisted to help out. In order for us to be called into action though, the local negotiators needed to get stuck, so we had time at the beginning of the week to tour the port. And tour we did. We anticipated time in the office, catching up on email and projects, but instead we had a four-day packed schedule. It was fantastic. I knew the basics of pre-departure from personal trips, but this time we got to see every part of PPQ operations on the island of Oahu. We got to tour the Waimanalo Irradiation Facility and the California Department of Agriculture's Fruit Fly Rearing Lab; we went to the SPHD office in the Federal Building, the Kapolei fruit fly trapping office, the Halawa canine

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facility (and played with the dogs, not saying this was the highlight but. . .), and the Paina Irradiation Facility; we toured all the gates and x-rays in the airport, the Plant Inspection Station, Hickam Air Force Base, the Post Office, and an airline cargo facility. I also got to put faces with names of people I've talked to or emailed with in the past. It was an incredible opportunity and I am very grateful for the hospitality shown us during our visit.

Past Newsletters

From time to time I like to look back and see what was going on in PPQ several years ago. For now, on our website, www.aginspectors.org, the newsletters only go back to 2000. I want to go further back. I got a prime condition 1983 newsletter from a member that was recently added to our website. It was fantastic and I'm really hoping that some of you out there have more pre-2000 editions tucked away in a box or in the back of your desk. If you do, please send them to me; you can scan and email them or mail them, whatever is easier. Please take a look around to see if you have any of these. I hate to think that some of the history of NAAE could be lost because we didn't think to ask for these sooner.

Voluntary Lateral Transfers

There are two places to look for information on laterals, and unfortunately the information is conflicting. In the Green Book, we have Article 45, Voluntary Laterals, in which employees are restricted to only transferring between positions of the same working title, so for example an ECS to an ECS position. During negotiations we wanted more flexibility but management was concerned about meeting or ...not meeting any training requirements. After we finished the Green Book, we worked on a MOU to flesh out the actual procedures for how we would handle lateral transfers. In case you haven't looked at the procedures lately, they are much different than they used to be. You may remember the lateral list opening up only a few times a year and that was the only opportunity you had to get on the list. Not anymore. Now you can request a lateral transfer at any time. And another change- the lateral list on which your name appears is only good for two years. After two years, if you are still interested, you must simply submit another request. There is a limit though; you can only request a lateral once every six months. We felt this flexibility would help and also would keep

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the list more up to date. While we were negotiating the MOU, it became apparent that the flexibility we had been looking for and didn't get in the Green Book regarding transferring positions would turn out to be advantageous to Management. It was clear that filling vacant positions was going to become very difficult, and so we made an agreement in the MOU that allows people to transfer to another position in the same series but not necessarily with the same working title. So now for example, a Pest Survey Specialist can transfer to a SITC Officer position. But management wasn't sure how long they wanted that option to be available, so our MOU expired after a year, and honestly, we didn't realize it. So there was a period of time when technically this type of transfer wasn't allowed- except no one was enforcing that. Now we've adjusted the MOU so that it doesn't expire and runs concurrently with the Green Book.

If you'd like to take a closer look at the MOU, it's posted on our website at: <http://aginspectors.org/PDF/VoluntaryLateralTransfers3-18-15.pdf>

Also the most current lateral transfer list may be found on the PPQ Field Ops SharePoint site at:

<http://sp.we.aphis.gov/PPQ/fieldops/FieldOpsAdmin/resourcemanagement/personnel/Lateral%20Listings/Forms/AllItems.aspx?RootFolder=%2FPPQ%2Ffieldops%2FFieldOpsAdmin%2Fresourcemanagement%2Fpersonnel%2FLateral%20Listings%2FLateral%20List%20Consolidated%20Final%20Submissions&FolderCTID=0x012000C48FEC66830531459E002D7C0FBC9F65&View=%7b46DB7C94-72C7-47E5-8CF0-4C80DCB11BD7%7d>

Even though we have some flexibility built in now, there are still always going to be situations that don't fall under this option. Don't worry; we are all about making exceptions in the right set of circumstances! Priority will be given to those that fit the current criteria, but if there aren't any employees that do, there's no reason not to ask for an exception. That's how one identifier got to lateral to a PHSS position.

There is a down side and that's the PPQ Policy that applies to lateral transfers. We don't think it's posted anywhere that I can provide a link to, at least as far as we know. But every year when the primary announcement goes out regarding the lateral list, the governing PPQ policy is attached. If you are offered a lateral transfer and decline, you are not eligible to transfer to any other location for one calendar year.

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This applies to and includes special laterals.

While the hiring restrictions of the past few years have been difficult on us all, one very positive result has been management's significantly increased use of the lateral transfer list. We hope to see this trend continue.

NAAE New Employee Brochure

There is a new and exciting tool posted on our website Take a look:
<http://aginspectors.org/PDF/NAAENewEmployeeBrochure.pdf>

It can be really awkward approaching a newly hired employee and talking to him/ her about joining the Union (after hours, at lunch or in accordance with the Green Book's Article 7, Section 6 A) so one dedicated, active (and talented) local president (Julie Orr of Atlanta, Georgia) created this brochure. We love it. This tool helps you open that conversation and most importantly allows the employee to think about the decision to join on his/her own time. This is a great tool to have on your NAAE bulletin board, or lying around in the break room. Of course we don't expect it to be a substitute for conversation but it is a good way to get the conversation going in a positive direction.

PPQ Forum Metrics

Every year the PPQ Forum develops metrics for the year in three areas, labor-management relationship, employee satisfaction and engagement, and mission and service delivery. The Forum identifies an issue, an element, what the baseline is and our goals for how to improve that baseline and address the issue. Most of the time it's not hard coming up with projects to work on; the hard part is not overextending ourselves with more work that we can find the time to accomplish. This year we have a pretty exciting list of Forum projects that we'd like to share.

Labor Management Relationship:

-For our first project we have to go back to last year's project. Last year we offered PDI (pre-decisional involvement) and consultation training in four "local" locations. This was a pilot to see how it worked and if we needed to make any changes. So this year, we're going to gather feedback from the original four and use that to improve the training that

A Message from Our President- continued

we'll be providing for at least 9 new local locations. Hopefully this training will educate our local union and management representatives in what the expectations are for PDI and consultation that were agreed to in the PPQ Forum Charter.

-Often the Union gets drawn into Reasonable Accommodation cases and our role is unclear. So, jointly we are going to draft a document that makes it clear and shows management's obligations and the union's possible roles. When completed, it will be distributed to all of Field Ops.

Employee Satisfaction and Engagement:

-Before the split, we had a box of extra uniforms in the storage room here that new employees could take advantage of while waiting for their new uniforms to arrive. We hope to create something like that on a larger scale, something for Field Ops employees where they can make excess uniforms available or request specific uniforms. We aren't supposed to call it this, but it is sort of an internal Craig's List for uniforms. There

are always going to be delays in obtaining uniforms and many of us have a closet full of extras that we probably won't ever utilize. We are hoping to create a process that fixes both issues and down the road could lead to reductions in uniform costs- though that would be for each individual employee to decide.

-NAAE union reps are sources of information for employees. If we can't find the needed information though, then we can't be that resource. Many times there are administrative notices or other somewhat obscure policies (Attendance at Professional Meetings, Lateral Transfer Policy) that aren't listed anywhere that we can readily find. So this project will ensure all the administrative notices and rules are available to all employees on a SharePoint site.

-Currently there is an on-going project in PPQ endeavoring to review all of the 700+ position descriptions that are out there. This got us thinking that there are many more positions in PPQ than there are position descriptions posted online. This project is going to work on posting the majority of Field Ops positions on SharePoint, including those for supervisors, managers and discrete PDs.

-Upper management continues to work on increasing communication, and we think they are doing a good job of it so far. But we wanted to

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look at it from the other direction, not just as a one-way street. So we are creating a working group that will explore methods and best practices for more effective communication between the field and upper management.

-Our last project in this category is a carry-over from last year, because it didn't get done. It happens. Many people love to read the minutes from the SPHD calls and they haven't been consistently posted anywhere for several years. So the goal for this project is to post all of the 2015 SPHD call minutes on SharePoint.

Mission and Service Delivery:

While the shutdown has passed, we still are in need of an improved process and updated guidance in case we are threatened with one again, so we're going to do just that. Hopefully we won't need it but if we do, we are going to be prepared!

Let us know if you have any ideas for future metrics!

National Constitution and By-Laws

Very soon you should receive another envelope from NAAE in the mail. Please be on the lookout for it. The national by-laws have not been updated since 2004. In the last 11 years, there've been a lot of changes, and we need to capture those officially in writing. In order to make those changes the membership must vote, so please return your ballot right away!

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 2016 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 2016 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!

Employee Investigations...Where Do We Start?

Athena Maura Pappas

It's normal to get nervous when asked to represent an employee in an Agency investigation, but don't worry, you'll do fine; just follow the tips and instructions below. It's important for both employees and union representatives to know what to do in this situation. Also remember, employees have the right to not request representation when involved in an investigation, though obviously we would strongly advise against that.

First, let employees know what to do before they're ever contacted to participate in an Agency investigative interview or meeting. Remind employees that if they are ever contacted or called into a meeting unexpectedly and are told the meeting is part of an agency investigation; they have "Weingarten rights" as long as certain conditions exist. These rights are a result of a private sector court case of the same name. They allow an employee to be represented by the Union at any examination of the employee by a representative of the Agency in connection with an investigation if both of the following two additional criteria are met: (1) the employee reasonably believes the examination may result in disciplinary action and (2) the employee requests union representation. So, it is critical for NAAE represented employees to know that they must ask for a union rep if requested to participate in an Agency investigation and they want that representation. Once that happens, the interview stops and may not proceed until the employee can have representation present **unless the investigator or other Agency official expressly gives the employee immunity from disciplinary action**, thus destroying any claim to a reasonable belief the employee might have harbored about being disciplined as a result of answers given during the investigative meeting or interview. Absent such immunity, once an employee asks for a representative, the investigator is required to stop or suspend the interview.

Some very clever, resourceful NAAE Local Union representatives at the Miami Inspection Station have developed Weingarten wallet-size cards. This card summarizes the so-called Weingarten rights of bargaining unit employees. The card can be found on the NAAE website and is intended to be printed on business card paper and carried in the employee's wallet or purse. <http://aginspectors.org/PDF/WalletCards.pdf>. The card is a great tool to distribute to all NAAE represented employees in your work unit.

Employee Investigations...continued

If the employee requests representation in a Weingarten setting and there is a local branch in the area, the Local will determine the specific representative who will be assigned to be present to represent the employee during the investigation, whether in the form of a physical or telephonic meeting. If there is no local branch, the Regional Vice President will be notified and will determine the representative. This means the investigator cannot stop the meeting, look around and tell the first union rep he/she sees to come join the meeting to represent the employee. It is up to the Union (not the Agency investigator or even the employee) to decide who from the Union will represent the employee in a Weingarten meeting.

Often, in an effort to not have to stop the meeting in mid-stream, the investigator will notify the employee ahead of time. Also management will often send a courtesy advance notification to the Union just in case a representative is requested. Article 25, Investigative Examinations, in the Green Book includes an acceptable notification form. Sometimes the investigator will send this form to the employee to sign and return prior to the interview, apprising him/her of his/her Weingarten rights, including the right to request representation absent a grant of immunity. Advance notice is a requirement if the interview is conducted above the level of first line supervisor. If it is not provided in advance, then it's important that the Union representative ensure that the employee is made aware of his/her Weingarten rights.

If the employee has been contacted through email by an investigator, you as the local Union representative should (1) suggest the employee respond to the email, cc'ing you as the union representative, and (2) immediately ask the investigator in the email-response the following:

1. Am I the subject of the investigation, as opposed to just a witness?
2. What is the general nature of the investigation, administrative, civil, or criminal?
3. Could my participation in this investigation lead to disciplinary and/or criminal action against me?

It is unlikely the Agency or the investigator will give the employee a definitive answer to question number three above. But regardless of the answer, all that is required in order to trigger the employee's right to

Employee Investigations...continued

request and receive union representation is for the employee to reasonably believe the interview could result in disciplinary and/or criminal action. At that point, the employee's Weingarten rights kick in and he/she is entitled to have union representation unless the employee is granted immunity from administrative discipline.

Whenever possible the employee and his/her union representative should meet prior to the investigative interview or meeting to discuss in general the union rep's role in the up-coming meeting, to go over what has occurred leading up to the meeting/investigation (to prevent surprises), and to plan how best to respond during the meeting or interview. This would be the best time to discuss with the employee what line of questioning might come up and how the union rep and the employee believes he/she should answer those questions. As the union representative, you want to advise the employee to answer truthfully, to the best of the employee's recollection, and not to state a fact unless he/she is sure of it.

For instance:

Fact:

Question: Did the dog cross the road?

Answer: Yes

The best of his/her recollection:

Question: Did the dog cross the road?

Answer: I believe the dog crossed the road.

It is critical for the union rep to advise the employee to stick to "yes" or "no" answers during the investigative meeting/interview, if at all possible, and not to elaborate on his/her answers unless asked to do so by the investigator. An exception would be if the employee feels that by saying "yes," it may contradict something he/she believes or it may leave a false, damaging impression.

For instance:

Question: Was it daytime?

Answer: Yes, but it was dark, overcast and made inspections difficult.

Be sure to advise the employee not to offer any extra or unnecessary

Employee Investigations...continued

information. The answers he/she gives may lead the investigator to ask additional questions or dig deeper based on what the employee voluntarily and unnecessarily offers in prior answers. That in turn could cause trouble for the employee that he/she otherwise would not have encountered.

For instance:

Question: Do you accurately record your hours on your T & A?

Answer: Yes, but sometimes if I am late, I will work through lunch so I don't put down I was late.

By your giving the above elaborate answer, the investigator will now be prompted to go into questions that could get that employee into serious trouble. The employee's answer should simply have been, "I believe so, to the best of my knowledge."

The employee should be instructed to be honest and truthful, answering to the best of his/her recollection. The employee should be advised never to guess or speculate about an answer. If he/she is not certain, he/she should be advised to start with phrases that indicate that uncertainty, such as: "I think," "I believe," "I'm not sure," etc.

For example:

Answer: As I recollect, I believe it was dark and overcast which made inspections difficult.

During the investigative interview, the employee is obligated to be cooperative with the investigator -- this is essentially an assignment of work. The employee must answer all questions asked and must answer them truthfully, although the employee does have the right under the 5th Amendment of the Constitution to decline to answer in the context of a criminal investigation if he/she reasonably believes the answer would implicate himself/herself and lead to criminal charges, or if the employee currently has an open criminal case. That belief of incrimination is, however, not deemed "reasonable" if the Agency investigator has read him/her his/her Kalkine rights and/or Miranda rights, in effect granting the employee immunity from criminal prosecution based upon the information disclosed (except for a false answer) and advising the employee of his/her right to legal counsel. If the investigation is not

Employee Investigations...continued

criminal or civil in nature, but only an administrative investigation by the Agency, the employee must answer all questions regardless of whether the Agency has granted the employee immunity from administrative discipline.

In other words, in a criminal investigation, if an employee is given immunity and still does not answer questions when asked, the government may discipline the employee for not answering the questions and failing to cooperate with the investigation. This could lead to suspension or removal. The same outcome could, and in fact is likely to, occur during the course of an administrative investigation when the employee fails or refuses to answer an investigator's question, irrespective of any Agency grant of immunity from administrative disciplinary action.

The union representative's primary role during the interview is to provide advice to the employee, to protect the employee's rights, and to act as a witness. The union representative cannot answer for the employee or offer explanations of what he/she believes the employee is saying. If the employee is unsure how to answer or if the union representative wants to hear what the employee intends to say before officially answering, either one may ask permission of the investigator to speak to each other in private before answering the question. This is always a good idea. Nor may the union rep disrupt, interfere with, or end the investigation at any time. He/she may take notes, but can't record the meeting electronically. I strongly advise taking careful notes on all questions asked and the employee's response just in case the investigator's draft document, probably in the form of a witness statement, sent after the fact summarizing the interview does not match up with what transpired during the interview/meeting.

After the investigative interview is completed, the investigator will email the employee a draft statement containing the questions asked and answers given during the interview (or a detailed summary of them), with a request that he/she review them and sign off on the draft summary statement as accurate. Some investigators may omit or add questions in this draft statement or inaccurately capture answers to certain questions. This is where the employee will have the opportunity, an opportunity he/she must seize, to review the investigator-prepared draft and amend the statement. If the employee is in disagreement or feels his/her answers were misinterpreted, misunderstood, or a different response is necessary or more appropriate, this is the only time he/she

Employee Investigations...continued

has to fix it – and must be strongly encouraged to do so. This is where the notes the union representative took during the interview will become important for the employee as a tool to refresh his or her recollection of what was asked and answered. The investigator was only writing down what the investigator thinks he/she heard or interprets was said. If the union representative or the employee disagrees, the union rep should instruct the employee to make the changes in the response directly on the draft statement and note it when it is returned to the investigator.

More importantly, if the employee needs more time to review, correct, and otherwise respond to the draft statement of the questions and answers given during the interview, the union rep should encourage the employee to write to the investigator, with a courtesy copy to his/her union rep, requesting an extension of time to review the draft. If an extension is not requested and no response is submitted on time, the investigator may use – and in all likelihood will use – the unsigned draft statement as factual evidence of what transpired, what in fact was said, during the interview even if the employee disagrees.

For more information on Investigative Examinations, please read Article 25 of the NAAE Collective Bargaining Agreement at http://inside.aphis.usda.gov/mrpbs/labor_relations/downloads/greenbook.pdf and Chapter 5 of the NAAE Yellow Book at: <http://aginspectors.org/PDF/Yellow.pdf>

What Size is Yours?

Kathy Ortega

I hate to brag but mine is 2' by 3' and surprisingly that is a common size.

I don't share this with just anyone or everyone but...I decorate mine. I find it is comforting to have it around and sometimes assuring. I often share mine with others. Do you? You know what I'm talking about, right?

It is a source of pleasure, communication and a wonderful resource.

One amazing quality is every location is authorized to have one. If you don't have one, then you must get one, you are overdue. I'm just sayin...!

Oh, I know you've caught on ...you are extremely astute; by now you must have guessed it. Right, it is an NAAE Bulletin Board.

NAAE is beginning a new campaign to bring local union branches helpful information and resources that will assist the local bargaining unit employees. NAAE will supply the basic information, and all you need to do is to post it. The Union has you covered for those times when you are uncertain what to do. Ask your Supervisor to order a bulletin board if there is currently not one available at your local duty station, preferably the standard size, 2'x3'. Soon a packet will arrive from NAAE ...Post it. And order it, he/she must, according to our collective bargaining agreement, the Green Book

Article 10 Section 4 b of the Green Book states:

“The Employer will provide the Union with one official bulletin board, for its exclusive use, per worksite occupied by employees. Any material placed on bulletin boards will be initialed by the local Employer prior to posting to assure compliance with this provision. The Union will ensure that any material it places on Employer-owned bulletin boards does not violate Government wide rules or regulations.”

Once the information packet of NAAE supplied material arrives, post it and then take a photo to share.

Uniform Update

Victor Zeno, Uniform Committee Chairperson & NAAE Eastern Region Representative

The new uniforms are out. The new website (<https://www.usda-ppquniform.com>) is open and taking orders daily. Human Technologies Corp (HTC) is our new supplier and they have been very accommodating and helpful. They are working constantly to find new alternatives and better offerings for our uniform wearers.

The launch was a little bumpy. Lists of each uniform wearer with his/her shipping and email addresses were supplied by someone in each state. Not everyone was as diligent as others in making sure the information was updated and correct and that is why there were wrong email addresses and some people were omitted from the list. The Uniform Committee has been working diligently to make sure every uniform wearer is entered on the list and all mistakes have been corrected. HTC has also worked very diligently to help uniform wearers get their accounts setup.

Some of the uniform offerings we have now are similar to what Zeffi provided in the past. But several are new or improved items. The Uniform Committee and HTC are working hard to satisfy the needs of the uniform wearers and provide quality products. Some things to keep in mind about products:

1. Because you saw it in Walmart, Amazon or some other store doesn't mean we can get that product for our uniform. We are restricted by multiple trade agreements and regulations that limit greatly products with origins outside of the USA. There are many products made in countries that we are not allowed to use, countries like China.
2. Safety items are not uniform items. They are to be provided by the program and not by the uniform supplier. Trust me, we on the Uniform Committee have tried to add as much as we could, but regulations limit what is uniform and what is not.
3. We are working on getting better offerings for pants. There have been complaints regarding the pants. Once again, because of trade limitations, the choices for uniform suppliers are smaller and many times we have to try several choices until finding the right fit for most.

Uniform Update- continued

4. Our old polo shirts were made by Edwards. Edwards has been acquired by another company and that company has decided to remove many items from its catalogue, polo shirts included. HTC has looked everywhere to find good polo shirts and regular shirts. At this point, we are using the same polo shirts that the US Forest Service uses. The problem is our color. We have a very specific color that is not common. The same concept applies to the green pants. Many of these items have been created specifically for our needs. We are lucky that our uniform is very close to what the Forest Service uses and we can use several of their items. The Forest Service contract is 3 times the size of ours. When you order that much, uniform companies are more willing to create specific items for your agency. Unfortunately, we are limited because of the size of our contract. But I digress. The search for polo shirts continues.

We continue listening to suggestions and comments regarding the uniform. From so many of those comments, we have added several new items:

- Full Zip Fleece Top
- Three different styles of Belleville boots, made in the USA
- Class B Poly Cotton Work Jeans and Brush pants
- Unisex cold weather gloves
- Gaiters
- Unisex Breezer and Boonie Style Sun Hats

If you have not visited the website, we invite you to definitely check it out. <https://www.usda-ppquniform.com>. The catalogue will keep growing as we find new and better items, with better and bigger things in the works for the future.

Miami Inspection Station Extended Shifts

Athena Maura Pappas

If you haven't heard this yet, the Miami Plant Inspection Station now has an extended shift schedule. This was a result of the cut flower industry advocates contacting their Congressional representatives, who then wrote a letter to the Secretary of Agriculture, Tom Vilsack. The process of extending the shifts began in March 2012, and after much negotiation between NAAE and Management, an agreement was reached and a MOU signed in April 2013.

Implementation occurred in two phases. First in June 2013, weekday (Monday-Friday) shifts were extended to 0600 – 1800 for employees in the import, export, identification, treatment and operations desk departments. Then in October, as they do every year, all of the Miami employees in all departments bid by SCD (service computation date) for the shifts and departments they would work for calendar year 2014. In January 2014, a Saturday shift of 0800 – 1630 was added and implemented in all departments.

In late June 2014, Florida SPHD Paul Hornby arranged for a team of analysts to visit Miami and evaluate the new extended shifts for the purpose of determining what changes, if any, should be made to those shifts' dates and times. In addition, one National Union representative (me) accompanied the team and worked with them to gather data, speak to employees, industry, and stakeholders. This four-member team then split into two smaller teams to interview the employees to find out their thoughts and experiences with the new extended shifts.

In the meantime, NAAE Local 70 expressed its desire to get the process started for the new round of bidding for FY 2015. Management requested that the local branch hold off until the shift review report came back. It was management's then stated intent to work with the local branch regarding the results and the future of the extended shifts. The Union naturally agreed.

Finally, after a few months, the review team sent its assessment report to management who presented it to NAAE local branch 70 and the Miami Inspection Station's management team to review, discuss, and negotiate any possible changes. Management is yet to act on this report. On January 15, 2015, local 70 representatives met with and presented a work schedule proposal to local management.

Miami Inspection Station Extended Shifts- continued

Currently, local branch 70 is waiting for the SPHD's decision while he consults with Hub management.

Random Drug Testing

Mike Randall

Below, find a snippet blast from a past newsletter all the way back from 1990. In 1989-1990 NAAE fought a legal battle over random drug testing that still has application today. In 1990, we won a permanent injunction from the U.S. District Court in D.C., prohibiting the Agency from random drug testing of Plant Protection and Quarantine Officers. This injunction remains applicable to our bargaining unit positions.

We do know that this court-ordered prohibition does not apply to post-accident or reasonable suspicion testing, which the Agency could always perform—it's just the random-testing variety it may not perform.

On occasion, non-testing-designated bargaining unit employees – *i.e.*, those **not** holding safety- or security-sensitive positions – have been approached and presented with a demand for a random sample of their precious bodily fluids. Should this happen to you, contact a National Union Officer immediately! Unfortunately, the people in the Department who create random drug testing lists often are not aware of the court injunction, and we must re-invent the wheel in order to stop these illegal drug tests.

Just remember, if you wreck a GOV or have been behaving rather oddly, the Agency may be able to drug test you, in which case you may have to pee the piper.

I. APHIS/PPQ DRUG TESTING HELD UNCONSTITUTIONAL

The U.S. District Court for the District of Columbia struck down USDA's random drug testing program applicable to APHIS/PPQ Officers. Granting NAAE's petition challenging the constitutionality of drug testing, the District Court, on January 18, 1990, permanently enjoined USDA/APHIS from subjecting PPQ Officers to random drug testing. The Court concluded random drug testing violated the Fourth Amendment rights of PPQ Officers against unreasonable searches and seizures. It did rule, however, the Agency could test PPQ Officers for the presence of illegal drugs based on a reasonable suspicion of drug use or following a major accident. In banning random drug testing, the Court rejected Agency arguments that cross-designated PPQ Officers who also perform some Customs functions, particularly at the borders, hold safety-sensitive positions or are at the front line of the Nation's drug interdiction program. The U.S. Supreme Court last summer relied on these two arguments to uphold the constitutionality of subjecting U.S. Customs agents to drug testing. It is possible, but not likely, the USDA will appeal the District Court's decision to the U.S. Court of Appeals.

Although the Court's injunction prohibits APHIS from drug testing PPQ Officers, any employee caught with drugs in his or her possession, whether on or off government property, or suspected of working under the influence of drugs, can expect harsh discipline from the Agency. Several recent incidents indicate APHIS will attempt to discharge any employee deemed guilty, in its opinion, of these offenses, regardless of his or her past record or job performance. NAAE's drug testing victory on the constitutional issue really has no bearing on the outcome of these formal disciplinary and adverse action proceedings.



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

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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
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