

N.A.A.E. National Association of Agriculture Employees

NEWSLETTER



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

N.A.A.E.

National Association of Agriculture Employees

Newsletter Issue No. 70 August 2005



A Message From Our President

Mike Randall

What you need to know—

If you're in PPQ:

NAAE continues in its efforts to seek contract coverage for SITC Officers, Pest Survey Specialists, and the new identifier series. We should hear back from Management on our proposals soon.

NAAE expects an answer from Management as to when we will be returning to the bargaining table over our long delayed comprehensive collective bargaining agreement. We have 45 out of a planned 60 articles completed and agreed to.

Efforts to fix problems with the new Uniform and contract continue. See the article inside this edition. Contact the uniform committee with any questions.

APHIS Labor Relations has a new Chief, Dennis McPeters. NAAE has had a good start on a productive relationship with Dennis and his new labor staff.

No matter what happens with the on-going DHS representation struggles, you will still have the same Independent Union organization with its Mission-oriented, people-oriented mindset you've had since 1954.

If you're in CBP:

You've heard a number of rumors from CBP managers and co-workers from Legacy Agencies about what will happen to your Union representation. None of what you've heard is definite and little of what you've heard is based upon fact.

We do not and can not know at this time what, if any, election(s) need to take place or WHEN. There is no “absorption” of any union by any other in the works. There are still the three major unions, NAAE, NTEU, and AFGE, and they continue to represent their “legacy” employees until a change is ordered. We await the decision of the Federal Labor Relations Authority as to what will happen with your representation. We remain optimistic we will continue to be able to represent you. One thing is certain--no decision and action course will be final until after any and all appeals of an FLRA decision are completed.

THIS WILL LIKELY TAKE A LONG TIME.

NAAE has two major goals in mind in shaping any future representation:

1. CBP Agriculture employees will be together in one organization.
2. CBP Agriculture employees will have one independent voice on agriculture issues for dealing with Management and for seeking help from Congress and the public.

Please see the Legal Report inside for a detailed account of the representation efforts

NAAE continues to find “new” ways of addressing proposed changes to our working conditions in CBP’s new labor regulatory scenario. We have negotiated or are negotiating new agreements on several topics, including Personal Appearance Standards, terminations for failure of Background Investigations, and Performance Awards.

NAAE continues to be active in informing Congress, industry and the public that things “are not right with CBP,” particularly in carrying out the Agriculture mission. We show where Customs management has mangled the Agriculture Protection mission. We even point out the rare instances when Customs management does something right. We will not cease in our efforts to demonstrate “there WAS a better way.”

NAAE IS WITH YOU UNTIL THE COWS COME HOME

You can't buy a union, you've got to be a Union!

Union means "one." It is everyone acting together with one voice. If we don't act as one voice, we don't have a voice.

You can invite in another union, but no mechanic will come in with tools. Who will be the union representatives for a new union? The same people who decided to get involved before. Nothing would change but the label of the union. The union is only as good and responsive as YOU want it to be. If no one was involved before, no one will be involved with any new union. You can't just throw money (dues) at a problem thinking the problem will go away. You have to get involved; **you have to be the UNION.**

ELECTION COMMITTEE

It's that time again. Time again to choose 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 next year's Convention. The Election Committee co-chairpersons (one for CBP and one for PPQ) will have their 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 "CBP" or "PPQ" port union members are willing to serve, please contact Mike Randall on 808-861-8449.

CONVENTION COMMITTEE

The National NAAE Convention must take place every two years after the 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? 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!

CBP DRUG TESTING

Have you been bit by the CBP drug testers? You have rights (if this is something DHS understands??!!) NAAE has constructed a resource page at our website www.AGInspectors.org in order to provide you quick access to governmentwide testing guidelines, including your rights.

DO NOT HESITATE TO CALL AN NAAE EXECUTIVE COMMITTEE OFFICER IMMEDIATELY SHOULD YOU BE INFORMED OF A “POSITIVE” DRUG TESTING RESULT.

NEW EXECUTIVE COMMITTEE MEMBERS

With this issue we say so long to CBP-SRVP **Max Leimgruber Jr.** who has left the Agency and is moving on to better things. Max was in charge of planning our most recent and sensational convention and was also involved in planning the previous convention. As Regional VP Max had thrown a lot of water at quite a few fires—Good Luck Max!

Donna Gutierrez has been selected as CBP Southern Region VP to fill Max’s vacancy. Donna has been an officer at the San Diego Local Branch for several years. Welcome Donna.

Part of what you, the membership, have approved as a change in the by-laws (see later in this edition) was an authorization for the NAAE Executive Committee to create and fill new National Officer positions in order to account for structural changes needed to accommodate our representative responsibilities. A new position of National Vice President for CBP has been created and we are proud to announce Ms. **Alexandra “Ellie” Scaffa** as our new National VP for CBP. This new position will be the prime location of national level contact for CBP issues. Our organization has become larger and more complex, and it is an absolute necessity that work be spread around. Ellie has served as our CBP National Chief

Negotiator and will continue to serve in this capacity as she accepts this new challenge.

A salute to these folks who stepped up to the plate when asked to make a difference. BRAVO!

.....And now a word from our Sponsors

When we talk about new officers, it is appropriate to reflect upon where we are coming from and where we are going. Sponsors? What sponsors? We are our own sponsors. We are a rank and file union. There is no National full-time staff. We, the employees, are the Union. There is no one else. We know the requirements of the job and the working conditions. We are our own advocates. No one knows our subject better than we do. There is nobody else who will stand up for us but us—and our General Counsel, Kim Mann. Get involved with NAAE.

**DO SOMETHING FOR YOURSELF—
DO SOMETHING FOR THE UNION.**

Consider running for local or national office.

Participate in local or national negotiations.

Write a newsletter article.

Help settle a dispute.

Sign up a co-worker for Union membership.

Come to a convention.

Serve on a committee

Draft a response to the Agency.

Write a letter to Congress or visit your Congressperson on the topics of the mission or working conditions.

This is a short list of things you can do. There is plenty more to do. Don't be shy if you've never gotten involved with Union work before. EVERYONE had to start somewhere—EVERYONE had to learn the skills. We were all green once. We have developed many learning tools to help you understand the process and get started. If you think you can lend us a hand, give an Executive Committee member a call. Our numbers are always on the back of the newsletter or at our homepage:

WWW.AGInspectors.org

This is our permanent web home
Please go here for the latest information
<http://WWW.AGInspectors.org>

GENERAL COUNSEL'S REPORT
By Kim D. Mann

I. NAAE Is Fully Engaged In Attempting To Influence The Outcome Of Big-Ticket Items.

A. NAAE Remains A Key Player In The Battle To Represent Customs And Border Protection Employees.

After many months of hearings before the Federal Labor Relations Authority (“FLRA”) on the unit representation petitions filed by the three major unions – NAAE, NTEU, and AFGE – and by CBP, the parties remain locked in battle over union representation rights to CBP employees. They have now placed their dispute over the issue of representation squarely in the hands of the Washington, DC Regional Office of FLRA. Expect the initial decision by September 30, 2005.

The oft-changing position of each party to the FLRA litigation is now clear, at least for the moment: NAAE asks FLRA to recognize as a separate “appropriate unit” within CBP, for union representational purposes, all Agriculture Specialists and Agriculture Technicians and to authorize NAAE to continue to represent those employees without an election; AFGE agrees NAAE should continue to represent Agriculture Specialists and Technicians in a separate appropriate CBP unit and contends either AFGE or NTEU should represent the remainder of CBP (except Border Patrol), based upon the results of an election contest between AFGE and NTEU; NTEU argues that FLRA should not permit NAAE to represent Agriculture Specialists and Technicians, but instead should recognize NTEU as the sole union authorized to represent all of CBP (except Border Patrol) and without the necessity of holding an election; and the Agency, CBP, asks FLRA to authorize only a single

union to represent all of CBP (except Border Patrol), order an election to determine which union should receive those representational rights, and rule that Agriculture Specialists are not “professional employees” within the meaning of the Statute.

Of course, NAAE, at the hearings and in its written post-hearing “brief” to FLRA’s Regional Office, opposed the position of the Agency, as well as the “only-me” argument of NTEU, regarding the scope of the “appropriate unit” and the status of Agriculture Specialists.

NAAE is particularly angered by the Agency’s contention that Agriculture Specialists are not “professional employees.” Whether FLRA decides to continue to recognize Agriculture Specialists as professional employees is very important for several reasons. First, the Agency’s position laid out on the public record in front of FLRA constitutes an unwarranted public attack upon the professionalism of Agriculture Specialists. This demeaning attitude of CBP Management is particularly irksome because it appears politically motivated and factually baseless. Agriculture Specialists have always been recognized as professional employees, first by APHIS/PPQ when they were PPQ Officers and then by DHS/CBP ever since the March 2003 creation of CBP when they were forced to transfer to CBP. Their jobs as Agriculture Specialists have not fundamentally changed since the transition to CBP.

Second, if FLRA rules they are “non-professionals,” this determination will probably preclude NAAE from representing CBP’s Agriculture Specialists particularly if FLRA also denies NAAE’s unit-representation petition seeking to declare Legacy Agriculture employees a separate “appropriate unit” within CBP. If, on the other hand, FLRA rejects CBP’s attack on the status of Agriculture Specialists, NAAE may have a realistic opportunity to represent them even if FLRA denies NAAE’s unit-representation petition.

Under the Statute, the FLRA can not place “professional employees” (Agriculture Specialists in this instance), for representational purposes, in a unit of employees consisting of non-professionals (such as CBP Officers) unless a majority of the “pros” elects to be placed in a mixed unit with the “non-pros.” Regardless of whether FLRA ultimately denies NAAE’s petition to recognize the Agriculture Specialists and Technicians as a separate appropriate unit represented by NAAE, it appears FLRA must hold an election to determine which union, AFGE or NTEU, should represent the remaining employees in CBP. As a necessary part of that CBP-wide election, the Statute requires FLRA to give the “professional employees” in CBP (*i.e.*, Agriculture Specialists) the opportunity to vote on whether they wish to be included in a unit, for representational purposes, with CBP Officers, non-professional employees. NAAE expects a majority of the Agriculture Specialists (assuming FLRA determines they are professional employees) will vote not to be placed in the same unit with CBP Officers, “non-pros.” In that case, the Statute also requires the election ballot give the “pros” the right to select which union listed on the ballot they wish to have represent them in a unit comprised solely of professional employees -- or to select “none of the above.”

NAAE intends to be placed on the ballot for that limited purpose, seeking votes to represent Agriculture Specialists in the event a majority of the Agriculture Specialists votes not to be placed in the same unit with CBP Officers, but to remain in their own unit. Even that qualified opportunity for NAAE to be placed on the ballot disappears, however, once the need for FLRA to give professional employees the right to make this election (to be placed in a mixed unit with “non-pros”) disappears – as it would in the event FLRA concludes Agriculture Specialists are no longer “professional employees.”

While this is all very confusing (even to me!) and constantly changing, at the end of the day, NAAE hopes to represent at least the Agriculture Specialists in CBP even if FLRA rules it can not represent all Agriculture Specialists and Technicians because they do not make up a separate “appropriate unit” within CBP. If the Agency succeeds in persuading FLRA that Agriculture Specialists are no longer professional employees and that a single union should represent all of CBP, NAAE will have no realistic chance to represent either Agriculture Specialists or Technicians. (It does not require a special election to place Agriculture Specialists, if declared “non-pros,” in the same unit with other “non-pros,” CBP Officers.)

NAAE expects the Regional Office of FLRA will issue its initial decision by the end of August or early September 2005. FLRA regulations allow any of the losing parties to appeal that decision to the National Office of FLRA, thus preventing the Regional Office decision from becoming final and effective until the entire FLRA acts upon the appeal.

The stakes are high. NAAE has devoted extensive resources to fighting CBP over the appropriate-unit and the professional-employee status issues in front of FLRA. NAAE had hoped the fight at FLRA would not be necessary. It had expected the much talked-about alliance or coalition between NTEU and AFGE to jointly represent all of CBP, except the Legacy Agriculture employees, would become a reality, and it looked as though it would right up until the end of the FLRA hearings in the middle of April. NAAE had anticipated that once NTEU and AFGE announced the formation of their coalition, CBP would support, or at least not oppose, the AFGE/NTEU coalition jointly representing all CBP Officers and NAAE representing all Legacy Agriculture employees and would drop its challenge to the “professional employee” status of Agriculture Specialists.

Unfortunately, the AFGE/NTEU coalition never happened. At the 11th hour, just before the parties filed their post-hearing briefs with FLRA’s Regional Office and before NTEU and AFGE could hammer out the final details of how the coalition would operate, NTEU unilaterally withdrew from the coalition, immediately sinking any chance of joint representation. The election battle now seems inevitable. It is just a matter of when it starts.

B. NAAE Joins In Attacking DHS Personnel System Regulations.

The other big-ticket item on which NAAE continues to fight for CBP Legacy Agriculture employees is the multi-union effort to overturn the new DHS personnel system regulations in a court of law. Those regulations will establish a new human resources personnel management system at DHS governing all CBP

employees and are scheduled to go into effect on August 1, 2005, unless a federal court steps in to postpone them. That is where the matter currently rests.

NAAE joined with NTEU and AFGE, as well as several smaller unions, to challenge the legality of the new DHS personnel system regulations in a lawsuit filed January 27, 2005 in the United States District Court for the District of Columbia. That suit contends DHS's personnel system regulations are illegal and must be set aside for a number of reasons: they deny unions the right to bargain collectively with DHS agencies to an extent far beyond what Congress had intended; and they purport to drastically limit the authority of FLRA to provide independent review of disciplinary actions of the Agency.

Time grows short before the August 1, 2005 start-up date. To address this looming deadline, the unions also have jointly requested the District Court to enter an immediate preliminary injunction (or temporary stay) against DHS, blocking DHS from implementing the regulations on August 1st while the Court gives more deliberate consideration to the legal arguments of the unions attacking the merits of those regulations. DHS, of course, opposes the unions' legal attack upon its regulations and opposes any sort of preliminary injunction or temporary postponement while the Court considers the merits of the unions' complaint.

The District Court is expected to rule on the unions' request for a preliminary injunction near the end of July 2005. To prevail on its preliminary injunction motion, and thus to preserve the *status quo*, the unions must demonstrate to the Court (1) they have a reasonable likelihood of prevailing on the merits of their attack on the regulations, and (2) in the absence of an immediate stay, the unions and the employees they represent will be irreparably harmed. Federal courts tend to defer to the federal agencies when assessing the legality of agencies' regulations implementing changes that Congress has mandated. For this reason, the unions here have a major uphill battle in persuading the District Court to postpone implementation of the DHS regulations and to overturn them on their merits.

NTEU and its staff of attorneys have pulled the major laboring oar in crafting the judicial attack upon the DHS regulations and preparing the legal pleadings to support that attack in the District Court. NAAE has played an important, active, but less prominent role. It has reviewed all union court pleadings, offering comments and suggesting changes when and where necessary or appropriate.

II. NAAE Makes Some Headway In the Area Of Contract Negotiations with CBP.

CBP's standard operating procedure since March 2003 has been to give the unions, including NAAE, little or no notice of proposed changes in conditions of employment and then to proceed to implement those changes before concluding negotiations with the unions and, in many instances, implementing them even before negotiations commence.

In response to Management's "we-don't-give-a-damn-about-our-contract-obligations" attitude, NAAE has taken a two-prong approach. It has filed a series of unfair labor practice charges with FLRA, citing the failure of CBP to abide by the terms and conditions of NAAE's national Collective Bargaining Agreement ("CBA"), the "Red Book." That CBA requires the Agency to give the Union 30 days' advance notice of any national-level change with an opportunity to negotiate and then, at the request of NAAE, to conclude negotiations before implementing the proposed change. NAAE's second approach has been to engage the Agency in post-implementation negotiations, limited to the impact and implementation of those changes in conditions of employment.

NAAE's ULP challenges have met with mixed results. On the one hand, even though FLRA's Regional Office agreed with NAAE and filed ULP charges against CBP, asserting the Agency had violated the Statute and the CBA because it had implemented provisions of NIAP without negotiating, the Administrative Judge who heard that ULP case issued an adverse ruling. The Administrative Judge ruled the Agency was justified in immediately implementing NIAP without negotiations because NIAP, and the total freedom it gives Management to alter shifts, is necessary in order for the Agency to comply with the Congressional mandate to "cap" the overtime of Agriculture Specialists under the terms and conditions of COPRA.

On the other hand, NAAE convinced FLRA to press formal ULP charges against CBP for implementing its policies on drug testing, personal appearance, and performance management (pass/fail criteria) without providing NAAE proper advance notice with an opportunity to negotiate. On the eve of the formal hearing before another Administrative Judge on this ULP charge, CBP backed off and agreed to negotiate with NAAE. (It had not only implemented without negotiating, it had refused to negotiate even after implementation.) NAAE agreed to settle on this basis and dropped its ULP complaint.

A. PAS Negotiations.

NAAE's negotiations with CBP over the impact and implementation of "PAS" or Personal Appearance Standards have proceeded slowly and are likely to reach an impasse soon. (NAAE is not able to negotiate the substance of the PAS, such as length of hair or length of finger nails.) Negotiations to date have focused primarily on issues relating to processing requests for medical and non-medical exceptions to the PAS standards. NAAE has learned the Agency's initial decisions disposing of requests for exceptions based upon medical or non-medical reasons come from CBP headquarters under the current system. This national-level decisionmaking involves input from the Office of Field Operations, the National EEO Office, and attorneys in the Office of the General Counsel.

Where PAS negotiations have bogged down and may reach an impasse is over the issue of the criteria the Agency intends to use to evaluate requests for exemptions from the PAS for non-medical reasons, primarily those based upon religious objections. NAAE's negotiating proposals would require CBP to make that determination using objective criteria the Agency is free to develop and would require CBP to furnish all Legacy Agriculture employees notice of the specific

objective criteria the Agency decides to apply. The Agency, in response, has rejected NAAE's negotiating proposals, contending it is not possible for the Agency to articulate objective criteria and proclaiming the Agency intends to base every decision on its case-by-case analysis of each separate set of facts. Negotiations with CBP continue on this and other issues relating to the impact and implementation of the PAS.

B. Performance Awards Negotiations.

Another topic on which NAAE has engaged CBP in post-implementation negotiations is over performance awards. These negotiations, too, are on-going. NAAE's principal objective here is to ensure that Legacy Agriculture employees receive their proportionate share of performance awards and not be swamped unfairly by the overwhelming number of CBP Officers at most ports. Management negotiators have described NAAE's proposals off the record as fair and reasonable, but have reserved the right to take a different position on the record once upper level management has provided Agency negotiators with additional guidance.

C. BI Negotiations.

Another set of just-concluded negotiations with CBP management addresses the new background investigations ("BIs") at CBP. NAAE has been particularly concerned about the impact of BIs upon former PPQ Officers, now Agriculture Specialists. These Legacy Agriculture employees will, as a new condition of their continued employment, have to pass rigorous BIs of a type to which they were not subjected while with USDA/APHIS or, indeed, with CBP up to this point. CBP employees who do not "pass" their BIs will be terminated. While there is little NAAE can do for employees terminated for failing to pass their BIs, NAAE wants to make sure all Legacy Agriculture employees are made fully aware of the procedures they will face and the consequences of their failure to pass. NAAE also wants to ensure that CBP conducts the background investigations in strict accordance with federal regulations controlling BIs and fitness-for-duty tests.

The Agency and NAAE have now reached agreement on these negotiating points and will soon have a new "MOU" or memorandum of understanding in place governing future BIs. The agreement between the parties, once signed, will limit the Agency's statement of the reasons for termination to, "did not meet background requirements of the position." It will give the employee who fails the BI the opportunity to resign or retire with benefits in lieu of termination, written notice of his/her rights under the negotiated agreement, and the right to place his/her own letter of explanation in the Agency's files.

III. NAAE Pursues Arbitration of Disciplinary Actions Against CBP Employees.

Perhaps CBP's Labor Relations Office is just too busy, but until very recently, the Agency has simply chosen to ignore its contract obligations under the "Red Book" (the CBA between USDA/APHIS and NAAE, applicable to CBP) to proceed to arbitration when NAAE's grievances are not resolved at the DFO level and NAAE's President invokes arbitration. A recent ULP filing by NAAE finally

caught CBP's attention, and it has begun fulfilling its obligations to initiate the arbitration process. Once NAAE's President invokes arbitration, the "Red Book" requires CBP to contact the Federal Mediation Conciliation Service to request a panel of seven qualified arbitrators. Once the Agency and NAAE receive the list of potential arbitrators, they must agree upon which one of the seven will be the arbitrator to decide their unresolved grievance dispute. These arbitrators are typically lawyers, professional arbitrators, or retired professors, often professors of law.

NAAE and CBP are now in the process of selecting arbitrators to hear three separate unresolved grievances, each involving disciplinary action against an Agriculture Specialist. In one case, the Agriculture Specialist had to serve a three-day suspension from duty and loss of pay because she had failed to report to perform her inspection duties on an overtime assignment and had been found asleep in the back room. The Agriculture Specialist had been seriously overworked because of short staffing at the port, had not been feeling well at the time, and was on medication, further aggravating her fatigue. While the grievance addresses the mitigating factors associated with the employee's sleeping in the back room, its primary focus in arbitration will be upon another issue: 10 days before the employee received her notice of suspension, she had received a "letter of warning" for exactly the same alleged misconduct that became the subject of the subsequent notice of suspension. NAAE will pursue the grievance in arbitration on the important issue of whether the Agency may impose double penalties on an employee for the same act of misconduct, placing the employee in double jeopardy.

In the second arbitration case, the Agency suspended an Agriculture Specialist for three days for failure to follow an order. This order concerned the inspection of a military ship and its cargo. The employee had wisely elected not to perform the ordered inspection because the gangway leading up to the ship was unsafe at the time. The ship was offloading Army tanks and humvees down the gangway at the time the Agriculture Specialist was told to board the ship to conduct the inspection, necessitating her climbing up the gangway. NAAE intends to establish in arbitration the right of an employee to disobey an order when to carry out the order would place the employee in serious physical danger. CBP's Employee Safety Orientation handbook expressly states that every CBP employee has the right "to decline to perform an assigned task because of a reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious bodily harm." This provision comes directly out of DHS's Occupational Safety and Health Handbook, but the latter includes the additional caveat that the employee must have a reasonable belief there is "insufficient time to seek effective redress through normal hazard reporting and abatement procedures outlined in 29 CFR 1960.46."

The third grievance NAAE takes to arbitration involves challenging a written letter of reprimand an Agriculture Specialist received for inadvertently missing her overtime job. The employee intends to present evidence to the arbitrator showing that others at the same port have never received any disciplinary action when they missed overtime assignments. The standard penalty assessed at that port for inadvertently or accidentally missing an overtime assignment has been an "overtime penalty," that is, adding the hours missed to the employee's overtime

hours total, in effect, delaying the employee's selection for future overtime jobs. NAAE intends to pursue this issue on the grounds that the Agency, in this case CBP, has violated a past practice at the port, changing a condition of employment without notice to the union and an opportunity to negotiate.

There are other pending grievances that NAAE has requested CBP to arbitrate. NAAE has filed an unfair labor practice charge with FLRA's Regional Office because NAAE's requests for arbitration have, thus far, been ignored. NAAE is hopeful FLRA will be able to persuade CBP to live up to its contract obligations to arbitrate unresolved grievances if CBP does not reach the same conclusion on its own.

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TIDBITS

Kathleen Richardson

Employees' Privacy on the Net

USDA, APHIS is continuing to press its goal of an official name and password for each employee to be used with on-line agency programs like training, travel arrangements and others not yet disclosed. Our problem, as reported in the last issue of the Newsletter, is that a mountain of personal information on each employee (including full name, social security number, date of birth, home city and state, agency name, duty station code, service computation date, the amount of your last pay check, pay plan grade and step, government email address, password, mother's maiden name and a personal identification number) is to be transmitted to an unknown location via the internet and then to have unknown things done with it, during the course of which employees receive a user id and password. This concept is called "eAuthentication" and, according to the agency, is for "security reasons", to "prove you are who you say you are" and to "prevent identity theft".

In spite of several agency transmissions to employees stating you must get your eAuthentication, bargaining unit employees are protected from this order, at least temporarily, by the Union's negotiation status. If your supervisor needs clarification on this immunity, refer him/her to the ATAC email dated 8/27/04, "Correction on Previous Message about User ID/Password Registration Required for USDA Employees".

In the intervening months since negotiations began there have been serious public episodes of personal data being mishandled and lost or stolen. These events have impacted hundreds of thousands of people, including those in our own agency, have been widely reported in the media, and have been the topic of congressional investigations. We at NAAE continue to be flummoxed by the agency's persistence in light of these events.

To its credit the agency is providing 'experts' to meet with us very shortly and explain the hows and whys of the agency plan. We look forward to that meeting and will continue to press for reasonable measures for reasonable security.

Comp time for Travel

Earlier this year, Congress, in recognition of the burden placed on employees traveling for the benefit of the government, enacted legislation to permit some hours of travel which occur outside the employee's tour of duty to be credited toward a new type of compensatory time. The governmentwide regulations governing this new 'travel comp time' have come down, and, as we suspected, not without a measure of misinterpretation. The first issue to come up has been the confusion between hours of travel and hours of work. A good reason (among others) for resolving this difference is that comp time for travel does not mature into overtime dollars paid if it isn't used up by the employee, whereas comp time for work does. NAAE is currently having discussions with agency representatives in the hopes of getting this corrected without litigation. There will undoubtedly be more problems in the interpretation and application of this new benefit: Please advise your union representative if you have problems.

Meet Dennis McPeters, new Chief of Labor Relations

The NAAE Executive Committee was treated to a rare afternoon of productive engagement with management at our meeting last May: Dennis McPeters, new LR Chief, joined us in a round of problem solving which will hopefully set the tone and trend of labor relations for the foreseeable future, at least for those of us in APHIS/PPQ. While we all recognize that he represents management during these intensely anti-union times, he seems unafraid of established union and employee rights and hopes to work more as a mediator between labor and management than strictly as a management advocate. We hope he is able to do that. And he seems to be a heck of a nice guy, too. Well, years have taught that the proof is in the pudding: We will remain vigilant while doing our best to let him bring out the best in management.

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PPQ Uniform Update

Sarah Clore

So far, the new uniform is not a big hit. The Uniform Committee has received numerous complaints, and I'm sure there are many more that we don't know about. Apparently the pants sizing for women is off, by two sizes. Zeffi is working with the manufacturer to correct this. The uniforms are much more expensive than they used to be. What we've been told is that with the loss of so many people to CBP it is costing Zeffi more to keep items in stock, and they are not making more money off us. The Committee is going to request an increase in the allowance, but there is no guarantee it will be granted. The biggest complaint though is the fabric for the pants: 100% polyester is not suited for warm weather, not by a long shot. The Committee hopes to meet in late August with Zeffi to look over some alternatives. Zeffi is currently searching for other options, but the new color restricts what is available.

For those who are fond of the London Fog overcoat, you need to know it is likely to be discontinued soon. Apparently there haven't been many requests for it, and London Fog is going to be discontinuing its sales to distributors. So if you want one, now would be the time to order it.

Changing the uniform colors back to black and white or khaki is no longer an option. Prior to my involvement with the Committee, they were tasked with coming up with new colors by the PPQ Executive Team, not determining whether to keep the old colors.

Comments, complaints and suggestion emails can be sent to NAAE representatives on the Uniform Committee: Sarah Clore in the Eastern Region or Mike Muroka in the Western Region. All will be forwarded to the rest of the Uniform Committee, and so far, responses from Zeffi and the Committee have been prompt.

NEW BY-LAWS

This issue of the NAAE Newsletter contains a new copy of the by-laws containing all of the changes approved during our last election. Many of these changes have led to a smoother running of our Union and have facilitated structural changes we needed to accommodate our little union duplex under one roof. We still have one roof. **PLEASE KEEP THIS ISSUE** as your guide to how your Union functions.



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



REQUEST FOR PAYROLL DEDUCTIONS FOR LABOR ORGANIZATION DUES

Privacy Act Statement

Section 5525 of Title 5 United States Code (Allotments and Assignments of Pay) permits Federal agencies to collect this information. This completed form is used to request that labor organization dues be deducted from your pay and to notify your labor organization of the deduction. Completing this form is voluntary, but it may not be processed if all requested information is not provided.

This record may be disclosed outside your agency to: 1) the Department of the Treasury to make proper financial adjustments; 2) a Congressional office if you make an inquiry to that office related to this record; 3) a court or an appropriate Government agency if the Government is party to a legal suit; 4) an appropriate law enforcement agency if we become aware of a legal violation;

5) an organization which is a designated collection agent of a particular labor organization; and 6) other Federal agencies for management, statistical and other official functions (without your personal identification).

Executive Order 9397 allows Federal agencies to use the social security number (SSN) as an individual identifier to avoid confusion caused by employees with the same or similar names. Supplying your SSN is voluntary, but failure to provide it, when it is used as the employee identification number, may mean that payroll deductions cannot be processed.

Your agency shall provide an additional statement if it uses the information furnished on this form for purposes other than those mentioned above.

1. Name of Employee <i>(Print or Type-Last, First, Middle)</i>	2. Employee Identification Number <i>(SSN or Other)</i>	3. Timekeeper Number
4. Home Address <i>(Street Number, City, State and ZIP Code)</i>	5. Name of Agency <i>(Include Bureau, Division, Branch or Other Designation)</i> <input type="checkbox"/> <input type="checkbox"/>	

Section A-For Use By Labor Organization

Name of Labor Organization *(Include Local, Branch, Lodge or Other Appropriate Identification)*

I hereby certify that the regular dues of this organization for the above named member are currently established at \$ _____per	(biweekly pay period) (calendar month). <i>(Strike out whichever period is not appropriate, based on arrangement with the employee's agency.)</i>
Signature and Title of Authorized Official	Date <i>(Month, Day, Year)</i>

Section B-Authorization By Employee

I hereby authorize the above named agency to deduct from my pay each pay period, or the first full pay period of each month, the amount certified above as the regular dues of the (Name of Labor Organization):

_____ and to remit such amount to that labor organization in accordance with its arrangements with my employing agency. I further authorize any change in the amount to be deducted which is certified by the above named labor organization as a uniform change in its dues structure.

I understand that this authorization, if for a biweekly deduction, will become effective the pay period following its receipt in the payroll office

of my employing agency. I further understand that Standard Form 1188, Cancellation of Payroll Deductions for Labor Organization Dues, is available from my employing agency, and that I may cancel this authorization by filing Standard Form 1188 or other written cancellation request with the payroll office of my employing agency. Such cancellation will not be effective, however, until the first full pay period which begins on or after the next established cancellation date of the calendar year after the cancellation is received in the payroll office.

Contributions or gifts (including dues) to the labor organization shown at left are not tax deductible as charitable contributions. However, they may be tax deductible under other provisions of the Internal Revenue Code.

Signature of Employee	Date <i>(Month, Day, Year)</i>	
FOR COMPLETION BY AGENCY ONLY- The above named employee and labor organization meet the requirements for dues withholding. (Mark the appropriate box. If "YES", send this form to payroll. If "NO", return this form to the labor organization.)	YES	NO

1-Agency Copy

2-Labor Organization Copy

3-Employee Copy

**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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If you are faxing or emailing material that must be handled with discretion, it is advisable to call recipient first. U MEANS UNSECURED FAX MACHINE

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

Sarah Clore, **Secretary**
9080 Torrey Rd.
Willis, MI 48191



POSTMASTER: ADDRESS CORRECTION REQUESTED – PLEASE DO NOT FORWARD