

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

NEWSLETTER



Inside This Issue...

A Message From Our President

CBP NEWS/PPQ NEWS

Nominations Ballot

CBP Regions

CONVENTION!

Use of Computers and E-mail

High Path Avian Influenza

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

N.A.A.E.

National Association of Agriculture Employees

Newsletter Issue No. 71 December 2005



A Message From Our President

Mike Randall

***Some day your ship will come in ---and with your luck.....
You'll be at the airport. old Bureau of Entomology proverb***

CBP NEWS

For the CBP folks, it is a waiting game. The first results are in from the Federal Labor Relations Authority's Washington Regional Office in our representation struggle with CBP and they are not good. FLRA opined that CBP Agriculture Specialists are NON-PROFESSIONAL employees (despite all of the evidence we presented as to their educational requirements and independent decision-making functions—the evidence was totally disregarded,) and that a unit of Agriculture employees of CBP is not an appropriate unit. **[The decision defies belief. FLRA had recently confirmed (2004) that PPQ SITC officers (like the Ag Specialists in CBP, SITCs are also GS-401 series) and PPQ Officers (recently all converted to GS-401 series) are properly categorized as PROFESSIONAL EMPLOYEES.]**

You may find a copy of the decision at NAAE's web page:

[HTTP://WWW.AgInspectors.Org](http://WWW.AgInspectors.Org)

We had hoped that FLRA would have correctly recognized CBP Ag Specialists as professionals, thus per FLRA regulations, they would be entitled to their own bargaining unit, apart from the non-professional CBP Officer Unit currently represented in part by NTEU and in part by AFGE. At the representation hearings, our loving CBP Management argued vehemently for Ag Specialist non-professional status. CBP viewed <http://WWW.AGInspectors.org>

this as their quickest route to consolidation of all CBP bargaining units into one and forcing a grand election. “Ag Specialists, you’re non-professionals!” CBP said. It didn’t matter if it wasn’t the truth or a personal insult to each and every Ag Specialist working for CBP.

The second prong of our argument, which was quickly disposed of by FLRA was the idea that the Agriculture employees of CBP had a different enough job from CBP Officers to warrant separate representation. Incredibly, FLRA found little difference between Agriculture CBP employees and the function of CBP Officers. Wow, try working a day in our shoes FLRA!

We are fairly confident that there would have been different decisions made by FLRA had there been different political circumstances—hint hint.

WE HAVE APPEALED THESE ERRONEOUS DECISIONS!!

**Find a copy of our pleading at the website—
[HTTP://WWW.AGInspectors.org](http://WWW.AGInspectors.org)**

WHAT NEXT FOR CBP?

We expect to hear back on our appeal to FLRA’s national panel some time by the middle of February 2006 as to whether or not they shall consider our appeal. FLRA could decide to let the original decision stand or to request more briefs in our case. If FLRA considers our appeal and finds for us, there is a likelihood that we will retain exclusive and independent representation of our special group of agriculture employees in CBP—YOU! NAAE would continue for you in CBP.

WISH OURSELVES LUCK!!

In the event FLRA denies our appeal and orders a CBP-wide election for representation, NAAE, in name, will not be on that election ballot. We would not want to, nor would we be capable of, representing all of some 20,000 folks in CBP. Your NAAE Executive Committee along with a special core committee of CBP employees who attended our last convention two years ago has studied this possible outcome since 2004. We have met with the leadership of both NTEU and AFGE determined to do the right thing for our CBP folks, to find them a new home if the storm was too strong. AFGE

offered our CBP folks an Agriculture Council with four regions based upon the structure we arrived at within NAAE. This Council, similar to the National Border Patrol Council and the Immigration Councils would form and join the other forty some councils in the AFGE federation.

The formation of an Agriculture Council can only occur if AFGE prevails in a specially ordered representation election. If an election occurs to provide a single bargaining unit for ALL of CBP, we will urge you to support AFGE.

This urge of support is not intended as a sleight to NTEU and their members. They are good people. They too, are our brothers and sisters in the struggle for justice, fair representation and collective bargaining in government service. We had a number of conversations with NTEU, but observed that their structure would not be the best for our cause. Agriculture employees need their own voice locally and at the national level. We have special concerns. This motivated our decision to support AFGE. We would have preferred a greater coalition of the unions in CBP as a unified representative, but this was not to be.

CBP TECHNICIANS

According to reliable sources within CBP (*those same reliable sources who promised us we would see action on the technicians the first week of October --as reported in an NAAE e-mail bulletin*): "The new Technician policy on Commissioner Bonner's desk was one item which he did not get to sign off on prior to his retirement. The best available information to date indicates CBP is leaning toward a single GS-7 Technician position, the incumbents of which will rotate through the various duties during the appraisal year to justify the 7 grade. The duties of our Agriculture Technicians apparently do not, in and of themselves, justify an upgrade to GS-7. The upgrade will require training for all duties covered by the single position description." We are hoping the policy and training will be announced by January 2006

GAO SURVEY OF CBP TRANSITION COMPLETED

By Thomas Gary

Thanks are in order for all the CBP Agriculture Specialists and Technicians who took the time and made the effort to complete the recent GAO survey on the transition from USDA to CBP. This survey represents an extraordinary opportunity to let Congress as well as USDA and CBP know how badly CBP has botched its critical mission to protect American agriculture. Terry Horner of GAO, who was in charge of conducting the GAO survey, relates that GAO is thrilled that more than 65% of the surveys were completed and returned to GAO. As most of you know, GAO went out of its way to assure all CBP employees receiving a survey that their identities would be protected. GAO will now collect and analyze the responses and prepare a detailed report of its findings based upon those responses and its own investigation. Congress will receive a copy of the GAO report as will USDA and CBP. Rest assured, your identities will be protected, but if you believe Management has in any way retaliated against you for your participation in the survey, please let your NAAE Regional Vice President know.

PPQ NEWS

Fortunately for the PPQ folks, this message relates news items and not “circumstances” as is common for the CBP folks.

Uniforms

Things are finally “coming together” with the uniforms. We all know we are not thrilled with the colors the material etc., but things should be looking up. Thankfully, the Agency has provided us with up to an additional \$400 stipend this fiscal year to permit us to assemble complete uniforms and end the patchwork that has been prevalent. Poly-cotton pants are coming on line—let’s see how long they last (on the “bright side” there are different shades of green, while there were not different shades of black –easy on the bleach!) The 13 month waiting list for a maternity uniform has abated and some of the other turmoil associated with a new uniform has eased. Should you have concerns to report, please do not hesitate to contact our bargaining unit representatives on the uniform committee: NAAE National Secretary, Sarah Clore in Detroit for Eastern Region and Dennis Punzal in Honolulu for Western Region (Dennis replaces Mike Muraoka in Honolulu—thanks Mike!)

401s

Recently, Office of Personnel Management completed its work on the GS-400 Biological Series. Some of the work dates back to our infamous downgrade. OPM has attempted to provide classification guidelines that are easier to apply. In the course of the restructuring, OPM decided to abolish our age-old GS-436 series. GS-436 was a “single-agency standard.” This standard only occurs in PPQ (this is one of the reasons that CBP abolished GS-436 in their service in favor of GS-401.) With so few 436s left in the entire government service, it did not make much sense to maintain the series. GS-401 is an agriculture generalist. The standard can be written to include all of the duties 436s presently perform. The Agency will probably maintain the SAME working title we have had for many years—PPQ Officer. Note that Pest Survey Specialists, SITC Officers, many State Plant Health Directors and Regional Program Managers have been in the GS-401 Series for years. Hopefully, this is only a change in series number and there is nothing to be concerned about.

E-Authentication

In spite of several emails and other communication suggesting our bargaining unit must do this and that with regards to AgLearn, as of this writing bargaining unit employees are still not required to sign on to the eAuthentication system because our negotiations are still ongoing. These negotiations should wrap up soon: We're hoping for an agreement which will assuage concerns about the agency's handling of personal information. In the mean time management should be providing alternatives to training on AgLearn as necessary.

Four Level Performance-SITC

PPQ has recently announced the implementation of a four-level performance rating plan for SITC. This replaces the two-level “Pass-Fail” plan already in place for SITC. This move by the Agency would appear to be in preparation for bigger plans of the Administration to create a “pay-for-performance” pay system. We believe legislation will be required to change any aspect of our pay system and NAAE will be watching Congress intently should any pay change proposals surface. The rest of the bargaining unit will not experience any change in the performance plan at this time and will remain on a five-level performance plan.

It is important to note that compressed plans with fewer levels and all elements rated “critical” having the only choice below the level of “meets”
<http://WWW.AGInspectors.org>

or “fully successful” as “FAIL” makes it easier for the Agency to apply the “discipline or removal penalty” when an employee fails even one element. Do not hesitate to contact a Union representative if you are receiving performance improvement plans or are about to receive discipline for poor performance. You do have rights.

It appears that the Pass/Fail system that the Agency was so quick to implement was overkill for what they really wanted. The Agency’s ultimate goal is to pay employee’s base pay as different amounts depending upon whether or not the employee scores, “meets,” “superior,” or “outstanding.”

..... or was that based upon: “friend or foe,” “coreligionist,” “same political affiliation,” “sex or sexual orientation,” or “just plain old good buddy buddy?”

COLLECTIVE BARGAINING AGREEMENTS

We are finally on a track with APHIS’ new labor administration toward resuming bargaining on a new PPQ contract. Currently we are engaged in an exchange of concepts preliminary to a return to the table. The Agency has also committed to working with us on contract coverage for other positions in the bargaining unit not covered by the current Contract. These are the SITC Officers and, Pest Detection Specialists. We are still in discussions with the Agency over what form Identifier representation will take.

NOMINATIONS BALLOT

With this issue, we begin a new election cycle for NAAE Officers. We must all renew or start our commitment to be representatives of ourselves. This year continues the multitude of changes we have experienced over the past several years. We are now the labor force for two organizations in two Departments. NAAE is a tradition of protecting American agriculture. NAAE is also a tradition of democracy in the workplace. We continue that tradition with a new election. At the front of this issue is a nominations ballot. USE IT! We are a rank-and-file Union. You know who your colleagues are who can navigate us through these rough waters-- Those who can negotiate, mediate, moderate (and if absolutely necessary—teach the boss basics of what human beings need to EXIST!).

The CBP Regional Vice Presidents offices are those approved during the last by-laws election. We have created another National position,

National Vice President for CBP. Below please find a table to assist CBP folks in determining the proper Region for voting purposes.

Please note that CBP employees elected to Regional and National positions in NAAE may serve as the organizing committee for a National Agriculture Council of AFGE in the event that the final outcome of the representation issues before the Federal Labor Relations Authority results in: 1. An order for a CBP-wide election to be held between AFGE and NTEU, and 2. AFGE is successful in such an election. A full explanation of how we get here is to be found above in the President's Message.

CONVENTION!

NAAE's convention is scheduled for April 30th through May 3rd, 2006 at a location to be determined by the Committee. This location will be Nashville, Memphis, or Salt Lake City. We are planning training and fun. See your old PPQ buddies, visit with your Homeland cousins. Further details in our next newsletter and through our web contacts----
WWW.AGINSPECTORS.ORG All current NAAE members in good standing are invited to attend.

NAAE will compensate travel expenses for one PPQ and one CBP representative from each local.

The Planning Committee this convention is Jackie Klahn from Buffalo, NY PPQ and former NAAE President Susan Kostelecky of Raleigh, NC PPQ Export Certification.

We believe that regardless of our struggles before FLRA, all CBP NAAE members will still be in our unit at the date we have planned for our convention. CBP MEMBERS---PLEASE PLAN TO ATTEND! There will be plenty to learn and much to plan regardless of any FLRA decision. NAAE's Executive Committee will take steps to protect your travel plans.

WATCH YOUR USE OF COMPUTERS AND EMAIL

By Sarah Clore

During a recent consultation with the NAAE Executive Committee, APHIS Western Region Labor Relations Chief asked us to remind all bargaining unit members about the Agency's protocol for sending and receiving email and using the Agency's computers. USDA/APHIS has issued directives on the use of computers at work. (DHS/CBP has its own set of directions on this subject.) They include detailed restrictions on use and warnings about the prohibited content of computer materials. Familiarize yourself with these directives.

In addition to the absolute prohibition against opening up or sending pornography and other obscene materials, you should be extremely careful about sending out any offensive or potentially offensive email. You must remember that any email message you send to or receive from anyone is retained in a permanent record and is traceable back to you.

Be extremely careful what you say in your email about your supervisors, managers, and fellow workers. The Agency may be monitoring your computer use by reviewing its email records. Employees tend to be informal and careless in their email communications. They may overlook the possibility that someone else, other than the intended recipient, will read them. You should never say anything in an email message that you would not say directly to your boss's face. Pretend he is looking over your shoulder as you type every message. Remember, you have no right-of-privacy expectations associated with messages sent and received on your government computer even during non-work hours.

High Pathogenicity Avian Influenza

NAAE has been monitoring world outbreaks of HPAI in wild birds and poultry and is concerned about the well being of our members in the event that we are called upon to assist in eradication efforts if HPAI arrives at our shores. We have asked PPQ Management a number of questions in anticipation of the call to action. The current state of the Agency's answers to these questions is of great concern. We hope asking such questions will help iron out the bugs should mass TDYs become necessary. The following are some of the answers we've gotten:

Q. In the event of a "High Path" Avian Influenza outbreak, we anticipate PPQ employees may be called upon to participate in "depopulation" of poultry flocks much like these employees were called upon for this service with Exotic Newcastle's Disease. Unlike END, HPAI is zoonotic—with potential to infect the employees who must be involved in killing the poultry.

May we know in advance what protective methods, vaccines, equipment, clothing, etc. the Agency plans to use to use in such an event?

A. As you may be aware, the Secretary of Agriculture is asking the President for a supplemental appropriations of \$91 million to prepare for a potential High Path Avian Influenza (HPAI) outbreak. As the Secretary asks for this budget, an APHIS-wide team is preparing the Agency plan in dealing with such an outbreak. There is PPQ representation on this committee. Any PPQ employees asked to assist with any depopulation effort will be treated exactly the same as any other APHIS employee responding. The Administrator has asked for a "One APHIS" plan and response. This plan includes Personal Protection Equipment for all responders.

Q. What is the state of the supplies and stockpiles of the protection supplies above?

A. Currently there is not an adequate stockpile of PPE that would be necessary should there be a large scale outbreak of HPAI. This is addressed in the proposed spending plan should the Secretary acquire the additional budget.

Q. What arrangements with medical resources will be made to protect the health of employees involved in poultry activities?

A. *Every effort will be made to have medical resources as close to the incident site(s) as possible. Discussions are ongoing regarding the services of Federal Occupational Health (FOH) in such a capacity. Keep in mind if a pandemic is declared and thousands of individuals are affected, medical resources may be limited for such purposes.*

YIKES!

Q. Can we see the HPAI eradication plan if any exists?

A. *An HPAI eradication plan was submitted to the Department for review that is really the same plan we have been using for years with a few modifications specific to the Avian virus. If the plan is approved, the Agency will see if it can be released to NAAE.*

Q. Have we heard anything back from the Agency on their desires for a new TDY management plan/agreement? We would sort of not like to have a problem dumped upon us the same day the Agency decides to send half of us TDY.

A. *Several PPQ officials will be discussing this issue among others in Nashville, TN, the first full week in December.*



**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

Mike Randall, **President**
P.O. Box 31143
Honolulu, HI 96820-1143
3375 Koapaka St. Suite G-330
Honolulu, HI 96819

Work: (808) 861-8449
Fax: (808) 861-8469 U
Home: (808)239-4393
Email: Mikeeran@aloha.net
Pager: 888-631-3249
Please call AFTER 0600
Hawaii Standard Time!

Dave Benner **PPQ ER VP**
7675 NW 79th Ave #212
Tamaral, FL 33321

Work: (954) 797-0526
Fax: (954)-797-0612 U
Home:
Email: AremenR@aol.com
Pager:

Kate Richardson ,
PPQ National VP
PPQ Chief Negotiator
835 S. 192nd Street
Bldg. C Suite 1600
Sea-Tac, WA 98148
Sarah Clore, **Secretary**
11200 Metro Airport Center
Dr. Suite 140
Romulus, MI 48174

Work: New (206) 878-6607
Fax: NEW(206) 870-8043
Home:
Email: NAAE_KR@hotmail.com
Pager:

Donna Gutierrez **CBP SR VP**
9777 via de la Amistad
Otay Mesa, CA 92173

Work: (619) 671-8183
Fax:
Home:
Email: DGutier569@aol.com
Pager:

Work: (734) 942-9005
Fax: (734) 942-7691 U
Home:
Email: sarahclore@yahoo.com
Pager:

Gil Feliciano **CBP NR VP**
2598 world gateway pl
McNarama Terminal
Detroit. metro airport
Detroit, MI 48242

Work: (734) 941-8695
Fax: (734) 941-8831
Home:
Email: xxgilxx@hotmail.com
Pager:

Jim Triebwasser, **Treasurer**
1223 Eastwood St.
Bismarck, ND 58501

Work: (701)250-4473
Fax: (701)250-4480
Home:
Email: Triebwas2000@yahoo.com
Pager:

John Keck, **CBP WR VP**
P.O. Box 88593
Los Angeles, CA 90009-8593

Work: (310) 215-2432
Fax: (310) 215-1379 U
Home: johnwkeck10@hotmail.com
Email: 888-631-3244
Pager:

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

Work: (956) 726-2225 ext. 26
Fax: (956) 726-2322 U
Home: (956) 727-5521
Email: Willis.e.gentry@usda.gov
Pager:

Tom Gary **CBP ER V.P.**
146 North Woods Rd.
Manhasset, NY 11030

Work: (718) 553-0182/1660
Fax: (718) 553-0183 U
Home: Thomas.Gary@DHS.gov
Email:
Pager:

Alejandra Scaffa
CBP Chief Negotiator
National VP for CBP

Work (718) 553-0182/1660
fax (718) 553-0183 U
e-mail Sqme63@optonline.net

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

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