

NAAE NEWS FLASH!

NATIONAL ASSOCIATION OF AGRICULTURE EMPLOYEES



NAAE members:

Our union has joined the fight against the administration's plot to weaken the rights of federal employees and their unions.

On behalf of NAAE members, we have sued the government alleging that the three Executive Orders issued by the President in May 2018 are incompatible with the laws governing labor-management relations in the federal government, and we are asking the judge to block them.

You may have heard that other unions have filed similar cases, but ours speaks directly to the profound and debilitating effect the orders will have on our small but mighty union, and it is important for us to take a stand.

For example, one of the provisions in the Executive Orders would severely limit grievances by any of our employees over removals or ratings. Another provision would dramatically curtail the amount of time that NAAE representatives are allowed to spend preparing grievances or providing other important representational services to our members. This would be a direct attack on NAAE's effectiveness. It could also lead to management being more dismissive of our union when it comes time to bargain a new contract. That is not good for any of us.

We have already seen other federal agencies use these orders to gut contracts and take away important rights and benefits, and we don't want to be next.

The case was filed **October 18, 2019** in U.S. District Court in Maryland, and we will keep you updated on its progress.

UPDATE—GS 401 Arbitration

In January 2018, NAAE and PPQ Management submitted their dispute (known as the "401 Grievance") to a third-party arbitrator to decide whether 7 Bargaining Unit Employees were entitled to keep their GS-11 jobs despite a Management error in crediting their college courses 20 + years earlier when they were hired. The Arbitrator's recent decision ruled in favor of the NAAE grievants. PPQ appealed the decision and lost! The primary grievant in this arbitration is due to receive promotion to GS-12 and back pay for 3 years. NAAE's attorney has petitioned for full recovery of legal fees and expenses.

In This Issue

- NAAE sues Federal Government
- GS 401 Update
- NAAE Convention
- CBD Oils & YOU!

SAVE THE DATE !!!

NAAE BIENNIAL NATIONAL CONVENTION

SUNDAY - WEDNESDAY

APRIL 26 — 29, 2020

PLACE: EI SEGUNDO, CA
(a Los Angeles suburb near LAX & USDA PIS)

HOTEL: CAMBRIA LAX HOTEL (In El Segundo)
\$159.00 per night plus taxes
ONLY Travel is subsidized by NAAE

AGENDA: Consultation with Management -
You ask them questions &
share your concerns
Joint Labor Relations– Employment
Law Training
Trainers are NAAE General Counsel
and new head of APHIS / LMER
The training will be video - taped.

There will also be training in:

- 1. Negotiations, including proposal development**
- 2. Strategies**
- 3. Practices**
- 4. Local Union problem- solving**

New NAAE Executive Members will also be introduced! Please come and meet your incoming NAAE Executive Committee Members!

CBD OILS and HEMP-INFUSED PRODUCTS

Hello everyone. Recently HR had a broadcast stating certain stipulations on **CBD OILS and HEMP- INFUSED PRODUCTS.**

The broadcast stated that all federal employees should stay clear of the using these products.

Touching these products could cause dermal absorption and could result in a federal employee failing a drug test for Tetrahydrocannabinol (THC). Failing a drug test will result in suspension or revocation of security clearance and/or disciplinary action up to and removal from Federal service.

Also includes taking any of these products, such as **HEMP OIL, CBD OIL, CBD OR HEMP- INFUSED BEVERAGES, LOTIONS, CREAMS, ETC.** The labels on these products may not be accurate or reliable. Ingesting these products orally can also make one fail a drug test. This will also cause disciplinary action for the Federal employee.

The passage of the Agriculture Improvement Act referred to as THE FARM BILL contains Federal funding for hemp and CBD. These products may be termed as LEGAL but may contain small amounts of THC. The Farm Bill states that these products with a THC content of 0.3 percent or more cannot be classified under the Farm Bill as hemp. Anyone taking a drug test will test positive for marijuana after using or consuming some of these products.

Numerous studies have shown that some CBD products' labeling does not accurately reflect their THC content. The Food and Drug Administration (FDA) does not certify THC levels in CBD products. One study, for example, found that 69 percent of CBD products were consistent with the labels, some labeled at 0.3 percent contained amounts of THC up to 6.4 percent.

Affected Employees – two examples

One case, **Bruhn v. Dept. of Agriculture (November 2016)**, an employee argued that marijuana use was legal for medical treatment as permitted by California State law. Management and the Merit Systems Protection Board disagreed, stating that even though such activities were permitted by California law, the State's law "cannot insulate a Federal employee from the consequences of those actions... further, the Federal Government continues to designate marijuana as a dangerous drug notwithstanding State laws purporting to legalize its use."

Another case, **Brickett vs. Department of Homeland Security, (July 2019)**, an employee failed a random drug test after exposing himself to CBD oil while messaging it onto his son's body as a therapeutic treatment. After failing a required random illegal substance test, the Agency proposed and removed the employee from his position as a Deportation Officer and from Federal service. This demonstrates how Federal employees must be vigilant in avoiding contact with substances (such as CBD oils containing THC) that could be absorbed into their body. Clearly, the "unaware consumer" defense is not a persuasive argument.

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PLEASE NOTIFY THE SECRETARY OF ADDRESS CHANGES PROMPTLY!

Contact the EC

If you have questions or problems concerning -

- Changes in Working Conditions
- Computer Usage
- Being put on a Performance Improvement Plan (PIP)
- Representation Rights
- Disciplinary Issues
- Vol / Lateral Transfers

Visit us
www.aginspectors.org

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NAAE won't rest until there is justice and respect for every bargaining unit position .