

N.A.A.E.

National Association of Agriculture Employees

NEWSLETTER



Inside This Issue...

- A Message From Our President**
- A Letter From Our Deputy Administrator**
- Welcome a New Labor Relations Specialist**
- The Legal Report**
- A New Domestic TDY System**
- Contacting the ER Vice President**
- Uniform Update**
- A Note About Seniority**

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

N.A.A.E.

National Association of Agriculture Employees

Newsletter Issue No. 76 April 2009



A Message From Our President

Sarah Rehberg

Much has changed since my last update. (Yeah, yeah, yeah, the only thing that doesn't change is change.) In the last issue of the newsletter, I reported to you that the Mobilization Guide was coming -- well, it has arrived. Negotiations lasted over 5 months, and NAAE has just completed negotiations with management over the impact and implementation of the Mobilization Guide. The result of our joint effort is a Memorandum of Understanding (MOU), incorporating a totally new Domestic TDY System and an explanation of how our new Emergency duties fit into our jobs. (A detailed update from Mike Randall, our Chief Negotiator, is included in this issue). During this time, the Green Book negotiations -- The Green Book is our on-going effort at replacing our National Contract, the "Red Book," with a new and Comprehensive Contract -- were temporarily set aside with 12 articles, discrete topics, left to be completed. We have already restarted the National Contract negotiations right where we left off.

In January, the NAAE Executive Committee met in Washington D.C., and invited PPQ Deputy Administrator Rebecca Bech for an annual consultation. This was our first official meeting with her and it went great! The union, along with Labor Relations staff, met with Rebecca Bech, Mike Lidsky, Special Assistant to the Deputy Administrator, and Paul Eggert, Associate Deputy Administrator, at Ms. Bech's office. Management responded to our long list of questions and gave us some updates, and I'd like to share with you some of the highlights. While there may not be much big news stemming from our meeting, having the opportunity to let management know the issues and concerns of the bargaining unit is valuable, and several of the issues we brought up have been added to the Agency Executive Team's agenda. [Just to note our

accomplishment, this is the first time we have met with the Deputy Administrator since January of 2001—when management told us they were going to downgrade our GS-11s—the ice has thawed!]

The first highlight, we hope, will lead to upgrading all GS-9 pre-departure PPQ Officers or offering them Merit Promotion to GS11s in Puerto Rico, Hawaii, and U.S. Virgin Islands. The current unfortunate and discriminatory situation was a result of the OPM review of the senior GS-11 positions that led to the 2001 downgrade. PPQ Officers performing primarily baggage inspections were locked into GS 9 positions. Once baggage inspection duties were a memory for Mainland U.S. officers, the Agency came out with the Plant Health Safeguarding Specialist positions in 2004, which gave most of us Mainlanders an upgrade to a GS-11. This was a fantastic and unexpected change; however, it left out our coworkers in Pre-departure. So while many of us were enjoying a much deserved grade increase, officers in Pre-departure were forced to compete for a few PHSS positions or remain as GS-9s in baggage. NAAE has regularly brought this inequity to management's attention. Last year at the NAAE Convention in Florida, it came up again. Through the course of the discussion Paul Eggert generously offered to have Kris Luurs, Management Analyst, visit the operations in Puerto Rico and Hawaii and conduct an evaluation. The visits occurred last fall, and the final report had been submitted to the Agency Executive Team a week prior to our meeting. While no decisions have been made yet, and there would be many layers of approval required, we were informed the report and its recommendations were positive. We hope, because management hopes, to have a final answer by the end of the fiscal year. At that time (or even SOONER!), we expect to be able to pass on some exciting and overdue news!

We have all heard about issues with the budget. Paul Eggert assured us no programs are in jeopardy nor is there a freeze on filling vacant positions (just the creation of new positions). I know that there's always concern and rumors about the future of programs in Florida however I have confirmed with the PPQ National Recruiter that there are on-going recruitment efforts there.

We discussed the lack of training for career advancement available for technicians. As a result, the PDC has committed to conducting a needs assessment for technician training. The new GS-7 PIS Biological Technician position is being utilized heavily in the Western Region (28 positions) and vacancies have been posted for three locations in the Eastern Region.

An ongoing issue for us has been that new hires aren't always given a copy of the Red Book -- our current National Collective Bargaining Agreement. Delivery of the Contract to new employees is specified in that Contract as a management obligation. The Western Region has recently incorporated our Contract into the orientation documents, and it is now part of the new employee training. The Eastern Region should follow suit shortly, we were told.

During the consultation, Ms. Bech had some questions for us. We felt these were questions that the membership needed to be able to chime in on, so we committed to getting back to her after getting your input. She has been working at building a partnership with CBP-- it's a top priority. We talked about the successes and failures in PPQ/CBP cooperation and how it varies from port to port. Ms. Bech is looking for suggestions from you on how to improve our relationship with CBP. You need to tell us what you think so we can tell her. What works in your work unit? How can it be improved upon?

Another priority of the Deputy Administrator is to improve communication with the field. So we ask you, what do you want to see coming out of the DA office? What communication methods would best reach you given your duties and access to the office and computers? Let us know and we'll get your ideas and suggestions back to her.

In our last newsletter, we introduced the idea of sending postcard notifications to all NAAE members when there is a new newsletter posted on our NAAE website. We invited feedback and it was all positive so here it is. Now that it's a reality, tell us what you think. And please remember, you can always change your mind, and if you'd still like to receive a paper copy in the mail, just send an email to Jody Feliciano, National Secretary at jodyfeliciano@yahoo.com.

Speaking of cost cutting measures, most of you may remember that last year a vote to increase NAAE's dues, the first increase in 15 years, didn't pass. While the Executive Committee respects the memberships decision, conditions haven't changed despite our best efforts, and you will likely all be receiving more information on that topic in the very near future. Please remember that as always, we need member feedback!

CONVENTION COMMITTEE

It is not too early to start thinking about our 2010 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!

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 2010 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 port union members are willing to serve, please contact Sarah Rehberg on 734-229-1645 or at sarahrehberg1@yahoo.com.

In January, NAAE's Executive Committee met in Washington, DC and attended a very constructive consultation meeting with national level Management



front row Lt to Rt: Paul Eggert PPQ Assoc. Deputy Administrator, Rebecca Bech PPQ Deputy Administrator, Mike Randall NAAE Nat'l VP, Athena Pappas NAAE ER VP, Jim Triebwasser NAAE Treasurer, Sarah Rehberg NAAE President, Elizabeth Blackwood Chief of Labor Relations, Jody Feliciano NAAE Secretary back row: Peter Brownell Labor Relations Specialist, Frank King Labor Relations Specialist, Mike Lidsky Special Assistant to the Deputy Administrator.

NAAE invited our Deputy Administrator, Rebecca Bech, to write a letter to all of us to be published in this edition of the NAAE Newsletter.....

AND SHE DID.....HERE IT IS Thank You Rebecca!

Recently I had the opportunity to meet with the NAAE Executive Team in Washington, D.C. during the week of January 26, 2009. During the meeting I was introduced to your Executive Team members and learned first hand of some of the issues that are most significant to NAAE.

I fondly remember my days as a PPQ Officer in New Orleans, Louisiana, and I find it interesting that many of the same issues that were important back then are still important today. Communications always seem to be an issue, which is why I am pleased to have a chance to address you in this newsletter.

The PPQ budget is certainly of great interest to us all. With respect to the budget, there are a few updates I'd like to share with you. First, the Continuing Resolution originally authorized through March 6, 2009 has been re-authorized through March 11, 2009 to allow Congress time to finalize the 2009 Omnibus Bill. The President's budget for 2010 will be released sometime in April, which will provide opportunity for insight into the current Administration's priorities within APHIS.

The Farm Bill - H.R. 6124 Food, Conservation, and Energy Act of 2008 - became law in May 2008, and authorized several major programs that APHIS will lead. However, prior to funds being released, APHIS will be meeting with OMB to discuss spending plans for both programs.

- Section 10201, "Plant Pest and Disease Management and Disaster Prevention" directs the Secretary of Agriculture to make available Commodity Credit Corporation (CCC) funds for early plant pest detection and surveillance, for threat identification and mitigation of plant pests and diseases, and for technical assistance in the development and implementation of audit-based certification systems and nursery plant pest risk management systems. The five-year Farm Bill

specifies that these funds be made available incrementally, starting with \$12 million in fiscal year (FY) 2009, \$45 million in FY 2010, and \$50 million in FY 2011 and thereafter.

- Section 10202 directs the Secretary to establish a program to be known as the “National Clean Plant Network”. The Secretary shall use \$5,000,000 in CCC funds to carry out the Program for each of fiscal years 2009 through 2012, which are to remain available until expended.

I think it’s important that all APHIS employees be aware that user fee receipts are down from initial projections, due to decreased international travel. AQI user fee collections have experienced a 10.5% decline during the first two quarters of FY 2009. This translates to a \$69 million reduction in revenue, which has already been factored into the allocations for both DHS/CBP and USDA/APHIS. Options to cover this reduction are being addressed to ensure both Agencies can continue to carryout their respective AQI functions. APHIS managers are working diligently to employ sound and accountable budget practices in concert with program delivery.

Both internal and external communications are an essential part of any organization if it is to be effective. With respect to internal communications, PPQ is in the process of reorganizing the PPQ Communications Liaison Group, which serves as an arm of the PPQ Executive Team. Some of the things our ad hoc Communications Group has already done include: (1) sponsored refresher sessions to discuss the PPQ mission; (2) developed internal communications guidelines that are available on the PPQ Intranet site: <http://WWW.AGInspectors.org>

<http://inside.aphis.usda.gov/ppq/communications/>; (3) developed standard operating procedures for emergency situations that may be encountered by employees; and (4) developed a PPQ directory that can be found at:

<http://inside.aphis.usda.gov/ppq/directory/index.shtml>

As necessary, the internal communications liaison group will be working with bargaining units and the managers association for input on issues related to improved communications to help flesh out recurring issues with e-mail that might be easily corrected through education or minor changes to the system.

I appreciate NAAE inviting me to share my thoughts with you on these important issues and I look forward to engaging in future productive dialogues.

Sincerely,

RAB

DA

Frank King –APHIS Labor Relations Specialist Welcome to PPQ

NAAE welcomes the newest addition to the Labor Relations staff! Though we'd heard his voice on conference calls, we had the opportunity to get to know Frank in person during our meeting in D.C. in January. We couldn't have been more pleased as he exceeded our expectations. We look forward to working with him.

Frank started his career in the US Army jumping out of planes for the 82nd Airborne. After his discharge from the Army, he began his Federal career in the Postal Service in 1987 in Fayetteville, NC. He transferred to the Charlottesville, VA Post Office in 1994, where he remained until 2007 when he transferred to

the USDA. During his Postal career, he was a bargaining unit employee for 18+ years and served as a Union shop steward, Local and State Union Officer for the American Postal Workers Union (APWU) from 1988 through 2005. Between 1995 and 2005 Frank also represented the National APWU, as their advocate in over 100 Regional arbitration hearings. From 2005-2007, he served the Postal Service as a Labor Relations Specialist. Since joining the USDA, Frank has been an Employee Relations Specialist with APHIS, handling issues with AMS/GIPSA and in November 2008 joined the Labor Relations staff, with primary responsibilities dealing with the Eastern Region of PPQ.

Frank was born in Fredericksburg, VA and has recently moved back to his home town of King George, VA. He has been married for over 23 years to his wife Rosemarie, who is a Postal Worker and Union member. They have 2 children (Son 22 and Daughter 15). His hobbies include hunting, softball, golf, and raising English Pointers.

General Counsel Report

By Kim D. Mann

Union members pay bi-weekly dues and participate to one degree or another in the unique process of presenting the employee perspective on Agency actions affecting conditions of employment. What do they get for their money, their time, and their effort? These are questions each member of NAAE and each member of the bargaining unit who is not yet a member of NAAE but who is considering joining should ask himself or herself. National President Sarah Rehberg will have much more to say about the answers to these questions in her article appearing elsewhere in this issue of the Newsletter and in a soon-to-follow letter to the membership.

Because some of your union dues and considerable energies of the NAAE National Executive Committee are devoted to pursuing meritorious grievances and because, as NAAE General Counsel, I get involved in assisting NAAE pursue these complaints against management action, I want to describe below two very recent NAAE involvements supporting PPQ bargaining unit issues that fairly exemplify the types of causes NAAE will take up for their bargaining unit employees, regardless of where they may be stationed and regardless of whether they are Officers or Technicians.

1. Foreign TDY Overtime

Unbeknownst to NAAE, the Agency in recent years has taken subtle steps to minimize the costs it transfers to private "stakeholders" when PPQ Officers perform foreign-country preclearance functions while serving on foreign TDY assignment. Overtime costs are perceived as one of those big-ticket items. When one PPQ Officer, approximately a year ago, complained about not receiving any CTT or proper Title 7 overtime pay on his foreign TDY

assignments, NAAE filed a class-action grievance for him and all similarly situated PPQ Officers. The class-action grievance sought back pay and reaffirmation that the premium-pay provisions of APHIS Directive 402.3 and USDA Department Manual Chpt. DPM-550 apply and will continue to be applied to all foreign TDY assignment pay, including CTT, time-and-one-half, double time for Sunday work, night-time differential, etc.

The Agency denied the Union's class-action grievance on a number of grounds, including on the novel theory that NAAE's Collective Bargaining Agreement (the "Red Book") does not authorize class-action grievances. More disconcerting, however, was the Agency's position on the merits: APHIS/PPQ Management asserted the grievance lacked merit because APHIS Directive 402.3 does not apply to PPQ Officers working on foreign TDY assignments – according to the Agency, they are not entitled to any overtime, CTT, or Sunday premium pay while on foreign TDY. The NAAE response was two-fold: 402.3 has always applied and been applied to foreign TDY work, and, if the Agency wants to discontinue this past practice of observing 402.3, it must give NAAE advance notice of the plan to make this change along with the opportunity to negotiate before implementing the change, something the Agency has not done here.

Unable to resolve our differences in the informal grievance setting, NAAE invoked arbitration, requesting an independent third party, selected by the Union and the Agency, to decide this dispute. At the suggestion of the Agency, NAAE agreed to a voluntary intermediate step, submitting their dispute to a third-party mediator to see whether he or she could bring the parties closer together before sending them off to arbitration, an expensive, lengthy, and uncertain procedure that could drag on for years.

In a further effort at good-faith resolution and at narrowing the issues of contention before turning to mediation and arbitration, NAAE and the Agency agreed to exchange written explanations of their respective legal and factual positions. This exchange made it clear that although fundamental differences remained, it might be possible for the two parties to "negotiate" a settlement of their conflicting positions, and thus of the grievance itself, without resorting to arbitration. NAAE agreed. So did the Agency. NAAE was pleased to learn the Agency had retained the former General Counsel of the FLRA, David Feder, as its special counsel to provide legal advice on this matter as it began the negotiating process. NAAE and its negotiating team (Mike Randall and myself) soon became comfortable with Mr. Feder and the reasonable positions he took in attempting to negotiate a settlement on behalf of the Agency. He, in effect, ended up brokering a settlement that seemed fair and equitable to both sides, the Union and the Agency.

In mid-March 2009, NAAE and the Agency did reach a final settlement of the foreign TDY grievance. It has not yet been signed – the USDA General Counsel Office must review and approve the settlement and currently is working out a few minor technical issues – but, absent some totally unexpected

11th hour obstacle, the Settlement Agreement should be concluded shortly. It will have the following major attributes, applicable only to defined foreign TDY assignments:

1. NAAE will drop its class-action grievance;
2. Agency will not admit it has done anything wrong and will not require employees to refund any foreign TDY overtime payments received from the Agency;
3. Agency will pay CTT on all future call-out overtime assignments, for all Sunday work, and for all overtime assignments resulting from breaks in service of 65 minutes or more;
4. CTT will be paid for two hours (not the one hour currently specified in the CTT regulations) for all call-out overtime and one hour for all Sunday and break-in-service overtime;
5. None of the overtime or CTT pay will be capped at GS-10, Step 1 pay;
6. Agency will pay overtime, including for all work on Sundays, at the rate of 150% of the employee's hourly salary rate (*i.e.* time-and-one-half);
7. All other premium pay provisions of Directive 402.3 will continue to apply;
8. Agency will provide all employees and supervisors involved in foreign TDY assignments advance written notice, jointly developed by NAAE and the Agency, of employees' premium-pay rights and benefits while serving on foreign assignment; and
9. The negotiated settlement provisions apply only to future foreign TDY work and only to work involving non-military pre-clearance (inspection and treatment) of plants, plant products, commodities, and conveyances, performed in a foreign country.

Also as part of the settlement, the Agency has agreed to pay the principal named grievant a sum of money representing roughly his lost CTT pay, with interest, while serving on foreign TDY assignments.

NAAE and the Agency believe the Agency will have to issue a new directive to cover foreign TDY assignments and to amend its CTT regulations, published in 7 CFR § 354.2, in order to include the special negotiated CTT provisions applicable to foreign TDY preclearance overtime.

From the Union's perspective, the result of the grievance process in this case, while not perfect, was fair and reasonable under these circumstances. It

was achieved relatively quickly and inexpensively. It would not have been possible without the good-faith efforts and expertise of David Feder, the Agency's special counsel, and the sincere desire of Agency Labor Chief Beth Blackwood and her team, including Mike Lidsky (APHIS legal counsel), Ron Dale, and Peter Brownell, to treat the Union fairly and with respect and to achieve a settlement that would work well in practice for all sides. The Union greatly appreciates this attitude and tried to reciprocate during the course of reaching settlement here. It sincerely hopes these gains in mutual understanding and respect will carry over to other joint efforts to address future disputes that always seem to bubble up from the field and in Washington, DC.

2. GS-5 Domestic Technicians Working As GS-7s.

One such potentially contentious dispute has indeed recently arisen. NAAE had no sooner settled its long-pending battle with the Agency over the 100 or so PPQ Officers who claimed to have been performing GS-11 duties while being paid as GS-9s than NAAE received word from its strong Puerto Rico membership that the GS-5 Domestic Technicians in Puerto Rico have been performing essentially the same "domestic" duties as their GS-7 counterparts on the Mainland, except those Mainland Technicians are being paid as GS-7s.

These Technicians in Puerto Rico believe the Agency's disparate grade and payment scheme was and is on its face discriminatory, unfair, unreasonable, and illegal. They contacted the NAAE National Executive Committee through their local union representative, Jorge Torres, seeking guidance. The Executive Committee counseled them to demand payment for their work in their next pay-checks at the next highest grade level, GS-6, and, if the Agency refused to pay them as GS-6s, to file separate grievances.

When Agency management refused to pay the Puerto Rican Technicians as GS-6s, all the Technicians filed similar grievances, requesting temporary promotions to GS-6 Technician positions – they were not qualified and thus could not request to become GS-7s because they had not previously served as GS-6s for 52 weeks – retroactive to the date they first began performing GS-6 duties as GS-5s. They also requested backpay with interest for the difference in the pay they received as GS-5s and the pay they should have received for performing the same work as GS-6s. Those grievances, a total of ten of them, have just been filed. While the Agency has not yet acted upon them, it is very likely it will deny them all across the board.

Unlike the 100+ grievances on behalf of GS-9s performing the domestic and AQI duties of GS-11s that, for a myriad of reasons, including the death of the assigned arbitrator, dragged on for many years before they were finally settled last summer, NAAE is committed to moving the ten GS-5 Technician grievances rapidly through the grievance process to and, if necessary, through arbitration. NAAE will, of course, at all times seek a prompt, reasonable settlement of these grievances with the Agency without going through the

expense of arbitration. However, more is at stake here than merely pay and grade issues: the allegations are that the Agency has been treating its Puerto Rican employees differently from and as inferior to its Mainland employees performing essentially the same duties. This must end. This is a cause NAAE is willing to spend your dues and its time to fight.

From the Negotiations Table: A New Domestic TDY Agreement

by Mike Randall Vice President

NAAE and PPQ have JUST finished negotiations over a new TDY Domestic Agreement and implementation negotiations over APHIS' Emergency Mobilization Guide

It's either a short long story, or a long short story.....so read on.

In order to understand how we got here.....a little history is in order: Our 1985 National Collective Bargaining Agreement—the “Red Book” -- left us under a patchwork of different and conflicting local procedures for assignment of Domestic TDY work. In 1992, the Agency agreed to negotiate over new national procedures for TDY, and the agreement we concluded back then brought us to the current TDY assignment framework; that framework was strong on local procedures, weak on promoting volunteerism, and often caused mandatory assignments. Local union branches still negotiated many of their own local procedures (a good thing, as this is basis for new national procedures).

In the early 1990's, we experienced our first major test of that system with major fruit fly outbreaks in California and Florida (and later Florida citrus diseases) --the negotiated TDY system kind'a failed, but we eked through these crises. Later the voluntary part of the system totally failed when most all of the volunteers were booted from the list for refusing the choice duty of serving in Arizona and Texas on karnal bunt TDYs with the promise of summer's 110+ degree “warmth.”

The consolidation from four regions down to two regions caused modifications of our voluntary and mandatory TDY systems, turning the concept of compliance with our agreements into some kind of cruel joke.

...And that is not all that went wrong, dear Murphy, with your famous Law — then along came 9/11, terrorism, biowarfare, dirty bombs, turn in your weird neighbor, the PPQ transfer of function, and the loss to CBP of 2/3 of our personnel. Oh, and then came Katrina and the absent National Guard (who

were in the Middle East fighting two wars... of course). These series of events prompted the Bush Administration to issue a number of Homeland Security Personnel Directives, in the name of national security, that affect us in PPQ in a very personal way. Now APHIS would now be responsible not just for Agricultural pests and animal diseases (flies, beetles, blight, worms, moths, sick chickens, goofy cows, etc.), but also for providing “general assistance” to other agencies in disasters. Last September, PPQ gave NAAE notice of APHIS’ operational plan for sending **US (You and Me)** out to these disaster situations to assist APHIS, National Guard, FEMA, CDC...or whoever needs our services. The Agency’s operational plan is called the APHIS Mobilization Guide, and we expect that the final document will be posted on the intranet. (We will provide a link when the final document is out.) We call the plan the “MOB GUIDE” maybe because “mobilization” takes too much effort to say, or maybe because “mobilization” sounds too military, and we just signed up to be simple white-collar (oh yeah, um khaki collared) civil servants. (Gee, maybe that’s why the green pants—You’re in the PPQ NOW.)

Our learning process on the intent of the use of the MOB Guide was fairly quick. While we kept receiving assurances that “we would only be performing work related to our agricultural jobs,” we also heard the words, “make sandbags, epidemic human bird flu, guard roads, insurrection, nuclear, biological and chemical,” far too many times to allow us as union representatives to sleep easy.

NAAE and eventually the Agency saw the implementation process for the MOB Guide as an OPPORTUNITY for fulfilling the needed new and up-to-date TDY assignment agreement. NAAE wanted a system that would protect our employees while on domestic TDY and would also take into account legitimate employee physical limitations as well as the need for Management to schedule leave dates in advance to maintain sanity. We as the Union also wanted an emphasis on volunteerism and a system that would continue to work without breaking down at every bend in the road.

The Agency needed a system that would produce TDY participants, voluntary, if possible, as quickly as possible. PPQ needed to manage the system using central regional computer databases and needed to be able to select participants from national, regional, or local levels, depending upon the severity of the emergency and the needs of the program. Email could be used to enhance the number of volunteers, and it could also be used to speed the “deployment” process (yuck, we don’t like that word either—too military!). . Thankfully, we concluded an agreement on March 31, 2009 (...and not one day later, or you’d think we were joking). The new TDY plan is ripe for implementation on May 1, 2009 so EXPECT CHANGES SOON.

[A COPY OF THE TDY AGREEMENT MAY BE FOUND BY CLICKING HERE
—PRINT A COPY TO KEEP AS YOUR REFERENCE TO TDY PROCEDURES
HTTP://www.aginspectors.org/tdy.pdf](http://www.aginspectors.org/tdy.pdf)

The Agreement came out to ten pages. There are a lot of nice little provisions in the Agreement, and we are hoping that some of them jump out at you, and you can say, "That one is for me." As with all negotiated products, there are always a few things we don't like, but we've tried to keep these to a minimum. Actually, this is about the best we've felt after negotiating something of real substance and with a major impact on the entire bargaining unit.

Without giving away the store, here are a few highlights of the new Agreement (we really want you to read the whole thing and ask questions):

All procedures are contained in the Agreement and will supersede all previous domestic TDY procedures. Though some of this may sound a bit scary, using our vast institutional memory (and lookin' at a lot of old local agreements), NAAE has managed to capture in one national agreement all of the best local procedures that have governed who goes and doesn't go on TDY. [The majority of our bargaining unit used to be concentrated at ports of entry---now we're mostly scattered, in much smaller workunits.]

The "count" for tracking of past TDYs resets to "zero." The initial reckoning for the Voluntary List will favor SCD seniority while the Mandatory List will opt to draft SCD Juniority. As personnel develop a TDY history, the systems will use "who went last" and place them at the bottom of the list..

As much advanced notice of TDY assignment will be given as possible.

An initial call for volunteers will come out on e-mail and the call will specify a response time.

PPQ will provide as much notification as it can regarding the expected TDY project working conditions, including physical demands.

Employee position on the mandatory and voluntary lists will be viewable on the intranet.

Special procedures have been developed for employee exemptions to availability to serve on TDY assignments. Among these exemptions are:

1. Medical Conditions

These conditions may limit an employee on certain TDYs. Employees who are aware of medical conditions that may affect participation are urged to read the procedures for obtaining exemptions NOW, be familiar with them, and not let this be a last minute "emergency." If you can't go, it will certainly affect someone else who now must go. Be considerate.

2. Serious Personal Obligations or Hardships

You know if this exemption fits you. Again, be considerate and read the procedures in advance.

3. Jury or Court Obligations

Yes, the Judge is one of the very few who can take away Management's right to assign work.

4. Military Duty

Well, of course, you get to go, because you're doing something pretty important for the folks back home.

5. Annual Leave

Each employee will be permitted to select up to 6 weeks (if you've got that much, or you'll get that much) of Annual Leave using your local procedures. These weeks will be blocked off in the Agency's computer marking you as unavailable those weeks. (You even get the breathing space of the weekend before and after your leave block.)

6. Other Exemptions

This catch-all category is the "what if" exemption. If something not covered above just doesn't work for you, you can always ask. Just be reasonable.

7. If Management unfairly or erroneously denies your exemption request, you may use an accelerated grievance process that begins at the Regional Level to try to correct that decision.

We do not expect this new TDY process to work perfectly the first time (fingers crossed). If problems arise, we have pledged with the Agency to work to fix problems. NAAE needs feedback on these procedures as we will soon negotiate the TDY Article for the Green Book, the new comprehensive Collective Bargaining Agreement to replace the Red Book. We want this TDY agreement to be a good match with our upcoming contract. Please do not hesitate to call the National Contract Negotiating Team -- Sarah Rehberg, Mike Randall, or Jim Triebwasser -- with your questions, compliments, gripes and INPUT. We can't make this stuff work without YOU and your input from your hands-on experience.

Contact Methods for the ER Vice President Athena Pappas

As the Eastern Region VP for NAAE, I would like to let you all know the best way to contact me. I think communication is important not just between us but other employees and I am committed to trying to make this as easy as possible for all of us.

The best way to get me is by telephone. I have an extension where if I am not there to answer, you can leave a voicemail. While I have union hours, which

<http://WWW.AGInspectors.org>

are Monday thru Friday from 1030-1500 EST, at times they vary due to program needs. I do my best to respond to all emails but should you not get a response, please pick up and phone and give me a call.

If I am away, I will have an automated away message on Lotus and my office voicemail will be updated to reflect my absence. Please keep in mind that we no longer have the ability to check Lotus through the internet. I can also be contacted at pagelawz@yahoo.com. Also, as always, you can reach out to any representative on the Executive Committee. When I am on leave or TDY, Willis Gentry, the WR Vice President will be my backup. You can find the Executive Committee contact information on the union website at WWW.Aginspectors.org.

There is also an Eastern Region Yahoo group for union members. The yahoo group is a great way to network with other employees from around the region about work, union experiences or other issues. Often times questions are posed and someone else in the group has already dealt with that issue and can usually give you a great answer. It is a secure site that is run by Victor Zeno of Florida and assisted by me. To gain access to the site, you must be a union member and have a personal email address. If you are interested and are in the Eastern Region, please contact either one of us.

UNIFORM UPDATE

By Dennis Punzal

NAAE Western Region Uniform Committee Representative

New Contract Evaluations

The Uniform Committee is currently evaluating bids from vendors vying for the new contract to provide uniforms for the approximately 900 employees receiving uniform allowances. The current contractor Zeffi, will be providing uniforms until a new vendor is selected and prepared to start providing service. In evaluating the contract proposals, the committee is considering consistency of product quality, pricing, customer service, and US made products. Final evaluations are continuing and the selection of the new contractor will be made soon.

Predeparture Class A Uniforms

The current uniform for the Predeparture Inspections in Hawaii and Puerto Rico is the Class A white shirt and green pants. Of all PPQ activities, the Predeparture Inspection Programs in Hawaii and Puerto Rico are the most visible to the general public. PPQ employees conducting predeparture inspections also come in contact with foreign dignitaries, heads of state, and high ranking US military and government officials. When the uniforms were placed in service in 2005, many of the uniform users in Hawaii and Puerto Rico received negative comments from the public, stakeholders, and other federal agencies. The feedback was that the Class A green pants and white shirts did not project as professional an image as did the black pants and white shirts.

<http://WWW.AGInspectors.org>

Surveys conducted in Hawaii and Puerto Rico found the overwhelming response of PPQ employees was to return to the Class A uniform of black pants and white shirts. On behalf of the approximately 550 uniform users in Hawaii and Puerto Rico, the Uniform Committee sent a proposal to the Executive Management Team to change the Class A uniform back to black pants and white shirts for Predeparture Inspections only. The proposal was approved by the Executive Management Team and will be implemented on January 1, 2010.

Seniority

How is seniority defined? Your port may have a well established protocol to define seniority or you may be in a port where it hasn't been a concern. With PPQ taking on the agency role of "ALL HAZARDS RESPONSE," seniority will become one of the criteria for selecting non-volunteer recruits to be selected. Seniority will initially be defined by service computation date (SCD) in the APHIS Mobilization Guide (MOB GUIDE) memorandum of understanding (MOU) that was just negotiated between NAAE and PPQ. It will be used to establish initial order of volunteers maintained in the TDY database with those having the earliest SCD going first. If volunteers are not available non-voluntary assignments may need to be made. In that case the SCD will also initially be applied to the non-voluntary or forced situations with a reverse seniority system, least seniority forced first. After the initial ranking by SCD and participation in a TDY event the volunteer will be placed back on the roster with the date of their deployment and that will become the date to establish their seniority for further selection for TDY events. The same will happen with the non-volunteer. Seniority can be used to establish priority lists for use in bidding for jobs, vacation, leave, and TDY's.

Service Computation Date (SCD) – this method establishes seniority by how long a person has been with the government. This does not distinguish between time working for PPQ and other government employment. It all counts and can be found on your NFC, employee personal page (EPP).

Why Form a Local Branch?

Athena Pappas, Eastern Region Vice President

How would you like to have more say in what goes on in your work unit or program? Well, why not consider forming a local branch of NAAE? I know it can sound a little intimidating, but there are many reasons you should consider it. One reason is that it gives you a say in what happens in your office with regards to changes in working conditions, local agreements, MOU's or being involved in negotiations. You have the right to negotiate how annual leave is granted, how TDY selections are made and how overtime is assigned. You may think that you don't have enough issues locally to warrant a local branch, or that you don't want to disrupt the relationship with your manager, but having a local does not mean an automatic adversarial relationship. A

local branch encourages conversations about changes because you and your manager are no longer required to go through your Regional VP. Remember, it's also a great way to stay involved and be proactive with the national.

To form local is as easy as 1-2-3. As a matter of fact, 3 members of NAAE to be exact, is all you need. The members should be part of the same work unit or part of a different work location, under the same chain of command. Your Regional VP can help you determine the right scope for your local.

As long as the 3 (or more) members agree they want a local branch, they would then write a letter to their Regional VP stating just that and designate an interim local president until elections can be held. This letter must be signed by the three (or more) members.

Once received by the Regional VP, it will be forwarded on to the NAAE Executive Committee for approval and assign you a local number.

The Regional VP will continue to provide guidance, advice and assist you in negotiations or whatever your union needs and concerns may be.

So give it some thought and if you have any questions, contact your Regional VP or any Executive Board Member. All contact information can be found on the NAAE website: www.Aginspectors.org

WATCH YOUR USE OF COMPUTERS AND EMAIL

Kim Mann and Sarah Rehberg

Periodically, we like 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. 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/she 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.

This warning has everything to do with the fact that people are emailing freely and inappropriately concerning their managers. Be careful what you say!

Also, you are allowed to send emails in your official union capacity on official time, but always remember to request the time in advance! And do not discuss any internal union business while on official time or on your government email. Internal union business includes discussing elections, dues, and ??

How to Join the Union?

Members and dues... the life force of the Union. The health of the treasury determines, to a large extent, how much, how hard and what issues we can fight and how. Decisions upon what to arbitrate and when to un-tether the falcons of justice (or if to just settle for us unpaid rag-tag-band-of-ne'er-do-well volunteers) depends upon how much moolah is in the kitty. So...you have to JOIN the Union and... you have to do it RIGHT. You might not know this, but as a member-- it's in the by-laws -- it's your obligation to tell other folks about the Union and encourage membership i.e. MAKE MORE MEMBERS.

How to File Those Forms

1. Get Form SF-1187 Request for Payroll Deduction- Ask any National officer, cut out or photocopy from THIS newsletter, print it from our website [HTTP://www.AGInspectors.org](http://www.AGInspectors.org)
2. Fill out: 1.) Name, 2.)S.S.# 4.) HOME Address – We need your HOME address ONLY! It is against the law for us to send an election ballot to your office. Remember, this is our only chance to get your address right for elections and newsletters.

SECTION A—Put down your branch if known; otherwise write the name of your work station. Currently dues are \$7.50 per bi-weekly pay period.

Please do NOT sign authorized signature—that's for the NAAE National President.

SECTION B—This is for you! Please sign and date (preferably in blue ink). The Agencies will not process a form to withdraw from your paycheck without an ORIGINAL signature (would you have it any other way???)

3. Give the original of your form to a National officer or see that the form gets mailed to the NAAE National President for processing. His or her address is always on the back of the newsletter (as well as all of the rest of your NAAE National officers)—

Welcome to NAAE.

Remember—No need to kill a lot of trees. We only need ONE original form to process a dues withholding request. That old system of carbons and triplicates is history and is just a bunch of environmental pollution- Don't be a dinosaur.

Commun Misteaks:

Some folks have tried to send their dues forms directly to Management for processing. NO!!! DON'T DO THAT. This isn't supposed to result in withheld dues, but sometimes it does (see Bad thing #3 below). Management is not supposed to process any forms without an authorizing signature from the NAAE National President.

Bad things that happen to unauthorized forms:

1. Management hoards the unauthorized forms for about six months and then sends them back to us unprocessed for "no signature".
2. Unauthorized forms are never processed, get thrown away, or otherwise "disappear".
3. Management processes the dues withholding, NAAE never knew you joined, we lose our once in a lifetime opportunity to get your home address because we never see the form, and you are angry-- you can't vote and never get a newsletter.

There are plenty of other ways to mess dues withholding up, but we won't print them all here to avoid giving away too many of our best held secrets. Just keep to the simple directions above and we should be able to scale most any wall USDA can build. Happy recruiting.



**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

Sarah Clore, **President**
11200 Metro Airport Center
Dr. Suite 140
Romulus, MI 48174

Work: (734) 229-1645
Fax: (734) 942-7691 U
Home:
Email: sarahrehberg1@yahoo.com

Athena M. Pappas **PPQ ER VP**
Plant Insp. Sta.
Building C Suite 100 Room 109
230-59 Int'l Airport Ctr. Blvd.
Springfield Gardens, NY 11413

Work: (718) 552-1732/33
Fax: (718) 553-6028 U
Home:
Email: PageLawz@yahoo.com
Pager:

Mike Randall, **Vice President**
NAAE Chief Negotiator
P.O. Box 31143
Honolulu, HI 96820-1143
C/O USDA 375 Rodgers Blvd
Honolulu, HI 96819

Work: (808)838-2705
Fax: (808) 838-2706
Home: (808)239-4393
Email: Mikeran@aloha.net
Cell: 808-782-6556
Please call AFTER 0700
Hawaii Standard Time!

Jody Feliciano
5936 Ford Ct. Suite 200
Brighton, MI 48116

Work: (810) 844-2724
Fax: (810) 844-0583U
Home:
Email: JodyFeliciano@Yahoo.com
Pager:

Jim Triebwasser, **Treasurer**
3663 C-R 35
Barnum, MN 55804

Work: (218) 720-5282
Fax: (218) 720-5281
Home:
Email: Triebwas2000@yahoo.com
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:

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

Jody Feliciano, Secretary
28085 N Clements Cr
Livonia, MI 48150

POSTMASTER: ADDRESS CORRECTION REQUESTED – PLEASE DO NOT FORWARD