

# N.A.A.E.

National Association of Agriculture Employees

## NEWSLETTER



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**N.A.A.E.**

**National Association of Agriculture Employees**  
*Newsletter Issue No. 73 June 2007*



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## **A Message From Our President**

*Mike Randall*

*As they used to say at the Roman  
swinery.....*

**STERCVS ACCIDIT!**

**FOR CBP MEMBERS: THIS IS YOUR LAST  
ISSUE OF THE NAAE NEWSLETTER.**

*You spend four years saying goodbye ....and  
then it finally happens.....*

On May 18<sup>th</sup>, in FLRA's final act in an opera that has played out in our lives, it issued a certificate of representation, ending nearly 54 years of NAAE representation of Port-of-Entry Agriculture Inspectors and Technicians, and turned our CBP employees over to the National Treasury Employees Union to be represented in one bargaining unit of non-professionals populated with Legacy Customs and Immigration inspectors. NAAE tried to preserve the professional status of our CBP Ag Inspectors to give them the opportunity to choose their own separate union apart from CBP

Law Enforcement types and, above all, to pursue their own brand of justice in the government-created monstrosity called DHS.

While ultimately we were not successful in our union structure and employee representation goals for our CBP bargaining unit members, we did bring a bit of justice to the system. Through some of our struggles: we participated in a successful joint labor defense against a new and unjust Personnel System; our Ag Inspectors in CBP got GS-11s a lot sooner through NAAE intervention (the original plan was “NFL” — “nines for life”); CBP recognized some merit in keeping Agricultural inspection in the baggage arena; CBP realized guns were not a necessary pesticide; and Agriculture Inspectors were not totally turned into Customs Inspectors as the DHS/CBP One-Face at the Border plan appeared to dictate. An NAAE-filed class-action grievance for Ag Specialists continues into arbitration under NTEU auspices (NAAE is no longer recognized as the grievants’ Union) regarding CBP’s illegal implementation of a \$25,000 cap on reimbursable overtime earnings, and in our final push with CBP, and in lock step with AFGE and NTEU, Agriculture Inspectors will finally receive Foreign Language Award pay—years LATE, a benefit of the COPRA Regulation that CBP just couldn’t seem to implement.

While NAAE’s multifaceted plan to retain CBP representation plans ultimately failed, there is still one final step in that plan. When the split of personnel and duties between USDA and DHS was first proposed, we knew it would be a train wreck waiting to happen. We figured it might take about 5 years for Congress to investigate CBP and conclude what we already knew—the smoldering train remnants and cargo are spilled all over the bottom of the canyon. That wreck has happened, proving along that indeed CBP management would bungle the Agriculture Protection Mission from **DAY ONE**.

Congress is investigating DHS/CBP’s malfeasance, and Agriculture Inspection’s future in DHS is the main issue. This effort started in the U.S. Senate when Senators Feinstein and Durbin presented a bill S.7\_\_ to restore Agriculture Inspection and personnel to USDA (original text can be found on the NAAE web page). This legislative effort has been followed by several versions of companion bills in the House of Representatives. Now the language has been

incorporated in the Farm Bill S. 119\_ -- the grand Agriculture Appropriations bill that that comes up for a vote about every 5 years. I cannot remember the last Farm Bill that a President vetoed, but this issue is sure to make this year's bill contentious. The good news at press time is that the House Agriculture Subcommittee has approved restoring the Agriculture Inspection functions to USDA, a small but VERY important step. There are many more hurdles to overcome and no reason to become overconfident about a successful passage of the Farm Bill with this restoration provision still in it This is just the first try. If the first try is unsuccessful, there will be more, hopefully the next time with a Democrat in the White House and a bigger Democratic majority in the House and Senate.

Recently, all PPQ employees and all CBP Agriculture Specialists received a CBP-prepared letter in their e-mail from CBP Commissioner Ralph Basham and APHIS Administrator Dr. Ron DeHaven. The same letter stated that both Agencies desired not to see a return of Agriculture Inspection and Agriculture personnel to USDA. This letter strikes a blow, although by no means a fatal blow, at the employees and creates doubt about the outcome of the Congressional restoration bills. Please remember that this letter is from political appointees of the ADMINISTRATION. Of course these managers, the other SES managers, and any other managers of the two agencies will toe the ADMINISTRATION line if they intend to keep their jobs and not be sent out to be made into steers (or steerettes.)

Back to the trainwreck—On May 26<sup>th</sup>, the Orlando Sentinel reported that six Customs Officers and Agriculture Specialists blew the whistle on CBP to the Office of Special Counsel (OSC.) They reported that Orlando CBP Managers told the inspectors to falsify passenger entry and inspection data during the 2005 fall season. This growing scandal could not come at a worse time for DHS—just when DHS has been called on the carpet to report to a hostile Congress, a Congress determined finally to provide some oversight on the failings of Agricultural Inspection Programs in CBP, and just when there happens to be bills in both houses of Congress to return the Agriculture Inspection functions to USDA. The core issue here is that this OSC investigation reveals the sad truth: CBP was reporting that passengers were receiving Agriculture inspections

when these passengers HAD NEVER SEEN AN AGRICULTURE INSPECTOR! CBP is taking Agricultural Inspection User Fee money to provide “inspections” by cardboard cut-out Agriculture “Inspectors.”

When I grew up, my mommy told me this is STEALING.

WE NEED TO RELY ON CONGRESS TO COLLECT AND ASSIMILATE THE INFORMATION WE GIVE THEM AND MAKE THE RIGHT DECISION ON RESTORATION OF AG INSPECTION TO USDA.

If you’ve ever thought about writing your Congressperson and Senator about anything, NOW IS YOUR TIME TO WRITE! Write them about this restoration provision in the Farm Appropriations bill—tell them America needs it, tell them about how messed up agriculture inspection is under CBP-- try not to tell one of CBP’s allegedly super-secret secrets, just the plain facts. With your help from within CBP and the growing consensus of the Agriculture protection lobby, the true stakeholders, we may see you back in USDA soon.

We wish you much luck with your new union, NTEU, and urge you to belong to a union to continue your voice. Urge your new union to support your legislative goals. This is a way to get what you want. We had a number of discussions with NTEU prior to handing over the reins. NTEU is very receptive to learning about agriculture inspector issues and wants to learn. It needs your help, support, and input. A representation election causes a lot of unease in the workplace. NAAE was not a contender in that election, but we were a participant until the end. We must not lose sight of the fact that the NTEU people are good people—employee advocates—we want and they want the same things for all of our employees—justice and a fair deal.

It has been a pleasure serving you these many years...and we hope you can come back for some more..... and if not

*Until the great fumo and baggage belt in the sky.*

***A FOND FAREWELL! GOOD LUCK!***

## **FOR PPQ:**

This month begins a bold new experiment: The question is will NAAE be as effective and vigorous in employee representation as it has been in the past? The axe has fallen, and now we represent one third of the employees we represented one month ago—we also have a small but growing membership reminiscent in numbers of the late 1970's. While we no longer have to address two different managements in two different departments, we still have the challenge of representation in PPQ (which was always a bigger challenge than CBP, where the universal management answer to everything was NO!) Our membership is very diverse, composed of a number of specialties and job functions--- Safeguarding Specialists, SITC Officers, Pest Survey Specialists, Export Certification Officers, Identifiers, Technicians of several types, vehicle operators, gardeners, etc. and who knows what specialties to come. (CBP only had two types of employees, HAPPY and UNHAPPY...errr correction, make that one type of employee.) We work in all environments: Beltsville, CPHST, Eradication Programs, Insectaries, Field work, Airport Baggage, ships holds, etc. Our representation work remains as complex as it ever was. NAAE is a rank-and-file Union. We members, with our legal counsel, are the representatives. We are the advice. Only we can answer how NAAE will perform. Job one is to increase the NAAE membership. Our

strength is in our numbers. We need to hear from everyone in the bargaining unit. We cannot know enough about all of these specialties and working conditions without your direct involvement. What will the future bring? You hold the answer.

Some of your NAAE Executive Committee is aging. Some of your NAAE Executive Committee will be permitted to retire. Next year will bring new faces, new leaders. Start thinking now if you would like to participate in NAAE's rebuilding and renewal process. We need to bolster and restore local branches which evaporated under the loss of CBP, and we need to train new Union folks to assume Executive Committee roles, become leaders of this proud Union. One of the best ways to get involved in NAAE is to attend our convention which is held every two years.

### **In Brief**

Discussions with Management continue over possible settlement of the long-pending "Chicago 100+" GS-11 cases. However, discussions have been placed on a back burner as Management and its key personnel are now committed and on track to restart our long-delayed PPQ contract negotiations.

NAAE recently settled on favorable terms a grievance in Puerto Rico regarding a failure to award a quality step increase when merited. The settlement eliminated the need for a costly arbitration and was

beneficial to both the employee and the Agency (nah nah....the employee benefited more!)

## **CONVENTION!**

The NAAE Convention will be held in Southern Florida (hotel to be determined) on May 11-14<sup>th</sup>, 2008. Please start planning NOW to attend, as our group is much smaller and cozier. It is best to request these dates as annual leave. Management has always restored almost all of the time spent at NAAE Conventions during approved training—non-official union business is considered on the opening Sunday. Please let an Executive Committee member know early by e-mail or phone as to your intentions to come to the convention. It will also help us get you an information packet once details have been firmed up. Conventions are an opportunity to receive training on labor law and what a union can do. There are also opportunities to meet PPQ's top managers, consult with them, and find out what they are thinking---where they are taking the Agency and where the Agency is going. Better yet, NAAE has conventions in fun places. It is invaluable to meet and network with your peers in the same pursuit of justice for employees. HOPE TO SEE YOU THERE

## **SITC Interim Contract Negotiations**

Since late 2003 when we received SITC employees into our bargaining unit, progress getting those employees contract coverage (an "interim agreement") has proceeded at a glacial pace (see previous newsletters). Now we are indeed within view of the

proverbial end-of-tunnel light. After Management agreed last year to allow the grievance procedure set forth in our current Collective Bargaining Agreement (the Redbook) to be available, to use by SITC officers, we moved on to addressing further modifications sought by Management. Now only one article, addressing pay when performing higher graded duties, remains unresolved. The snag is a result of Management's decision to eliminate all guidance on the use of temporary promotions, so we are working to craft a replacement. We have implored Management to sign off on and implement the remaining sections of the interim agreement without this one remaining article which can be added when negotiations are officially concluded. To date we have not received a response.

### **National Collective Bargaining Agreement Negotiations**

For the last year management has been showing increasing interest in finally concluding negotiations on our national collective bargaining agreement to replace the ancient Redbook, and which will cover all bargaining unit employees. Between managerial changes starting in 2000, 9/11/01, our reorganization moving most of AQI to CBP, and other interceding issues, prior negotiations had been put on hold (see past newsletter articles). Forty-five articles had been dealt with, leaving 15 articles to be finished. Of course some of what we have negotiated years ago may now be out of date and in need of tweaking, but Management is also looking for ways to discard other parts (it won't tell us which parts without blind

concessions on our part), so hope for a rapid conclusion must be tempered by experience.

## **Uniform Update**

### New Items

- The Wellington boot is back!
- Cheaper walking shoes
- Very cute women's slip on dress oxford
- Women's pants in petite sizes
- Men's ties now come in sizes
- Poly/Wool Class A pants
- Mesh backed baseball caps
- Slush boots

There have been many small changes and additions to the uniforms, and all have come from employee comments. The new shoes were tested and approved by NAAE members. But a word of caution: the women's oxford runs narrow.

We have been looking for polo's with pockets for several years now. The problem is that our uniform color is sand, not khaki, and sand polo's are extremely limited. After testing multiple samples and approaching the current manufacturer, we've decided that it's just not possible.

The Uniform Committee had no idea that petite's not being available was a problem for so many people until we started to ask around. Remember, you don't have to suffer in silence! Send your comments to your NAAE Uniform Committee representatives: for the Eastern Region email Sarah Clore (Detroit) and Western Region Dennis Punzal (Honolulu.)

## **KEEPING IN TOUCH**

A great way to stay in touch with NAAE is to send us your NON-GOVERNMENT, personal e-mail address. Also, as an **option**, you can save a tree (**and SAVE NAAE \$2 EACH ISSUE**) by requesting

that your newsletter (in color too!) and special bulletins be sent by e-mail. While Federal law requires that we still have your home address in order that we can provide you with hard copies of election related materials, we can help you join the electronic age for non-election matters. NAAE will not provide your personal information to external parties. That's a promise.

WHATEVER YOU DECIDE, KEEP YOUR CONTACT INFORMATION UP TO DATE BY SENDING YOUR NEW CONTACT INFO TO OUR SECRETARY

**Note: CBP employees can also send us your e-mail address if you want to stay in touch with a copy of the newsletter or certain bulletins—let us know who you are and where you work.**

### **“Paperless” Leave and Earnings Statements**

Some people like to get their Leave and Earnings Statement (LES) delivered in the mail. Some people like to get their LES by visiting Employee Express. Well, USDA just decided for you that you would only be able to use Employee Express. Wait a minute---NAAE negotiated some choice into USDA's edict. On June 8<sup>th</sup>, APHIS published a copy of our agreement and a waiver application form on Lotus e-mail to all PPQ Employees. IF YOU WANT TO CONTINUE RECEIVING YOUR LES IN THE MAIL, AND YOU QUALIFY FOR A WAIVER, NOW IS THE TIME TO APPLY FOR A WAIVER. Below is a list of qualifying reasons for waivers:

**\*The employee does not have access to a computer at work.**

**\*The employee is a part-time employee whose primary duties do not include computer operation.**

**\*The employee is assigned to a general area where they are limited to multi use computer stations that are used by six or more employees. *This was intended to enhance privacy and productivity***

**\*Employees who are currently within five years from retirement may apply for a “one time waiver” within 30 calendar days of the date of this signed agreement. *You will not be required to retire, and nothing forbids early retirement. This is the only waiver***

***reason with a time limit—you only have thirty days to apply***

**\*When the Agency is affected by an unforeseen disruption of service and operations that endure more than two weeks, employees who submit a written request will be granted a temporary waiver. Once operations and services are restored, the waiver will be discontinued.**

**\*The employee works in the field extensively; therefore, he/she spends minimal time in a government office, and he/she does not have regular access to computer equipment. *This will apply to many in eradication and trapping programs***

**\*Any other reason that is deemed a hardship by the Employer.**

## **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 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. There is an election manual of written procedures and your National Executive Committee members to use as a resource. If you and your fellow workunit union members are willing to serve, please contact Mike Randall on 808-861-8449—(Mike's number will change early July and we don't know the new number yet---consult the NAAE web page for an update on numbers.)

### How to Join the Union?

Members and dues... the life force of the Union. The health of the treasury determines how much, how hard and what we can fight. Decisions upon what to arbitrate and when to untether the falcons of justice (or if to just settle for us rag-tag-band-of-ne'er do wells) 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 a 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 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. This isn't supposed to result in withheld dues, but sometimes it does. 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
4. 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 (or Homeland) can build. Happy recruiting.

<http://WWW.AGInspectors.org>



**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>	
<b>FOR COMPLETION BY AGENCY ONLY-</b> 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

**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**  
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Late July 2007  
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Pager:  
Work:  
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Willis Gentry, **CR VP**  
520 Martens Dr.  
Laredo, TX 78041

The blank officer slots are for our CBP brethren ---You'll always be welcomed HOME.

Kim Mann, Esq.: Legal Counsel  
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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**  
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Willis, MI 48191



**POSTMASTER: ADDRESS CORRECTION REQUESTED – PLEASE DO NOT FORWARD**