

# NAAE NEWS *FLASH!*

NATIONAL ASSOCIATION OF AGRICULTURE EMPLOYEES



**NAAE Election Chairperson** Musa Abdelshife reports the following National Election results for the incoming NAAE Executive Committee:

***NAAE President***

(W) Mike Randall (HI)

***NAAE Vice President***

(W) Julie Orr (GA)

***Secretary***

(W) Trish Claves (AZ)

***NAAE Treasurer***

(W) Paul Hodges (LA)

***Eastern Regional Vice President***

(W) Arlo Wiltenburg (MI)

***Western Regional Vice President***

(W) Willis Gentry (TX)

## **NAAE Convention Update**

Due to the COVID-19 pandemic, the NAAE **2020 Convention** has been **postponed**. At the time of the *Flash!* publication, the Convention's dates are *tentatively* set for August 9<sup>th</sup> in El Segundo, CA - **COVID-19 willing**. Please look for updates at the **NAAE website** and in future *Flash!* edition.

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# NAAE

## aginspectors.org

This is your website, NAAE!

Members, maybe you haven't noticed, but our website has changed. That's right, we have a new look, we've updated all our information, and streamlined all our newsletters into an easy to access digital format. If you haven't already checked it out, please do so at [aginspectors.org](http://aginspectors.org). You can find all the latest news, topics, and issues we're working on. This is your website, members, so feel free to provide feedback. Don't be shy. We know (*hope*) you won't!

In addition, we have started to become more active on Facebook. This is a great area to check out the inner workings of NAAE, ask questions, and vent if you need to. Members ONLY—please ask for access and we'll hook you up.

This work is brought to you by your Executive Committee and Zach Teachout, NAAE webmaster and communications. Zach has very little experience in the creation of websites but enjoys utilizing the power of digital communication for the benefit of NAAE's cause and message. As we move forward, Zach is excited to make our website even more user friendly, current, informative ...and "cool".

### PPQ Spotlight Committee

The PPQ Spotlight Committee newsletter is prepared by PPQ employees, such as the following serving as NAAE representatives.

**Joe Chopko**, National Detector Dog Training Center, Newnan, GA

**Barbara Hashioka**, SITC, ElSegundo, CA

**Paul Hodges**, PHSS, Kenner, LA

Let your creative juices flow! Send in a poem, picture, photograph, artwork soon!

## PPQ MAY BE ABLE TO ACT UNILATERALLY IN EMERGENCIES

### BUT ONLY WITHIN PRESCRIBED LIMITS

The COVID-19 pandemic has forced PPQ and its employees to dramatically alter the way they go about doing their mission-based jobs – for example, with maximized, more flexible teleworking and generous “Weather & Safety Leave.” Agency management, for the first time in memory, has seized upon this pandemic as an excuse for exercising its emergency powers that Congress gives all federal agencies under the statute, 5 U.S.C. § 7106(a)(2)(D), to disrupt normal union-agency processing of Management-proposed changes in conditions of employment.

Congress, in Section 7106(a)(2)(D) of the statute, gives Management the right to “take whatever actions may be necessary to carry out the agency mission during emergencies.” Congress does not define “emergencies” – deferring to Management to make that determination and to decide what actions are needed to address the emergency – but that right to act is not absolute. Congress expressly limits Management’s emergency-based responses to those carried out “in accordance with applicable law,” and pre-implementation bargaining with unions still may be required in many situations.

On March 21, 2020, the Agency’s Labor Management Employee Relations (LMER) Branch sent NAAE a general notice, stating that the Agency “is now exercising all rights afforded by the [statute],” including the right “to act unilaterally [*i.e.* without giving NAAE notice or an opportunity to bargain] in taking whatever actions [it deems] may be necessary to carry out its mission [during the COVID-19 pandemic].” In response, NAAE reminded the LMER that, even when exercising its emergency powers, the Agency still has a statutory obligation to provide NAAE reasonable notice of any planned change in conditions of employment and to negotiate with NAAE in good faith over that change. The Agency agreed but only to a limited extent. It claimed that its emergency rights under the statute freed it up to negotiate those changes after they go into effect, after the Agency implements them, instead of before implementation as the statute contemplates.

NAAE disagrees with the Agency’s claimed unfettered freedom to act unilaterally, and so informed the Agency’s LMER chief on March 23<sup>rd</sup>. NAAE also asked the Agency to identify what specific changes it contemplates making in response to COVID-19 and what emergency, impacting the Agency’s ability to carry out its mission, it expects implementation of the specified proposed changes will remedy. The Agency responded on March 23<sup>rd</sup>: it conceded it was not aware of any proposed changes at that juncture, but would notify NAAE if and when it does contemplate such changes. As of May 5<sup>th</sup>, NAAE has not received any notice from the Agency of COVID-19 emergency-based national changes.

NAAE has encountered a few local managers attempting to implement local changes, without giving their local NAAE representatives any notice and before negotiating with NAAE, seizing upon LMER’s March 21, 2020 general notice as an unconditional carte blanche license to proceed. That rationale for ignoring the Union’s right to advance notice and an opportunity to negotiate prior to implementation in the name of the “emergency” will not hold water in every instance. For example, suppose a local PPQ supervisor receives notice from an airline of its intent to substantially reduce scheduled flights starting 10 days from the notice date and then the supervisor notifies the local union rep of Management’s planned change in work assignments to accommodate the anticipated reduced workload. NAAE urges that local union rep to immediately take four steps: (1) seek advice from his/her NAAE Regional Vice President, (2) promptly submit a written (email will suffice) request to the supervisor demanding to negotiate over the change, (3) attach to this request an initial list (a supplemental list may be submitted later) of union proposals designed to mitigate the change, and (4) include in the written request an unequivocal offer to commence expedited negotiations, upon a time-table that concludes prior to the airline flight-reduction date, but extending continuously thereafter if necessary.

## NAAE Executive Committee & Assistants— Quick Contacts

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## 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](http://www.aginspectors.org)

**PLEASE NOTIFY THE SECRETARY OF ADDRESS CHANGES PROMPTLY!**

### NAAE National Secretary

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PLACE  
STAMP  
HERE

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