

NAAE NEWS FLASH!

NATIONAL ASSOCIATION OF AGRICULTURE EMPLOYEES



Zoom Zoom Zoom! Talk to your NAAE reps!

Join NAAE National Executive Team for a virtual meeting **via Zoom** to discuss the state of current affairs in PPQ, discover what NAAE and its Executive Committee Team have done to advance the interests of the bargaining unit it represents, learn about negotiating tactics and grievance procedures in this political climate, and ask your questions about working conditions and problem-solving affecting your specific location.

Time: 2:00 pm ET to 4:30 pm ET

Date: Saturday August 22, 2020

What you need to do: To receive an invite to this meeting, send your home email address and name to NAAE legal counsel, Kim Mann, at kmann@scopelitis.com. To best participate, your computer or lap-top should be equipped with a microphone and camera. If not, you will also be able to participate just on the audio feature, using a telephone and dialing in.

WARNING- MS Teams, Email, IM Chats, Searches, etc.



Everything you say or type on a government computer may be used in a court of fools. “Click-wrap” agreements such as the one seen to the left and clicked on each time you enter your computer are routinely upheld by the courts. Even against

claims that the person who “clicked” never read the terms or claimed to never have understood them.

In This Issue

- Zoom Meeting in lieu of 2020 Convention!
- IT Warning
- Committee Updates
- MD Court Decision on EOs
- Updated Quick Contacts

PPQ Uniform Committee update

HTC has informed the UC of a number of COVID-19 related issues with the PPQ uniform offering. Some companies actually shut down completely for a period of time and are just now starting to open back up with minimal staffing. Others that were managed to stay open had to reduce their workforce, both circumstances directly affecting manufacturing, and ultimately delivery. As far as the vented shirt option that we lost, that company was actually sold and under new leadership moved their entire operation from the West coast to the East coast. In doing that they were faced with unforeseen issues resulting in the need to source fabric from new suppliers that in some cases could not offer what the company had used in the past. They were forced to discontinue some items, and colors of items...including ours! HTC hopes to be able to find a replacement, but as of yet no such luck.

Deputy Administrators Awards Committee

The DAAC recently completed its task of reviewing the nominations received, and providing a ranking for, the 2019 “Outstanding Employee” and “Safeguarding Award”. The Committee forwarded the tabulated results to the Deputy Administrator for final determination of the winners. This year there were four nominations for OE and seven for SA. While the number of nominations was lower than in previous years, they were all outstanding! And the winners are.....Sarah Ortiz, AQI Veterinary Medical Officer (VMO), received the 2019 Deputy Administrator’s Outstanding Employee of the Year Award, and the 2019 Safeguarding Award goes to the Multiagency Infested Sea Container Response Team. More on the winners can be found on PPQ and You.

APHIS Future Operations – APHIS Mission Team

The APHIS Future Ops Team has completed its mandate, which was based on the premise that during this COVID-19 pandemic, many functions and processes are being forced to either close temporarily, or slow down, and that this may provide an unexpected opportunity for our APHIS community to help refine current operations, allowing for improvement both now and in the future. To explore this we divided our working group into four smaller groups to examine the following topics; 1) functions that demand employees physically report to a duty station during the COVID19 crisis; and 2) functions that are being carried out using different methods i.e. telework or functions that have been postponed. These two categories were further divided into field functions; and headquarters functions. The results of this work is now in the hands of LPA and will be presented to senior management in the near future.

Maryland Court Decision on EOs

In December 2019, NAAE filed a lawsuit in federal court in Maryland challenging the lawfulness of key provisions of President Trump's three Executive Orders (EOs) issued in May 2018. These EOs are designed to materially weaken federal unions and the rights of federal employees. On May 21, 2020, the Maryland court dismissed NAAE's lawsuit at the request of the Justice Department, claiming lack of jurisdiction to review the EOs at this time. The Maryland court concluded that generally federal courts do not have Congressional authority to review these EOs, except in the context of reviewing a final decision of the Federal Labor Relations Authority (FLRA) stemming from an administrative proceeding, such as a grievance or an ULP, in which the FLRA has concluded the EOs are a legal exercise of presidential power.

Requesting the FLRA to rule on the legality of Trump's EOs before going to court was never a practical option for NAAE. That FLRA-administrative process would have taken several years to complete, and, in the meantime, NAAE expects to be negotiating a new collective bargaining agreement (CBA) with PPQ management during which NAAE anticipates the Agency will seek to rely upon the more onerous provisions in these EOs as the means to sharply handicap NAAE's ability to negotiate a fair, reasonable CBA.

NAAE was disappointed, but not surprised by the Maryland court decision. Other unions previously lost similar court challenges to these same EO provisions. That "loss" still allows NAAE to attack the EOs' legality at the conclusion of its CBA negotiations: (i) if the Agency uses the EOs to preclude NAAE from negotiating a fair CBA, (ii) if NAAE appeals the Agency's position to FLRA, and (iii) if FLRA upholds the Agency's EO-based arguments. In that scenario, even under the ruling of the Maryland court, NAAE would have the right to return to court for judicial review of the EOs. Of course, it is always possible Trump's successor in office rescinds these three offending EOs in early 2021, before NAAE and the Agency have concluded their negotiations of the new CBA. No challenge to their legality would then be necessary.

NAAE Executive Committee & Assistants— Quick Contacts

National President Mike Randall 808.838.2705 mikeran@aloha.net

National Vice President Julie Orr 404.260.7838 julie.orr@usda.gov

National Treasurer Paul Hodges 504.461.4225 naaeph@hotmail.com

National Secretary Trish Claves 520.285.5404 pimahorse@hotmail.com

Eastern Region VP Nathan Cottrell 972.574.2018 or 214.208.8772 cell
cottrellnathan@hotmail.com

Western Region VP Willis Gentry (956) 726-2258 willis.e.gentry@usda.gov

ER VP Asst Arlo Wiltenburg 734.229.1681 or 248.202.6710 (cell)

arlo.wiltenburg@usda.gov or awiltenburg@sbcglobal.net

At-Large VP Asst Susan Kostelecky 919.522.6273 susan.p.kostelecky@usda.gov

At-large VP Assistant Terrence Noda 808.772.0234

VP for Safety & Health Mark Segall 281.982.9545 mark.j.segall@usda.gov

Assistant VP Committees & Uniforms Don Anderson 701.355.3362
donald.g.anderson@usda.gov or mastadon1369@hotmail.com

NAAE IT & website Zachary Teachout 619.661.4510

zachary.j.teachout@usda.gov

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

PLEASE NOTIFY THE SECRETARY OF ADDRESS CHANGES PROMPTLY!

NAAE National Secretary

Patricia Claves
24547 South via Montana Vista
Green Valley, AZ 85622

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