

Minutes from union meeting on 6/28/18

Afternoon session called to order at 1308, evening session at 1701.

1. Possible impact of President Trump's recent Executive Orders regarding union and employee rights.

A synopsis of the draconian changes proposed by President Trump was distributed to the membership. Chapter President Albright offered a verbal synopsis as well. The general intent of the E.O.s seems to be to neuter the unions in the federal sector, making it virtually impossible for us to do the work that we have been doing since 1963, representing the interests of the employees. Numerous federal unions have filed for injunctive relief in the federal courts, and the first hearing is scheduled for July 25th in DC. Members were encouraged to contact their Members of Congress to lodge their opposition to the Executive Orders.

2. Expansion of AWS in Sumas. Schedule will be provided, and a possible advisory vote taken.

Motion passed to table a vote at the afternoon session, as no Sumas members (except Chief Steward Chapin) were present.

At the evening session, the votes were 25 – 0 to support the expansion of AWS proposed by the union. If approved by management, the majority of the port will be on AWS, including 6 in Cargo.

3. Expansion of AWS in Blaine.

Possible options (advisory votes are a distinct possibility):

- A. A 5/4/9 AWS has been suggested in PH, PA, and Flex, for the day shift. This would be open to 2 people at the PH, 2 people at the PA, and 3 people on Flex, for a total of 7 lines. Schedule would likely be 0700 – 1600, with one day every PP being 0800 – 1600. This would provide a long weekend every-other week.
- B. 12-hour shifts (2 each) for 0800 – 2000 at the PH, PA, TC, and flex, to be paired with 12-hour shifts (2 each) for 2000 – 0800, at the same locations, for a total of 16 more lines of AWS
- C. Same as B, but a 7-on, 7-off schedule, perhaps limited to the PH.
- D. 4-10s, for midnight Cargo. (note: feasibility of 12-hour shifts might be impacted by some people working 10-hour shifts). Half the shift would work 2200-0800, the other half would work 0000-1000. RDOs would be fixed.
- E. 5/4/9 for Agriculture Specialists at the PH, possibly at the PA. Scheduling options vary, and will be described.

The members present discussed this for quite a while. (At the afternoon session, it was agreed to table the discussion of AWS for non-Aggies until the evening session; the one Aggie present at the afternoon session cast a vote in favor of pursuing a 5/4/9 for Aggies at the PA and PH). To begin, President Albright relayed the essentials of a meeting he had had earlier in the day with Chief of Staff McPhail, Supervisor Osborn, and LER Specialists Sapala. Albright relayed that management appeared to be agreeable to the 5/4/9 option for PA, PH, and Flex, and to adding at least one more 0600-1600 line at the PA and the PH, and possibly in Flex. When asked about Cargo, management's response was that there is no need for

additional personnel at 0700 (in reference to a proposal to have a 5/4/9 schedule beginning at 0700 in Cargo). The prospect of 4-10s in Cargo was also discussed. Management was adamant that the only locations and times of day where 4/10s would help the service was where they are already found. They are dead-set against adding any new lines of 4/10s, where 4/10s do not already exist. Getting more 4/10s AWS schedules (beyond where they already exist) would require forcing this on management through the FSIP process. Regarding 12-hour shifts, management seemed receptive, but was non-committal about the exact times, mentioning that they might prefer noon – 2400 and 2400 – noon. Their stated preference for such times are that they might need force-outs after noon, and that they can't count on being able to call people in at noon to cover the gap from noon to 1600. Regarding Agriculture Specialists working 5/4/9s at the PA and the PH, and beginning at 0700 to facilitate such an AWS, APD Williams previously stated to Albright that he would be OK with the Aggies beginning at 0700 instead of 0800. McPhail mentioned that he would speak with AAPD Hope about it. Supervisor Osborn commented that it could lead to a tough staffing situation regarding when AG Specialists have to go inspect a ship. Discussion was also held (at the union meeting) regarding the difficulty in creating a workable AWS for Aggies in general, because of the reduction in personnel over the past year, and the need to cover a full midnight shift in Cargo. Several attempts have been made, but all have been met with frustration.

Regarding voting, the membership voted unanimously:

1. to pursue the 5/4/9 0700-1600 for CBPOS at the PA and PH and Flex, the proposal as previously tendered to management,
2. To expand 4/10 0600-1600 by one slot each at the PA and PH, and possibly in Flex if management agrees
3. To pursue the 12-hour shifts mentioned above, and to pursue a 7-on, 7-off possibility for 12s at the PH.
4. To pursue a 5/4/9 option of 0700 – 1600 and 1500 – 2400 for Aggies at the PA and the PH

President Albright asked the midnight stewards to canvass the midnight employees regarding their true desire to do 7-on, 7-off, including at the PA, and to determine if they would still be interested in 12-hour shifts if management only allowed the noon-2400 / 2400-noon option.

4. **Field Office Move.** The Seattle Field Office is incrementally vacating its current HQ building in downtown Seattle, and moving to Blaine. As part of this, there is a general reorganization of offices occurring at the PH Cargo building, on the 2nd and 3rd floors. NTEU is involved in discussions/bargaining with CBP on this topic. Any suggestions or comments are welcome.

As no non-uniformed members were present at the meeting, discussion focused on parking and restroom facilities. President Albright updated the members on the union's efforts to address these concerns through the bargaining process. He also expressed the difficult situation that the union (and CBP management) face when having to deal with GSA. They operate their facilities something like a slumlord, but where the tenants have no real option of leaving. NTEU has no bargaining relationship with GSA, so that leaves us to having to enlist CBP management's help in lobbying GSA for needed improvements or repairs, or calling OSHA if there is a pressing safety matter that is not being addressed. Some members asked whether Field Office personnel would be in the overtime pool for port overtime. As expressed to President Albright early in the bargaining process regarding the Field Office relocation to Blaine, management was not intending on having Field Office personnel work port overtime.

5. **The last PP of the year is one-day long.** Options sought on the more equitable and fair apportionment of OT, since it will be mathematically impossible for employees to reach their biweekly cap for that pay period.

Not addressing this issue will have two negative impacts. First, more force-outs will occur. Second, volunteers will be prevented from earning overtime.

Options discussed were the re-programming of COSS to make the biweekly restrictions based on per day amounts, and then applied to each pay period, prorated by the number of days in that pay period. Another option would be to allow earners to go two full jobs into the red on the next to last pay period, understanding that there is no mathematical way for an employee to make their bi-weekly cap amount in the one day that is the last Pay Period. The bi-weekly cap stuff is more of a contractual convenience than a matter of law. The law is only concerned with employees not going over the yearly cap. The consensus was that it was more realistic to seek the second plan, as a re-program of COSS (if needing to be done at the national level) seems like a big ask, especially this late in the year.

6. **Should OT assignments to Nexus be separate assignments, or continue to be part 1 of an assignment that could cause you to be reassigned to the port for more OT?** Previously, people being assigned to Nexus for OT were complaining when higher earners (who were assigned to the port from the beginning of their respective OT shifts), were staying longer and earning more money than the people who were assigned to Nexus OT.

A discussion was had regarding the history of the practice of having OT assignments to Nexus continue on or lead into an assignment at the port. In the past, members complained when they were a low earner and were assigned to Nexus, and were then dismissed at 1800 when Nexus closes, while higher earners assigned to the port on OT (sometimes as force-outs) were allowed to continue working much longer. The contract can be read as to allow both practices, and management says that they will do it whichever way the union prefers.

A vote was called for. The results of the vote are as follows.

Should an OT assignment to Nexus be considered a stand-alone assignment? Aye: 2 Nay: 14

The current practice will continue and management will be informed of the wishes of the bargaining unit.

7. **Issues with people moving between ports for overtime and regular time assignments**

Several members have approached chapter leadership about the possibility of management allowing more movement between the ports to alleviate force-outs. Such requests have included the possibility of employees in the outports being allowed to work OT in Blaine on other than just their RDOs (the current informal policy), and of potentially recruiting Border Patrol Agents to work overtime at the ports.

A good discussion was had. The potential dangers of the creation of a "superport" were brought up. Senior managers have toyed with this concept in the past, where everyone in Whatcom County would

potentially be assigned to one superport, (perhaps call it the Port of Whatcom?) with daily assignments being possible to any of the 5 ports in Whatcom County, or perhaps even to Anacortes or Friday Harbor (since both are less than 50 miles as the crow flies from Blaine). The Ports of Seattle and Tacoma were combined in this fashion in 2003 (?), leading to significant adverse impact for the employees regarding commute times. It was acknowledged that officers go back and forth between Point Roberts and Blaine (mostly from Blaine to Point Roberts) already, on regular days of work, but this is a unique situation stemming from Point Roberts formerly being critically understaffed, and from Point Roberts falling under the budget and scheduling authority of the Port of Blaine. Complications would include: 1. computer accesses 2. admission stamps, *but especially*, 3. OT assignment and release order. 4. qualification pools. 5. training. 6. whether or not someone would be able to seek mileage compensation for the added drive time. 7. whether someone can be eligible for OT for the drive time between the ports. 8. Issues with leaving the originating port short while someone drives on CBP time to another port.

And if someone can work at another port on OT, they can also work there on regular time, which could take us a long ways down the road to the creation of a superport. While management has the authority to temporarily reassign already, it is seldom done. In essence, some thought that we would be inviting that scenario by making it easier for people from outside of Blaine to be able to work OT in Blaine. And, the flip-side is also possible. Potential OT in the small ports could be wiped out by having regular-time employees from the large port work at the small ports on an as-needed basis. History shows that when employees are reassigned from one port to another port, to absorb that port's potential overtime, hard feelings result. Also discussed was the current massive hiring going on by CBP in Blaine, and that forced OT might very soon be virtually a thing of the past, in this region. Some said that we need to be careful about creating permanent solutions to temporary problems, especially when those permanent solutions could lead to still more problems.

Discussion was also had regarding the likely difficulty in drawing a bright line between working only force-out OT, or making officers from other ports eligible for all OT in Blaine (or anywhere else). The complications of making sure that assignments (and releases) are based on proper order of earnings was also discussed, as this will be complex if we are incorporating officers from other ports. A further complication would be the determination of OT pools, and determining in what order assignments should be made.

Regarding inviting BP Agents to work OT at the ports, most present at the meeting felt that this was a questionable idea. The Agents would most likely fill only a limited role, (but would likely count as a body on the staffing summary), and would not be able to do the full range of duties of a CBPO. In essence, the CBPOS would be stuck with the dirty work of cleaning the fish that the BPAs might catch. Or, the BPAs would be assigned to the generally more favorable positions of Exit or Parking, or Amtrak or MERT or pre-primary, while the CBPOS would be stuck inside handling cases all day, or be assigned to primary. As stated by one member whose brother-in-law was a BPA on the Mexican border (where BPAs have in some instances been assigned to port work), they were mostly involved in "dragging people inside the headhouse" Also, since they would not be earning COPRA, but would instead be on straight time (under their new pay structure), OFO management could quickly come to love employing them instead of CBPOS, and it could threaten our long-term job security under COPRA, not just access to COPRA OT.

A vote was called. Should the union actively encourage management to allow more people to come work OT in Blaine? The unanimous response was no.

8. Any other topics.

- A. The topic of start of fiscal year OT assignments was brought up by President Albright. Specifically, he asked if there was any opposition to continuing the practice that was begun last year whereby first-of-year assignments (when everyone is at zero dollars) should be by alphabetical order one year, reverse alphabetical the next year, alphabetical the 3rd year, etc., continuing in that order. No objections were raised.

Meeting adjourned at 1820.