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Introducing the NTEU Chapter 164 Newsletter

Dear Friends:

This is our inaugural edition of the NTEU 164 Newsletter. We hope to publish and distribute this newsletter quarterly. Following suggestions made by several union members, we hope this newsletter provides for better communication between Chapter leadership and the members we serve. A previous instance of this newsletter was published earlier this year, in the Oroville Area. The newsletter was well received, and we have determined to produce a chapter-wide newsletter.

This is still very much a work in progress. We hope to have regular columns addressing topics of recurring interest to all members, in addition to special articles addressing late-breaking issues. Your suggestions and input are very important to Chapter leadership, so please give us feedback, sugges-

tions, comments, criticisms, etc.

We have chosen to make this an electronic newsletter for a very important reason. Trying to print and mail a multi-page newsletter to a all members of a bargaining unit numbering close to 600 individuals would be administratively daunting, very time consuming, and expensive. Some of you might remember that a steward in Lynden tried to start a paper newsletter for the Chapter, back in about 2003. At that time, our Chapter was much smaller, and did not encompass legacy Immigration employees or legacy USDA employees. Even then, trying to produce, print, and mail a paper newsletter was a difficult task. For all of these reasons, we have elected to distribute the newsletter through personal "home" e-mail. Additionally, CBP balked when we sent the Oroville

Area newsletter through the CBP e-mail system, even though it was legal to do so. But in order to avoid a fight, and to allow us to be more at liberty with our use of language and topics of discussion, the use of home e-mail is a better choice.

For future editions of this newsletter, if you have any topics of discussion that you would like to see addressed, please contact me, or the editors of the newsletter, [Ray Chapin](#) and [Jay Cooper](#), and we will attempt to address your concerns.

Thanks for your time, Happy Holidays, and best wishes for the upcoming New Year.

Sean Albright, President
NTEU Chapter 164



In Memory of
AAPD Deborah Engels
A good friend
and Coworker.
Rest in Peace

Keys to Writing a Winning Award Nomination

The Joint Awards Committee (JAC) process has been in place for about a year now. Following are some tip that we'd like to provide for creating a winning nomination package.

State what award you are nominating the person for (core values, Moderate, or Substantial), you can state more than one example; Core Values and Moderate.

Then explain why you believe that this person is deserving of the award, you can use bullet points or paragraph form, be specific as to why. Just showing up on time and being the first to volunteer is not complete, but "first to volunteer to help with shoveling the side walk after the snow fall, by doing this helped keep other employees from possibly slipping as they

walked into the building." this gives the committee a visual that helps explain why this person is deserving of an award. Use specific examples for reasons to give the award.

A person can only receive one award for an achievement; if they receive an On-The-Spot-Award, they can not receive one through the Joint

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Award Nominations

(Continued from page 1)

Awards, but you can use the On-The-Spot-Award as the example as to why they deserve the award. Officer ... exemplifies the Core Values because they are constantly vigilant, an example was shown when they noticed suspicious activity at a warehouse as they were driving home and reported it to the police, which resulted in an arrest of two persons for ...

If this person did not receive any acknowledgement from CBP you could add that the

person should receive a Moderate Award as well as the Core Values because it was an activity or achievement that substantially surpasses established performance goals; a significant contribution to the accomplishment of the Agency goals. This could result in the person possibly getting a total of 3 shares, 1 Core Values and 2 Moderate activity, instead of 1 for Core Values.

This past award cycle, it was noticed by a supervisor that the nominations that

they submitted were not include in the spread sheet. The union has to believe that the spread sheet that we are given is accurate. If you send a copy of the nominations to the chapter president we have some sort of checks and balance to ensure everyone that is nominated gets to be reviewed by the JAC.

*Ray Chapin, Chief Steward,
Sumas AP*

“Why do I need to write a memo when the supervisor already has the information?”

Writing Memos

WHAT TO DO WHEN ASKED TO WRITE A MEMO....THINK!

Don't you already KNOW when you need to write "memos"- when you get a load, when you do a pat down? So, you already know something's up - right? DON'T GUESS! ASK!

Go into as much detail as possible- you know the W's- Who? What? Where? When? and most importantly- WHY?

Lately, there has been a rash of memos being requested by management and it has caused us great concern and alarm. If you're hair stands on end when the supervisor asks for a memo or if the thought what'd I do now?" crosses your mind. That's called the SURVIVAL INSTINCT listen to it!

FIRST- ASK

1) What are you supposed to be writing the memo about? No need to confess to something you're not accused of.

2) What is the memo going to be used for? This is a reasonable question- What work-related purpose is this memo for? If you have to ask this question then follow the instructions below.

SECOND- LISTEN

1) Only answer the questions that were asked. Remember all that training you had on how to testify? USE IT!

2) If the answer is- "You missed a L/O." That is the answer to; What are you supposed to be writing about, not what will the memo be used for. Think about it, why does the supervisor need a memo to know you missed an L/O?

You already told him you missed it.

Answer #2- "I need to put it in the Shift log, Sit Room report (whatever) why you missed the L/O." The supervisor does NOT need to READ why you missed it- you can TELL him that and HE can write it down so, why the memo?

Answer #3- "There was a complaint." You have VERY clear rights, when you hear this. See below.

THIRD- THINK

Can this be used as a reason to discipline me? You know- Letters of Reprimand, Suspensions, and Termination? **The answer to this is YES....SO CONTACT YOUR UNION REPRESENTATIVE**

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Agency and NTEU Human Resource Surveys

A couple of months ago you received three separate e-mails requesting you to complete surveys covering training, favoritism and leadership, and input from the bargaining unit? Well, those survey's have been completed, collated, and were presented to the DFO at the Seattle LMRC meeting at the end of October. At that meeting, it was decided that most of these issues would be dealt with at the Area Port level (Seattle, Pembina, Great Falls, and Blaine).

The major points that the sur-

veys showed for the Blaine area were:

- 1) Training—Employees are not aware of what training opportunities are available out there, how or why people are selected to go to training, and they feel that favoritism plays a big part in the selection process.
- 2) Favoritism—the perception of favoritism within the Area Port is high, though it seems to be focused on a few managers and not a common trait amongst them all.
- 3) Input from the bargaining Unit—While some work units

have a good, cooperative, environment many others indicate that the suggestions for improvements or changes that come from the bargaining unit are either not being accepted or acted upon by management.

Some progress was made at the December Blaine LMRC meeting for addressing the training issues, though more detail still needs to be worked out. More to come on this issue later.

A feedback session between NTEU, Area Port Directors, and the DFO is scheduled for

February with a progress report due from each area port during the May, 2013, Seattle FO LMRC.

The main point of this article is to let you all know that your answers were received, appreciated, and they are being acted upon. It has already been agreed that more survey's will be conducted to gauge the success of initiatives that will come from the initial survey results, so when you're asked for your input in the future...please give it. And, thank you to those who took the time to provide information the first time around.

*Jay Cooper, Chief Steward
Oroville AP*

5 CFR 6101; It's Applicability to You

This section of the Code of Federal Regulations deals with the scheduling requirements for Federal Employees. It establishes the 40-hr work week, the number of consecutive days that that 40-hrs has to be worked in and, of particular importance to us, it states that the working hours within an administrative work week must be the same. What that means is that if you start the week working 8-4, you must work 8-4 for that entire week. Hence it is a violation of 6101 if the agency schedules you to work 8-4 on Monday, then 4-Mid on Tuesday. This is the basis of the recent

"Gootnik" arbitration that will, someday, put a lot of back overtime pay into the pockets of legacy customs officers (and eventually the rest of us in all likelihood).

Now, it is NTEU's position that this protection is waivable by the employee. In other words, you can voluntarily change you schedule as noted above, it just cannot be forced on you. We have had issue though with the agency making these changes for "operational needs", but then saying that they cannot violate this regulation when an employee asks for a schedule change like this.

This is still an open matter. A grievance has been filed at the Danville POE where officers are being scheduled to work 8-4 and 9-5 in the same week.

The bottom line is that employees have a right to a consistent schedule. If you are being scheduled outside of the requirements of 6101, please contact your Union Rep.

*Jay Cooper, Chief Steward
Oroville AP*



Preview of new proposal to meet the requirement of having at least two officers on duty.

Memo Writing

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NTEU has already won a grievance on this issue (i.e. orders to write memorandums ARE investigatory interviews), so exercise your rights.

When it comes to complaints- per the NTEU contract-

#1 You are required to respond **ONLY** to a **WRITTEN** version of the complaint and yes the

supervisor can write it.

#2 Management is **REQUIRED** to allow you to consult with NTEU to assist you in responding to the complaint— but **you MUST ask** to consult with your representative. Once you ask they have to give you the time to consult and time to write your response. I

f you have a belief that any memo may be used as a reason to discipline you, then management **MUST** allow you to consult with the union. But, you **HAVE** to **ASK** for union representation.

Now here's the bottom line.

IF YOU ARE ASKED TO WRITE A MEMO, ASK FOR A UNION REP!

Your representatives are there for a reason....allow them to help you.

*Ray Chapin, Chief Steward,
Sumas AP*

Grievance and Issues

- Failure of management to place 100% of employees into their work units chosen through the Bid and Rotation Process. Management denied the grievance at all steps of the grievance process, claiming that they don't have to place 100%; it has been referred to NTEU counsel for arbitration consideration. Case handled by Chapter Chief Steward James Pettaway
- Failure to follow contractual procedures in the creation and staffing of the new Blaine Intel work group: a settlement has been reached whereby management will announce position vacancies, all will be able to apply, and those determined to be qualified will be placed on a ordered by seniority. The list of those qualified will be referred to HSI, in seniority order. Case handled by Chapter President Sean Albright
- Failure to follow contractual procedures on temporary promotions to supervisor. Management has denied at the First Step of the grievance process, claiming that the provisions of Articles 38 and 41 do not apply to non-bargaining unit selections, even though the contract states otherwise. Management did agree to a more transparent solicitation process. Appeal to Step 2 has been made. Case being handled by Steward CW Jackson.
- Grievance filed over management's failure to abide by hardship relocation procedures found in contract. Has been appealed to the Step 3 grievance process with the Director of Field Operations for Seattle and Buffalo. Case being handled by James Pettaway.
- Numerous personal discipline cases being handled by Steward James Henderson and Sean Albright. Because of the private nature of these cases, details can not be divulged in this forum. Traditionally, the Chapter has its greatest success in the realm of representing employees in proposed discipline.
- Management in Point Roberts made several unilateral changes to the previous AWS program, without proper notice and opportunity to bargain, causing union members to lose premium pay and overtime. Management denied the grievance at all steps of the grievance process. Complaint has been accepted for arbitration. Case handled by Steward Rodney Amundson.

Negotiations and Discussions

- While the Union is always willing to speak to management on any subject, and address issues with management on a daily basis, there are currently no specific negotiations or discussions going on for the Blaine Area Port. At the LMRC meetings, however, NTEU has raised the issue of the need for improved maintenance of the PAC Highway facility (e.g. fix broken drawers and other minor repairs). We've also attempted to alleviate the traffic flow problem at shift change by gaining access to the back gate of the parking area so employees don't find themselves stuck behind trucks at the cargo gate on the way home.

Grievance and Issues

- NTEU has filed a grievance in response to the agency failure to place 100% of employees that bid for cargo, during the last B&RP. The agency instead granted placement to only 50% of the available positions. This grievance is currently at the Step 3 level and we are awaiting a response from the DFO; which should be received no later than January 7. We feel that it is a positive sign that DFO James has requested additional time so she can review it herself and not delegate the issue down to the APD.

Negotiations and Discussions

- NTEU is currently in the process of negotiating Alternative Work Schedules for both the Lynden and Sumas, POEs. In Lynden management wants a pilot program till the end of FY2013 using three officers on the day shift. Their intent being to conduct a study during the year to see if an AWS is fiscally responsible to pursue. Stewards at Sumas are working on an AWS proposal that they intend to bring to management in the very near future.

Grievance and Issues

- The Union currently has no significant issues or grievances to report on, but will use this forum and others to keep the bargaining unit up to speed on what the union is dealing with on your behalf.

Negotiations and Discussions

- The Union currently has no significant negotiations or discussions with management to report on, but will use this forum and others to keep the bargaining unit up to speed on what the union is dealing with on your behalf.

Oroville Area Port



*Asylum seekers seen running to Canada just prior to Christmas. A Canadian Immigration judge upheld their credible fear claim and, afterward, had them home for dinner. Reports are they were thankful for the invitation....
...and delicious with dressing and a garden salad.*

Grievance and Issues

- We've forward a grievance to the Union of Arbitration regarding the agency's failure to provide the proper compensation to officers from Oroville who were tasked to work at Ferry. To accomplish this assignment, the agency initially required the officers to utilize a GOV to get to Ferry. Article 34, Section 12, of the CBA requires that "Employees shall be compensated for hours of work in accordance with applicable laws and regulations." 5 CFR 551.422, Section (a)(2) and (3), states that "(a) Time spent traveling shall be considered hours of work if an employee is required to drive a vehicle or.... perform travel as a passenger on a one-day assignment away from the official duty station." Since the requirement to drive the GOV means these officers were working during their travel, the proper compensation is overtime; not the compensatory time they were given.
- The Union has accepted for arbitration a grievance whereby two officers who were the subject of a written complaint from a co-worker had their request for a copy of that complaint denied in violation of Article 31. The agency's position is that the written complaints referenced in this article are limited to those from the traveling public, but NTEU's position is that no such limitation exists within the wording of the contract.
- A grievance has been forward to the Union for Arbitration regarding violations of 5 CFR 6101 whereas officers are being schedule for different work hours in the same administrative work week. The agency's position is that a previous arbitration decision allows them to vary the work shifts by 1-hour without violating the CFR.
- A couple of months ago, local NTEU representatives were informed that there were serious problems with the Use of Force training in the Oroville area. This is not necessarily a reflection on the instructors, but records seemed to indicate the a large percentage of the officers in this area were not technically qualified to carry their firearms and/or other intermediate force tools. This puts the officers at great risk as, in a use of force incident as a "lack of training" would not be an effective defense in a civil, or even criminal, court case. In response to this grievance, the Blaine use of force division is going to be taking over the record keeping for this area and will be providing training/monitors for the Use of Force program in the Oroville area. Hopefully, this higher level attention will bring needed improvements, a better quality program, and make things safer for the officers.

Negotiations and Discussions

- NTEU is current in negotiations with the agency over the establishment of an Alternative Work Schedule for the Danville POE; though the discussions have been slow. Management would not set an initial meeting until 2-months after the request for discussion was made by NTEU and those "talks" have gone on for a month. NTEU is waiting to hear whether or not the information from the AWS Cost Calculator has been forwarded to HQ for approval. The proposed schedules for Danville has officers working approximately 4 double shifts and 2 single shifts per pay period, allowing for 8 RDOs every two-weeks. Once the negotiations for Danville are successful, NTEU will query the bargaining units at the other POEs in the area to see whether or not there is interest in negotiating AWS schedules for those locations as well.

President's Corner

Friends:

This is the Holiday season, and I know that some of you will be invited to social functions where alcohol might be served. To drink or not to drink is a personal choice left up to the individual. Any thoughts on the propriety of drinking are left up to the individual and his conscience.

However, to drink, and then drive, is another matter entirely. The Chapter has recently had to represent several members who have found their way into bad situations because of drinking and driving, or because of other problems related to alcohol use. Fortunately, no one was injured in these incidents. Drinking and driving goes beyond the realm of personal choice because it potentially endangers other people.

I want to take this opportunity

to urge all of you to not drink and drive. It's just not worth it. The harmful effects to your career, your finances, and your family life, not to mention the physical harm you might bring to yourself and others, can be devastating.

If you have had too much to drink and are not safe to drive home, please call a cab, or a friend, to get you home. If nothing else, call me, or another union officer, and we will find you a ride if we have to come get you ourselves. We might not be happy about getting a call at 0200, but we would rather get the call than have to represent you later in a disciplinary hearing. As part of an effort to curb the incidents of DUI amongst CBP employees, the Chapter Presidents of all the NTEU Chapters within the Seattle District re-

cently pledged to cooperate to find a way to provide rides home for those who have drunk too much. Sadly, CBP management was unwilling to meet us half-way with a plan to pay for cab rides. Regardless, we are committed to reducing the incidents of DUI.

So if you have had too much to drink, don't chance it by driving home. Call a cab, or call a friend, or call me. My home phone number is 360-332-1971. I live in Blaine, so obviously if you live in Stevens County, I won't be able to come get you, but I will endeavor to find you a ride wherever you might find yourself.

Please have a great holiday season, and please drink responsibly.

*Sean Albright, President
NTEU Chapter 164*

Questions and Comments from the Field

In order to better serve the needs, and advance the goals, of the bargaining unit your representatives need to hear from you! In future issues of this newsletter, we will begin publishing questions and comments that we receive that will be applicable to at least a large section of the bargaining unit. We will act

on questions and comments when we receive them, but will share at least some here.

We will also endeavor to make sure that this section is not filled with just the "soft soap". We'll publish hard questions as well as criticisms so long as they are made respectfully and made and are in good taste.

This won't be a place for personal attacks, but call us out if you don't think somethings being done correctly. That being said, problems accompanied by solutions will get more attention than just a vent.

We look forward to hearing from you all.