



## Chapter President's Message

This past October and November, the Chapter conducted a representational election to determine the members of the Chapter Executive Board. The results were as follows:

President: Sean Albright  
Vice President: James Pettaway  
Treasurer: James P. Henderson  
Secretary: Kana Carman

I wish to thank Sumas Chief Steward Rayme Chapin for all the work he put into the election. It's a big job. I also wish to thank the other members of the Election Committee who helped out in the effort: Donna Chapin, and Cathy Fahrig. Lastly, I want to thank all of those who cared enough about the chapter to stand for election, regardless of whether they won or lost. Only through the active involvement of the membership, and those who seek to be chapter leaders, can the union remain strong.

One of the biggest differences between CBP management, and NTEU leadership, is that NTEU leadership is directly accountable to the members. If the members don't like the job we are doing, or seek a new direction, it is completely within the power of the members to make those changes. CBP managers, by contrast, are accountable only to their respective superiors. They are not answerable to their subordinates in any substantive way. And it often shows. Normally, the only place an aggrieved employee can turn is to the union. And we are here to help. That's our job. Because of certain legal and contractual realities, we can't promise that we will always win, but we can promise a spirited fight. Part of NTEU's mission statement is that we strive to ensure that all employees are treated with dignity. We take that seriously.

I would like to take a moment to thank Dennis Gillespie for all of his years of loyal and dedicated service to the union. Dennis was the Vice President, on and off, going back to about 1996. And his CBP experience goes back to 1984. Because of the results of the recent chapter election, Dennis will no longer be the Vice President, but he will be staying on as a steward. As the most experienced union representative in the chapter, his services have been invaluable to us. If you find yourself in the Blaine Cargo office, please take a moment to drop by the Yoda's corner, and thank Dennis for his service.

I would also like to thank Todd Nagle and Tom Merlina for agreeing to be the appointed Secretary, and Treasurer, respectively, over the last few years. Up until this year, no members had stood for election for these positions in quite a few years. Todd and Tom both did a great job in seeing to the administrative needs of the chapter, such as handling membership records, tending the financial books, and making sure that the required federal forms were filed on time and accurately with the DOL and the IRS.

Also, I wish to extend my congratulations to the newly elected members of the Executive Board: James Pettaway, James Henderson, and Kana Carman. I look forward to working with them over the next 3 years, in the service of the union.

In solidarity,

Sean Albright  
Chapter President  
NTEU 164

# Goldstein Arbitration Update

By Sean Albright

As most people in Blaine, Vancouver, Point Roberts, Lynden, and Sumas know, a recent national arbitration/FLRA decision was issued declaring CBP in violation of the Bid and Rotation Agreement when it temporarily reassigned employees away their bid-assigned work units. Part of the ordered remedy was that CBP will have to pay overtime to employees who lost out on OT because of the reassignments. CBP Blaine/Seattle ignored NTEU 164's offer to help in the calculation of monies owed. Instead, CBP used a variety of employees to calculate the monies that are owed, to each eligible person. These numbers were presented to NTEU in October. For several weeks, CBP refused to explain their methodologies used in reaching their calculations. CBP also refused to produce the data they used. Based on an analysis of the numbers presented to NTEU, the chapter believes that CBP has made certain errors and omissions. The most significant omission is that CBP refused to take into consideration the reassignments of those employees CBP determined to not have a formal bid placement. This is for the time period of 9/2011 through 10/2013. NTEU 164 long disagreed with CBP's interpretation of certain language in the contract, language that CBP used to artificially limit the number of employees it deemed to have earned a formal bid.

In May of 2013, CBP admitted that its previous practices were incorrect. NTEU believes that all, or virtually all employees, for the time period in question, should have been considered bid winners. Consequently, many more employee reassignments should have been considered as potentially causing overtime assignments to have been missed. NTEU has informed local management of our opinion. We have not received a definitive response. NTEU expects that CBP will not agree, as this will cause the pay-outs to increase by at least 50%, possibly more. Because of CBP's initial refusal to explain its methodology in calculating the monies owed, this serious omission was not confirmed by NTEU until **after** the date that employees had to declare whether they were accepting or rejecting CBP's calculations. Of course, this revelation could change a lot of employees' opinion on whether they should accept CBP's original numbers.

Forty-four employees elected to appeal the numbers that CBP claimed they were owed. Everyone else accepted CBP's numbers, in hopes of a speedy pay-out.

Late breaking development: Only 2 NTEU chapters, nation-wide, reached agreement with CBP on how much money was owed. And in most locations, CBP was refusing to provide all data needed for the union to make independent analyses of how much money was owed. Because of the egregious behavior of CBP,

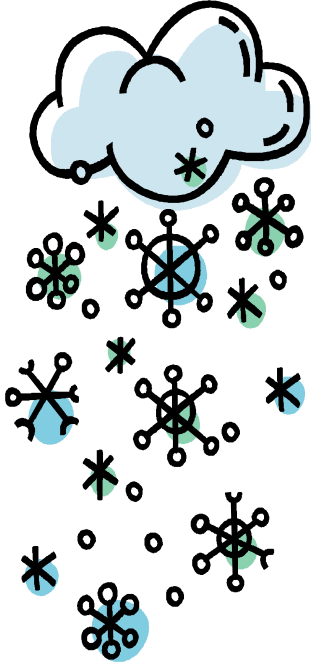
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***If any man tells you he loves America, yet hates labor, he is a liar. If any man tells you he trusts America, yet fears labor, he is a fool.***

-- Abraham Lincoln

## Issues and Grievances Blaine Area Port

### Grievances Update:



- ◆ Grievance filed over CBP not adhering to the call-out order for overtime regarding hold-overs.
- ◆ Arbitration settlement reached regarding CBP not following the call-out order on an overtime assignment. CBP agreed to pay the employee for the missed OT.
- ◆ Grievance on file for CBP denying union block time for Vice President. Waiting for Step 3 response
- ◆ Grievance on file regarding CBP's treatment of a passenger train. CBP allowed the train to bypass Blaine, to clear in Seattle. Numerous laws were broken, with a result of Blaine officers missing out on work assignments. Waiting for Step 3 response
- ◆ Grievance filed over CBP not granting situational union time to union stewards.
- ◆ Union representing several employees involved in disciplinary issues.
- ◆ Arbitration pending over CBP's refusal to grant a hardship transfer to an employee who, in NTEU's opinion, meets the contractual definition of needing a hardship transfer.
- ◆ Grievance on file for an employee who is requesting a hardship transfer.
- ◆ Grievance filed over management forcing Cargo-assigned officers to clear Nexus traffic through Cargo. NTEU views this as a de-facto reassignment, in violation of Article 13.
- ◆ NTEU leadership informally pursuing several issues with CBP regarding entrance and clearance of vessels, the treatment of travelers not seeking admission, and the treatment of travelers not seeking admission yet requesting the issuance of I-94s
- ◆ Grievance filed over CBP not adhering to the contractual call-out order for overtime (individual grievance)

### Negotiations Update:

- ◆ Goldstein Arbitration negotiations are on-going.
- ◆ Negotiations have stalled over CBP's desire to relocate a Radio Specialist from Marysville to Ferndale. Litigation likely.
- ◆ Negotiations have stalled over the building of the new Nexus Enrollment Center at the Birch Bay Mall. Litigation likely.
- ◆ Negotiations pending over the construction of both the new Bellingham POE, and the new Friday Harbor POE.

### New Grievances:

- ◆ Arbitration is pending in March concerning CBP's tendency to change the schedules of employees in spite of the schedules granted through the Bid and Rotation process. NTEU views this as a violation of Article. A similar grievance has been filed concerning CBP changing the RDOs of employees. NTEU believes that employees should have a reasonable expectation of staying in the work schedules, including the RDO pattern, that they were granted in the Bid and Rotation process.



## Issues and Grievances Sumas Area Port

### Grievances Update:

- ◆ Grievance filed over a manager's unprofessional behavior toward a member. Grievance meeting pending.

### Negotiations Update:

- ◆ AWS approved for Friday Harbor, after more than a year of effort in trying to convince management of the merits of NTEU's proposal.
- ◆ Goldstein Arbitration negotiations are on-going.

### New Grievances:

- ◆ Nothing to update as of this issue.



## Issues and Grievances Vancouver Pre-Clearance

### Grievances Update:

- ◆ Grievance filed regarding a personal disciplinary matter for a member.
- ◆ Vancouver NTEU filed a grievance for three officers who were improperly skipped for an overtime assignment because they were restricted. NTEU showed that had the officers been properly issued the overtime, they still would have finished the fiscal year under the statutory cap. The grievance was denied at the step 1, and step 2 level. A step 3 meeting was held w/ Director Diffrancisci and a response is pending.

### Negotiations Update:

- ◆ A union meeting is pending regarding an AWS proposal.
- ◆ National negotiations are underway regarding the use of APC kiosks, including the use of chairs and primary booths.
- ◆ Goldstein Arbitration negotiations are on-going.

### New Grievances:

- ◆ Nothing to update as of this issue.



## Issues and Grievances Oroville Area Port

### Grievances Update:

- ◆ A grievance has been filed over management's failure to adhere to the provisions of the call-out order in Article 35 when assigning OT to TDY officers.
- ◆ NTEU filed a grievance in response to CBP Internal Affairs violations of the CBA and long-standing past practice when they denied union representation to Third Party witnesses.
- ◆ A grievance has been filed over Oroville management's violation of past practice and local leave policy when they began denying holiday excused absence requests contiguous with approved ad-hoc annual leave.
- ◆ A grievance which had been filed over management's non-bargained change to the policy concerning the feeding of animals at ports-of-entry resulted in the reversal of that policy and the establishment of applicable procedures.
- ◆ Grievances regarding violations of 5 USC 6101 continue to be filed and forwarded for arbitration. To date, all are being held in abeyance awaiting the outcome of action being taken at the National level.

### Negotiations Update:

- ◆ An agreement was reached with management regarding the back-filling of vacated shift slots. In Blaine and Sumas, all vacated shift slots will be back-filled by the most senior officer who bid on but was denied their first shift-preference request during the last BR&P solicitation. To avoid a "domino effect", the shift slot vacated by *this* officer will not be back-filled. In the Oroville AOR, the back-filling of vacated shift slots will occur on a case-by-case basis.
- ◆ An agreement was reached with management to solicit for volunteers for all "non-training required" collateral duties. This solicitation will occur every two years and all collateral duties will be awarded on a seniority basis with the exception that the incumbent collateral duty officer will only be awarded a subsequent term if there are no other volunteers.

### New Grievances:

- ◆ Research is currently being completed regarding management's change to the 2015 Leave Draw procedures. If a violation occurred, NTEU will file a chapter grievance over the changes.



## NTEU Requests Information about Data Exposure

By NTEU National

The Office of Personnel Management (OPM) notified NTEU of a potential data breach of a contractor computer network that may have exposed sensitive data for more than 48,000 federal employees.



President Colleen M. Kelley took immediate action to ensure federal employees are being protected and requested additional information about the breach, including which agency employees were impacted. NTEU has not yet received specifics about impacted agencies.

OPM said that while personally identifiable data was exposed, there was no conclusive evidence to confirm sensitive information was actually removed from the contractor's IT system. OPM announced that it will offer credit-monitoring services to the impacted employees as a precaution. Notification letters were sent Dec. 18 via U.S. Mail to the impacted individuals. If you receive the letter, be sure to follow its recommendations.

Earlier this year, following multiple reported data breaches at OPM and other agencies, NTEU worked with the administration to provide impacted workers with credit monitoring. NTEU will continue to monitor developments and provide any necessary updates to members.



## Feeding Animals at the POE

By Clint Faulkner

Winter is the time of year when many wild animals settle in and hibernate for the season. Unfortunately, though, in much of our region there are stray and abandoned animals that must fend for themselves. At many of our ports-of-entry, especially in more rural areas, these animals are attracted to the activity that our ports provide in the quiet of winter. The variety of domesticated animals that are homeless and roam the areas near our POE's is surprising; from cats and dogs to horses and, in at least one case, a llama. Over the years, more than a few officers have provided for these animals in the form of food and companionship. A scratch under the chin or a small treat from a



Two local residents of Ferry County, Washington take in the sights of B.C.

caring person can make a big difference to these destitute animals.

Recently, though, CBP management in Eastern Washington changed the long-standing past practice allowing officers to feed animals at the ports. A policy was initiated that prohibited officers from feeding animals at any time, to include rest periods, at any of the ports-of-entry in Eastern Washington.

NTEU filed a grievance and, as a result, this prohibition was repealed and rules were established governing the feeding of animals at the POE's.

Officers are still allowed to feed animals as long as they follow these rules:

- ◆ Feed animals only on your rest periods (Article 34, Section 16 of the CBA explains rest periods)
- ◆ Pet food can not be stored at the port but may be stored in your POV.
- ◆ Officers are not to feed animals while performing their official duties.

I know that many of our furry friends will be happier and healthier this winter now that officers will be able to continue this long-standing tradition.

## Employee Morale Sags to Record Low In Latest 'Best Places to Work' Survey

Washington, D.C.—Employee morale dropped to an all-time low in 2014, according to the rankings released today on the best places to work in the federal government.

The score for employee satisfaction and commitment was 56.9 out of 100, the lowest since the Best Places to Work survey was first conducted in 2003. Done by the Partnership for Public Service and Deloitte, the survey is based on data collected by the Office of Personnel Management in its annual Federal Employee Viewpoint Survey covering 389 agencies and component offices.

“Sadly, this is unsurprising given the difficult environment federal employees have faced for the past several years. Low morale hurts the current workforce, and will also hamper future recruitment efforts by making talented candidates think twice before taking federal jobs,” said National Treasury Employees Union (NTEU) National President Colleen M. Kelley. “Lack of adequate funding has led to hiring freezes, staffing shortages, growing workloads, cuts in performance-based awards and training, and diminished opportunities for career advancement.”

Government-wide morale dropped in 2014 for the fourth year in a row, declining 8.1 points from the high of 65 in 2010, according to the survey. The main reason employees gave was their lack of confidence in their leaders, particularly those in senior positions.

Senior leaders should pay close attention to the survey results and find ways to work with frontline employees to improve morale and retention and to listen to employees’ ideas about how to do the work better, Kelley said.



Despite the overall decline, NTEU’s strong presence played an important role in creating positive and effective workplaces at many agencies. The Federal Deposit Insurance Corporation (FDIC) was first among mid-sized agencies. Other highly-ranked agencies where NTEU represents employees include the Nuclear Regulatory Commission (NRC), Patent and Trademark Office (PTO) and the National Credit Union Administration (NCUA).

“These are all examples of how agencies could dramatically improve workplace conditions—by collaborating with frontline workers and NTEU to put in place policies and procedures that help employees meet agency missions and stay satisfied with their work,” President Kelley said.

To improve employee morale, however, better communication and cooperation between labor and management alone will not be enough. Lawmakers also need do their part by boosting resources for agencies and by treating federal employees with respect and recognizing the valuable work they do for our nation.

“Budget cuts, sequestration, the government shutdown, ongoing fiscal brinksmanship and the gap between federal and private-sector pay are all problems that take a toll on employee morale,” President Kelley said. “Employees remain committed to their jobs and are willing to go the extra mile, but they are constantly being asked to do more with less.”

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## National Bargaining to Begin on UOF Policy

By Sean Albright

National NTEU and CBP will soon be bargaining over the new Use of Force Policy. NTEU National President Colleen Kelley has chosen me to be on the negotiating team, along with Chapter Presidents from other chapters, and NTEU National Counsel Jonathan Levine. If you have any suggestions for NTEU to pursue in the negotiations, please let me know. Initial meetings will occur in late January.



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...NTEU national counsel took CBP back to the arbitrator (Goldstein) for a ruling on CBP's refusal to produce information. The result of the hearing is that CBP agreed to provide all necessary data to allow the union to make accurate financial analyses. A new time-line has been imposed by the arbitrator. NTEU 164 leaders have inquired with national NTEU counsel on how this impacts the individuals who did not want to appeal the amounts that CBP claimed they were owed. We have also inquired about whether members can reconsider their original elections not to contest the amounts that CBP claimed they are owed. Because of the holidays and absences of national staff, there has been delay in receiving a response. NTEU will communicate with the members just as soon as we have an answer to these important questions.





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...”And now,” Kelley added, “federal employees are facing yet another fiscal crisis as Congress struggles to complete agency funding for the remainder of the fiscal year. Lawmakers should provide agencies with the resources they need to fulfill their missions, get federal pay back on track and refrain from trying to weaken the federal pension system.”

The survey also pointed to continuing difficulties at the Department of Homeland Security (DHS), which ranked last among the large agencies. DHS and component units like Customs and Border Protection (CBP) have long been saddled with inadequate budgets and insufficient personnel. Given the critical role that CBP plays in safeguarding our nation, Congress should make it a top priority to boost funding and personnel, Kelley said.

NTEU is the largest independent federal employee union and represents 150,000 workers in 31 agencies and departments.



## NTEU Chapter 164 Leaders

Chapter President -

**Sean Albright**

Day Shift on Monday & Thursday and

1600-2000 on Fridays      360-332-2640

Swings on Weekends      360-332-5707

Chapter Vice-President -

**James Pettaway**

Midnights Wed.—Sun      360-332-6091 or

360-332-2640

Chapter Treasurer -

**James Henderson**

Swings Monday - Friday      360-332-5707

Chapter Secretary—

**Kana Carman**

Day Shift      360-332-8511

The above leaders were elected this quarter to represent Chapter 164 members for the next three years.

If you have any problems or issues, feel free to contact them at the numbers provided above.

## Short-Term Funding Disappointing

By NTEU National

The final omnibus spending bill passed by Congress singled out the Department of Homeland Security (DHS) by funding the agency only through February 2015, a move NTEU strongly opposed. Opponents to the president's immigration policies pressed for the limited funding provision.

NTEU reiterated that CBP's mission will further suffer with short-term funding and made it clear that ongoing budget issues contribute to the agency's consistently poor survey scores.

"CBP is already underfunded and understaffed," said President Colleen M. Kelley. "Short-term funding at current levels keeps a critical security agency struggling with resources, creates uncertainty and inhibits long-term planning."

The spending bill keeps the rest of government operational through Sept. 30, carving out the short-term restriction only for DHS. NTEU is focused on working with the next Congress to provide a full year's worth of funding and increase CBP's budget.

