

NTEU Chapter 164 Newsletter

1st Quarter 2015, Vol 1, Issue 9

In Union there is **STRENGTH**



President's Corner:

The Power of Membership

Dear Fellow Bargaining Unit Members:

Spring has sprung, and somewhat different than the old adage goes, your stewards have turned to thoughts of representation. That's what NTEU does – we represent people. We represent you in the grievance process, and in the contractual bargaining process, and in the various courts that rule on federal employee matters, and on Capitol Hill. And all this is done for a bargain price. If you were to hire an attorney to represent you, for anything beyond writing a simple letter, they would typically charge you a \$5,000 retainer fee, and keep the unused portion in an account in case you needed future legal assistance, without possibility of refund. By contrast, the typical NTEU member would have to pay about 11 years of union dues to reach that amount of money. And the private attorney will not represent you at the bargaining table, or on Capitol Hill, and your \$5,000 retainer would be immediately devoured if you had to go to a real court hearing. The typical Merit Systems Protection Board (MSPB) case heard for an individual facing discipline runs about \$30,000, more if the case goes on to federal court. And even the typical local arbitration can easily cost \$10,000 in total fees.

And how much does NTEU charge you for representation in these types of services? Zero, beyond your normal dues. That is the power of group representation. NTEU has the best court record of any federal union, because NTEU has lawyers on staff who specialize in their craft. NTEU also has the best contracts in the federal sector, because NTEU has attorneys and negotiators on staff who specialize in negotiations. NTEU also has dedicated lobbyists who represent your interests in Congress. If you are a CBPO, your CBPO enhanced retirement package is the direct result of the lobbying and legislative skills of NTEU; even CBP said as much when Congress granted law enforcement equivalent retirement to CBPOs in 2008. With this hard-earned benefit, most CBPOs will see an approximate 40% increase in their monthly retirement annuity. Multiple lifetimes of union dues could not begin to cover that financial windfall. Add to that the fact that we do not have to pay taxes on our health insurance premiums, and that we can save money to special health savings accounts, tax free, (both benefits won by NTEU), and you can start to get a good picture of how much money NTEU has put in the pocket of the typical employee. Now add to this all the contractual benefits that have been secured by NTEU (the right to bid by seniority, the right to transfer by seniority, and the right to prepare your background reinvestigation on company time, to name but a few, and I believe the value of NTEU membership is quite clear.

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Power of Membership (con't from page 1)

But none of this is possible without membership. It takes membership to hire and pay the best federal lawyers and negotiators. It takes strength of membership to negotiate the beset contracts. And it takes membership to be able to speak from a position of authority, and relevance, when lobbying our members of Congress.

Accordingly, ask a non-member to join today.

In solidarity,

Sean Albright

Chapter President

NTEU 164



National

NTEU President to Retire after 16 years of visionary leadership

Washington, D.C.—The National Treasury Employees Union (NTEU) announced today that NTEU National President Colleen M. Kelley will be retiring following the union’s 2015 National Convention in August.

Treasury

In a memo sent to NTEU Chapter Presidents, President Kelley thanked the NTEU leaders saying she was “in awe every day” of the work they do against great odds. She wrote that she believes NTEU is well-positioned to make a transition this summer: “I am proud of my NTEU career and the state of our union today ... as much as I love my role and our union, I will not be seeking re-election to a fifth term as NTEU National President.”

Kelley said she will be retiring to spend time with her family in Pittsburgh. An election will be held at the NTEU convention later this summer to replace her.

Employees

A passionate and vocal advocate for federal employees, the NTEU leader is known for the depth and breadth of her knowledge of federal employee issues.

Union

A native of Pittsburgh where she worked as an IRS revenue agent for 14 years, Kelley rose through the ranks of the union, serving in various chapter leadership positions including chapter president of NTEU Chapter 34, IRS Pittsburgh. Kelley joined the staff of NTEU, served as the union’s National Executive Vice President and was elected National President in August 1999. She was overwhelmingly re-elected to a fourth four-year term in 2011.

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Kelley Retirement con't from pg 2

In her time as the union's top official, Kelley has led the union to a number of significant accomplishments including ending the IRS' program to outsource the collection of tax debts to private collection agencies, citing the danger to taxpayers' private information and the risk of taxpayer harassment. She fought to protect Department of Homeland Security employees' collective bargaining rights by successfully leading a lawsuit against a revamped personnel system the agency tried to impose on its employees and won enhanced Law Enforcement Officer retirement benefits for Customs and Border Protection Officers. Kelley is visibly active across government in the fight to rein in government contracting and to return contracted work into the hands of trained and accountable federal employees. She also plays a leading role in the effort to restore labor-management collaboration to the federal sector.

She fought to protect employees during the 16-day government shutdown in 2013 and succeeded in securing retroactive pay for furloughed workers.

Under President Kelley's leadership, NTEU has broken new ground in organizing and representing many agencies and occupations that traditionally have not been unionized. They include attorneys at the Securities and Exchange Commission, scientists at the Food and Drug Administration, financial regulatory employees at the National Credit Union Administration, the Office of the Comptroller of the Currency, the Consumer Financial Protection Bureau and the Commodity Futures Trading Commission, and many others.

The NTEU leader believes that employees have a lot of good ideas about how to do the work of the federal government better and works hard to ensure their voices are heard.

A staunch defender of federal workers and their rights, Kelley stresses the need for fair treatment and competitive pay and benefits for federal employees. Through her efforts, the Office of Personnel Management permitted federal employees to have Flexible Spending Accounts, a common private sector employee benefit. Kelley believes that expanding federal workplace benefits is critical to improving the government's ability to compete with the private sector for the recruitment of the best and brightest of the workforce.

NTEU, the nation's largest independent federal-employee union, represents 150,000 employees 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

360-332-2640

Chapter Treasurer— James Henderson

Swings Monday - Friday 360-332-5707

Chapter Secretary— Kana Carman

Days 360-332-8511

Sumas Chief Steward— Rayme Chapin

Days Monday—Friday 360-988-2971 x240

Oroville Chief Steward— Clint Faulkner

Days Monday—Friday 509-919-7206

Vancouver Chief Steward— Gary Ferrell

604-278-7422



National Issues Update

The following issues are being addressed at the national level:

- Bargaining continues over proposals to mitigate the adverse impact of the Automated Passport Control (APC) kiosk program. This program was implemented in Vancouver (among other places) last year. Unforeseen problems immediately cropped up, chief among those CBP's decision to take chairs out of primary, and to disable TECS functions at the APC podiums.
- NTEU will be seeking an enforcement order to force CBP to comply with the 5 USC 6101 arbitration decision regarding back pay
- Developments continue on the Goldstein arbitration regarding forced moves away from bid work locations. There will be 3 days of hearings at the end of May, where NTEU will attempt to convince Arbitrator Goldstein of the merits of certain appeals at the local level
- Contract negotiations are beginning in earnest. For a comparison summary of the initial bargaining proposal submitted by CBP and NTEU, see the following link: <https://www.nteu.org/Members/CBP/ContractProposalsChart.pdf> This is just the beginning.
- Negotiations over the new Use of Force policy continue. Chapter President Albright took part in the initial round of bargaining in late January.



The robin, harbinger of Spring



Cherry trees blossoming in Washington D.C.

Stay Hydrated: The Perils of Summer Heat

By Clint Faulkner

Spring is now upon us, but Summer is just around the corner. And, as we are all well aware, Summer brings with it the heat of the season. In Eastern Washington that heat can be blistering and relentless, but even in the cooler areas of our region, the Summer heat is something to be respected and prepared for. In our frontline positions, clad in our dark uniforms of polyester and cotton, we are especially vulnerable to the ravages of the sun. Remember to always wear sunscreen and make sure you are getting enough water. The Institute of Medicine determined that an adequate intake (AI) for men is roughly about 13 cups (3 liters) of total beverages a day. The AI for women is about 9 cups (2.2 liters) of total beverages a day. But this amount can go up substantially in the heat. So remember the next time you take a push on primary, don't forget your water bottle!

Blaine Area Port

Grievances

- Grievance on file to address CBP not following Article 35 overtime assignment protocols for a member. A reasonable settlement appears to have been reached. Albright is handling the grievance
- Grievance on file to address CBP not following Article 35 overtime assignment protocols and past practice concerning an aggrieved member. A reasonable settlement appears close. Pettaway is handling the case
- Grievance on file to address CBP not following Article 35 overtime assignment protocols concerning “holdover” assignments. CBP has dismissed at the 3rd step of the grievance process. The chapter will be requesting arbitration. Pettaway is handling the case
- Grievance on file to address CBP not following Article 13 and the national Goldstein decision regarding reassigning employees away from their normal work units. Step 1 grievance to be held the week of 4/5/15. Albright is handling the case
- Grievance on file concerning CBP not adhering to Article 35 overtime assignment provisions regarding an aggrieved member. Pettaway is handling the case
- Grievance on file to address local CBP imposing local deadlines (different than national deadlines) for employees to complete VLC classes. Arguello is handling the case
- Grievance on file to address a personal disciplinary matter for a member. Casey is handling the case
- Step 3 mixed EEO grievance hearing pending to hopefully resolve an assignment of work issue. Case handled by Chapin.

Negotiation

- Negotiations continue on new Nexus Office.
- Goldstein: The Chapter recently concluded calculations on the national Goldstein arbitration regarding forced relocations away from normal Bid work units. The numbers proposed by CBP were very low, for most people. NTEU 164 undertook a painstaking analysis of 3 years of assignment for Blaine, Point Roberts, Lynden, Sumas, and Vancouver. The results of our calculations indicate that CBP actually owes employees much more than what was proposed by CBP. Local agreement was not reached within the time period mentioned by Arbitrator Goldstein, so the information was submitted to national NTEU to go back to Goldstein for a hearing. Local discussions continue.
- AWS in Blaine. NTEU will be proposing an expanded AWS for Blaine.
- CBP and NTEU are currently in discussions for alterations (proposed by CBP) to the AWS schedule for Point Roberts, for the Summer, to cover expanded Nexus hours.



Issues and Grievances

Sumas Area Port

- A grievance filed over the unprofessional behavior of a supervisor was successfully resolved on January 21, 2015.
- AWS for Friday Harbor needs to have the paperwork completed, but has been implemented.
- Goldstein Arbitration is still on-going as the Agency and the Union did not agree on how many days were in violation and now the matter will be sent to NTEU National.
- One grievance for missed overtime was resolved shortly after it was brought to the attention of Management. The officer received the overtime pay that was due him.
- NTEU has not received official notice about the new office for Friday Harbor and are currently in discussions with the Agency. Locally we cannot bargain until we receive word from NTEU National. Pre-decisional input phase has been productive.

“Where trade unions are most firmly organized, there are the rights of the people most respected”.

—Samuel Gompers

Issues and Grievances

Vancouver Pre-Clearance

- CBP settled a Preclearance return grievance that was filed by NTEU in 2014. The case was presented to an Arbitrator in September 2014. CBP settled the grievance by awarding the Officer the requested remedy.
- NTEU filed a grievance on behalf of an Officer regarding return from preclearance. CBP failed to follow Article 40 when processing the Officer’s Notice of Intent (NOI). The grievance has been referred for arbitration.
- NTEU filed a grievance on behalf of two officers who received letters of counseling for not paying their government credit card bills in a timely manner. NTEU argued that had CBP complied with their own travel handbook by reimbursing the officers in a timely manner for properly submitted travel vouchers, than the officers would have been able to pay off the credit card on time. Management agreed to settle the grievance at the step 1 level.
- NTEU filed a grievance on behalf of an officer who received a letter of reprimand. The grievance was settled at the step 2 level.
- NTEU and CBP management met with Amtrak and Transport Canada to discuss safety and security concerns regarding the Pacific Station where current pre-inspection is conducted. NTEU was advised that representatives from Amtrak and Transport Canada recently met with CBP management at the Pacific Station to view these concerns first hand.

Oroville Area Port

Grievance Updates:

- ◆ A request for invocation of arbitration was submitted to NTEU counsel concerning a grievance which had 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.
- ◆ A request for invocation of arbitration was submitted to NTEU counsel concerning a grievance which was filed 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 settlement was reached concerning 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. This policy has now been rescinded and the affected officers were awarded admin time.
- ◆ A grievance was filed over management's retroactive change to the 2015 Leave Draw procedures. NTEU is currently awaiting a grievance settlement offer from local management on this issue.
- ◆ A wage dispute grievance was filed by NTEU on behalf of an FM & E employee assigned as a maintenance technician to a local Border Patrol Station in Eastern Washington.
- ◆ 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:

- ◆ Management has agreed to re-solicit for officers' training and TDY preferences on the training and TDY matrices. NTEU and local management are currently negotiating which training and TDY opportunities will be included in the matrices.
- ◆ 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. NTEU and local management are currently negotiating which collateral duties will be subject to this new policy.

New Grievances:

- ◆ A grievance is being filed over management's denial of an officer's request to change their schedule in order to take a promotional exam on duty time.

