

Local 1998 News



Issue 9

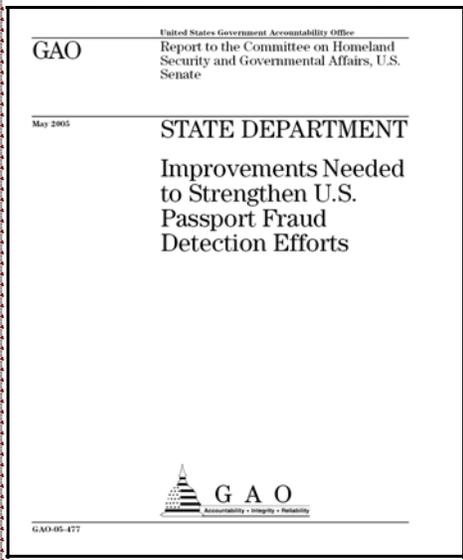
National Federation of Federal Employees, IAMAW, AFL-CIO

July 2005

Representing the bargaining unit employees of Passport Services, a division of the Department of State's Bureau of Consular Affairs

SPECIAL EDITION

The purpose of this edition is to inform the employees about the actions taken by the Union in the last few years on the vital issue of the integrity of the U.S. Passport issuance process. To obtain a free copy of the GAO report, call (202) 512-6000 and request publication # GAO-05-477, or access it online at: www.gao.gov/new.items/d05477.pdf.



GAO Criticizes DOS Passport Fraud Efforts; Senate Committee Holds Hearing on Report

On June 29, 2005 the Government Accountability Office (GAO) issued a report titled, "Improvements Needed to Strengthen U.S. Passport Fraud Detection Efforts". That same day the U.S. Senate Homeland Security & Governmental Affairs Committee (HSGAC) held a hearing titled "Vulnerabilities in the U.S. Passport System Can Be Exploited by Criminals and Terrorists", which addressed the GAO's report on this issue. The GAO made six recommendations: 1) expedite arrangements with the Department of Homeland Security (DHS) and the Federal Bureau of Investigation (FBI) to check passport applications against fugitive and terrorist watchlist databases; 2) establish a centralized and up-to-date online fraud prevention library; 3) consider augmenting fraud prevention staffing; 4) assess the extent to which interoffice workload transfers may hinder fraud prevention; 5) strengthen fraud prevention training for Passport Specialists; and 6) strengthen fraud prevention oversight for Acceptance Agents.

The biggest headlines from the report and the hearing centered on problems with the CLASS database. In one example, a fugitive wanted by the FBI for defrauding investors out of \$11 million was issued a passport in error. The report was also critical of the development of the adjudication performance standards and stated that "the new standards put additional emphasis on achieving quantitative targets", but since the work processes kept changing during the time period studied, "an assessment of their impact on fraud detection [is] premature". The GAO reported that the elimination of the AFPM position, which "most Fraud Prevention Managers believe ... was harmful to their fraud detection program", caused a 25% decline in fraud referrals. There were significantly fewer fraud referrals from applications workload transferred to other offices in Fiscal Years 2003 and 2004, compared to detection rates from the regional offices.

President's Message: Where do we go from here?

Passport Services employees have repeatedly told the Union that their # 1 concern is the integrity of the passport issuance process. After September 11th, this concern crystallized into a fear that we would issue a passport in error to a terrorist, or a dangerous criminal. In response, the Union attempted to work with Management on this issue through the partnership and traditional bargaining processes. When Management rejected those efforts, the Union filed grievances, Unfair Labor Practice charges, and organized a letter-writing campaign to contact Congress. That campaign was begun reluctantly, only as a last resort when other efforts failed. The Congress then asked the GAO to investigate, and the GAO met with employees and managers in 7 Passport Agencies.

The GAO's report criticized the Department of State's efforts to combat passport fraud and made a number of recommendations. We continue to believe that Specialists need more time to adjudicate diligently, more anti-fraud resources, and more anti-fraud training. We exist in a work culture that focuses too much on quantity instead quality, and this permeates into promotions, evaluations, and awards. This needs to change.

Too often we have seen the government act only after a disaster has struck. Lets not wait until something terrible happens before we change course. On behalf of the bargaining unit employees of Passport Services, I call on Management to adopt the GAO's recommendations. I also call on Management to work with the Union and to listen to the employees' concerns about the problems with the performance standards. Lets work together to enhance the integrity of the passport issuance process, as stated in the Preamble to our contract. I know that our Managers have good hearts and good intents; what we need are changes in policies and practices. To the employees that this Union represents, lets remember that whether or not Management adopts the GAO's recommendations or heeds our concerns, it is still incumbent on all of us to do our best to make sure that quality is not lost amidst the constant focus on quantity.

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Efforts to Work with Management on the Integrity Issue Rebuffed

By far the single most important concern expressed by the employees to the Union in the last few years has been the integrity of the passport issuance process, and the worry over issuing passports in error to criminals and terrorists. Specific concerns include: the adjudication performance standards, antifraud resources, technological issues, and the elimination of the AFPM's.

During the January 2000 to June 2001 contract negotiations, the Union tried to address some of these concerns. The Union proposed that adjudication quotas count applications rejected, in addition to those approved, but that was rejected. The Union successfully proposed connecting the words "maintaining and enhancing the integrity of the U.S. passport and the passport issuance process" to the mission statement.

From late 1998 to early 2001, the new Photodigitized passport was introduced into each of the Passport Agencies. This change greatly enhanced the integrity of the passport itself by making it tamper-resistant, but many voiced concerns that fraudulent attempts to obtain passports via the application process would increase. In the nearly universal view of Adjudicators, the new work processes took much longer.

Two weeks after September 11th, at the National Union-Management Council (NUMC) Meeting, the Union conveyed the concerns of Passport Specialists that many recent work process changes made it harder to "make the quota", and employees were worried that more fraudulent passports were being issued in error because too little time was being spent scrutinizing applications and evidence. Management stated that they were looking into the adjudication standards. The Union asked to work together.

Over the next few months, the Union continued to broach this subject with HQ Management. On January 7, 2002, the Union asked about a committee that an RD said had been formed (without Union participation), and again asked to work in partnership. HQ claimed no committee had been formed, though a memo shared months later contradicted that. During the next three months, the Union continued to stress this issue and requested to work together, unaware that the project had already begun. On January 24, 2002, Union President Bill Beardall again asked about the committee, explaining that "as I have discussed changes with specialists in a majority of the offices, this has become an issue of great concern with all of the changes over the past two years. Without question, the events of September 11th have increased that concern." In March 2002 HQ finally confirmed the existence of the committee. On April 23, 2002, Beardall submitted a request to negotiate and an information request to Management. He noted the numerous occasions where the Union had voiced concerns and had asked to partner with Management, and pointed out that the decision to exclude the Union was a violation of the contract and an Unfair Labor Practice (ULP). He once again called for Management to work with the Union.

When Alex Allen became Union President on June 1, 2002 he again conveyed the Union's and the employees' concerns. Trying a fresh approach, he proposed that the numerical quota be determined after a study was done with randomly selected employees assigned to adjudicate correctly, without taking any shortcuts (e.g., working through breaks/lunch, avoiding complex cases, skipping adjudication steps). Allen wrote to HQ that the

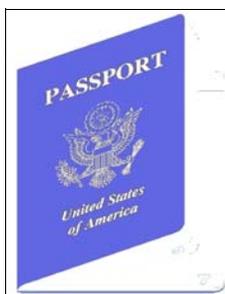
overriding mindset in most agencies is that "you live and die by the numbers", and that with "the rush to get things 'out the door' we feel the integrity of the Passport may be compromised". Allen emphatically declared, "we do not want to be the ones on the 6:00 news for issuing a passport to a terrorist."

During the second half of 2002, Management continued to move forward with its project, with a secret study, and without employee participation. Union President Allen continued to express concerns to Management, while also encouraging regional Union representatives and employees to work with Management on the non-numerical portions of the elements/standards. Management agreed that they did not want to address the numerical topic until later. At the December 3-4, 2002 NUMC, Management informed the Union about its study, and the Union pointed out serious flaws with the methodology. The Union again voiced the concern that employees had to rush to meet the quotas, with errors and fraudulent applications being issued as a result, and repeated the request to conduct a separate study.

In the first half of 2003, the Union continued to inquire about the standards project and the proposal to conduct an accurate study. In April, Management conducted another secret study, using the same flawed methodology, and this formed the basis of the final numerical standards, that were shared with the Union at a hastily arranged meeting on August 6, 2003 in Washington, DC. The Union emphasized at the meeting that "we need enough time to do our jobs the right way", but many employees "report that they feel they are working too fast and many are concerned that we may issue a passport to a fraud or even a terrorist."

Some of the study's flaws: it did not factor in employees taking shortcuts; it excluded some offices with a low count; included at least one office where employees were told to achieve maximum numbers and put complex cases aside; and it measured Outstanding, Excellent, and Fully Successful production together (the resulting average should only have been considered as the basis for the Excellent level). Management rounded upward (e.g., GS-9's and GS-11's averaged 22.63 and 23.30 for desk adjudication in the study but the new standard was 24), so the average employee was expected to speed up, not to be more careful. After the meeting, the Union again requested a more accurate study, and Management finally rejected that proposal. The Union filed a grievance over that rejection, which was denied.

On September 8, 2003, Management formally proposed the 2004 Adjudication Performance Standards. Secretary-Treasurer Colin Walle emailed HQ on October 8, 2003, "whoever is telling you to fight ... any input from the Union on this is giving you some really bad advice". On October 24, 2003, the Union made 62 proposals in response to Management's plan, including: lower quotas; fair time counting (e.g., measuring production for 6.5 hours in an 8 hour day); standardized notations (e.g., eliminate date stamp); ergonomic issues (e.g., obtain combo cancel/date and agent/name stamps); computer enhancements; post policies/procedures on Intranet; and base promotions and awards on non-production elements. On November 5, 2003, Assistant Secretary of State Maura Harty and Deputy Assistant Secretary Frank Moss visited Seattle and Walle tried to discuss this issue with them, but they did not have the time. At the December 1-2, 2003 NUMC meeting, the Union twice asked if Management would work with the Union or accept any of the proposals, but Management flatly said "no" and would not even respond to each proposal. The Union officers declared that this was not the end of their efforts.



Management Abolishes AFPM's

During the Fraud Program Manager Conference in Santo Domingo, on November 4, 2003 Management made the shocking announcement that the Assistant Fraud Program Manager (AFPM) positions would be abolished. This was especially surprising considering the support at previous conferences for upgrading the AFPM to a GS-11/12. The law requires that a Union representative be present at formal meetings where changes in working conditions are proposed, so in order to allow the meeting to proceed (former Union President) AFPM Bill Beardall was designated an acting Steward, but Management then suddenly ceased discussions on the subject at the conference.

Since approximately 1990, the number of AFPM's had expanded from two to twelve, in ten different Passport Agencies. This occurred with the support of past and present senior Management officials. Numerous Management Assessment and Internal Control Reviews (MAICR's) had praised the AFPM positions and called for additional positions in more offices.

The Union responded to Management's plan by gathering input from employees. The reaction to Management's plan was 100% negative. One Passport Specialist commented that the AFPM position was "vital to the success of the Fraud ... program". Another stated that, "it would definitely be bad for the fraud aspect of the job". Another questioned, "how is this supposed to help fight terrorism?" Still another pronounced the decision to be "a disaster". Many Management officials expressed "off the record" disagreement with the decision. Employees of other government agencies that had regular contacts with the FPM office also expressed consternation and disappointment.

The AFPM elimination was one topic at the December 1-2, 2003 National Union-Management Council meeting. The Union's official Position Statement – built on the input gathered from employees – declared support for full time AFPM's, upgrading the position to a GS-11/12, and (for the sake of continuity) keeping the current AFPM's in those positions while any possible new positions would be considered. Management and Union officials engaged in a heated debate on the issue.

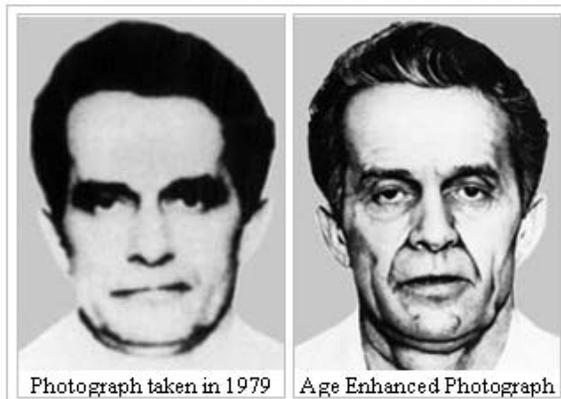
Management provided formal notice to the Union of the abolishment of the AFPM position on December 19, 2003. On January 16, 2004 the Union made twelve proposals in response to Management's plan, including the proposal to (re)create permanent AFPM positions with a GS-11/12 grade. On March 22, 2004, Management denied most of the Union's proposals. Acting Union President Carol Aguilar filed a Grievance Between the Parties on April 8, 2004, arguing that the elimination would unfairly impact the ratings of the AFPM's. Management denied the grievance on May 21, 2004.

On November 8, 2004, Union President Walle emailed Assistant Secretary of State Maura Harty asking her to reconsider the decision to eliminate the AFPM. Harty replied on November 16th, Walle emailed again on November 30th, and Managing Director Ann Barrett replied on December 9th. Management claimed the elimination of the AFPM allowed other GS-11's to be exposed to the Fraud office, but Walle countered that GS-11's had already been assisting in each of the ten offices that had AFPM's. Management claimed this would provide useful training to the GS-11's, but Walle argued that permanent AFPM's allowed for more and better training. Numerous accomplishments by the AFPM's only happened as a result of their many years of experience. In addition, the permanent AFPM's provided expert continuity during the FPM's absences.

FBI TEN MOST WANTED FUGITIVE

UNLAWFUL FLIGHT TO AVOID PROSECUTION –
MURDER; ATTEMPTED BURGLARY

DONALD EUGENE WEBB



Photograph taken in 1979

Age Enhanced Photograph

Passport Applications Not Checked Against FBI Fugitive & Terror Suspect Watch Lists

The GAO report revealed a number of problems with the CLASS database, based on a test where 37 of 67 fugitives were not listed - meaning they would likely be issued a passport if they applied in their true identities (including Donald Eugene Webb, pictured above). This problem was reported on NBC Nightly News, on the front page of the *New York Times*, and in many other media outlets. Sen. Susan Collins (R-ME) reacted by stating, "The American people have a right to be angry about this.... At this stage we should not still be having these problems." Sen. Frank Lautenberg (D-NJ) stated, "This looks like a classic example of the left hand not knowing what the right hand is doing."

The Union raised concerns with Management at the December 1-2, 2003 NUMC about people who should be included in CLASS but were not (which was already known for many years to managers in regional offices and HQ), but the problem was not fixed. After employees reported to Congress and the GAO that some of the FBI's 10 Most Wanted were not in CLASS, Management sent the Union a threatening letter on July 20, 2004 warning about civil and criminal penalties for Privacy Act violations (even though that statute specifically authorizes contacting Congress).

This mirrored the reaction received by one employee who brought up a previous problem relating to CLASS to the four levels of Management in his office as well as the (now former) Assistant Secretary of State and the (now former) Deputy Assistant Secretary of State. After his numerous pleas went unheeded, he wrote his Congressperson. His letter resulted in fixes to long-standing problems, but also subjected him to scorn.

As a result of the GAO investigation, the Department of State and the Terrorist Screening Center signed an agreement on June 28, 2005, so that a connection between the two will now be made, and a connection to the FBI should be implemented soon.

OIG Investigates Passport Fraud Issues

The Department of State's Office of Inspector General (OIG) issued a report in November 2004 reviewing efforts to combat passport fraud. The Union Freedom of Information Act request to have part of the report released has not yet been approved.

Union Contacts Congress: “Plan B” Multiple Grievances Filed: “Plan C”

After numerous efforts to work with Management on the adjudication performance standards and the integrity of the passport issuance process were rebuffed, the Union instituted “Plan B”: contacting Congress. Plan B began on December 2, 2003, but it had been conceived 20 months earlier and deliberated and discussed by the Union officers during that intervening time. Contacting Congress to express the concerns of the employees was not something that anyone wanted to do, but it was something that all Union officers felt it was necessary to do.

Both Passport Specialists and non-adjudicators participated in Plan B. Both Union members and bargaining unit employees who were not dues-paying members participated. Numerous employees (joined by their friends and families) from most – if not all – of the Passport Agencies visited, emailed, phoned, and wrote their Congresspersons and Senators to convey their concerns about the integrity of the U.S. passport issuance process.

The IAMAW and NFFE provided a great deal of assistance to this effort. Our umbrella organizations taught Local 1998 Union officers how to implement Plan B. The IAMAW and NFFE added their strength, numbers, and credibility to our message. NFFE issued press releases and included our concern in a newsletter that reaches thousands of federal employees. NFFE National President Rick Brown sent out over 60 letters to Congresspersons and Senators on our behalf. The IAMAW included our issue on their email bulletin site and IAMAW President Buffenbarger blasted the Department’s refusal to listen to us in the IAMAW newsletter. Many members of other NFFE and IAMAW locals, who don’t work for the DOS or even for the federal government, supported us as well by writing letters to Congress.

Our concerns were heard: the Department of State received numerous letters from Congresspersons and Senators, Management officials were called to Capital Hill to answer questions, and Congress asked the GAO to investigate this issue, culminating in the GAO report and the HSGAC hearing on June 29, 2005.

Employees Disagree with Standards & Elements: Option C on the DS-1966

At the beginning of each year employees receive a copy of the performance standards and elements from their supervisors on a DS-1966, the “Employee Performance Plan, Progress Review and Appraisal Report”. In 2002 the form was changed to require employees to indicate whether they agreed with the standards and elements (Option A) or they disagreed with them (Option C), but many employees were not aware that the form had changed.

On January 17, 2003, Union President Alex Allen emailed all employees to ensure that they were aware they had a choice to make on the DS-1966. On January 12, 2004, interim Union President Colin Walle emailed employees again to remind them of their options after he received complaints from employees in five offices (“A” had been pre-selected on some forms and some employees felt pressured to select A instead of C). On January 19, 2005 Walle sent another email reminder to the Union officers about Option C. Many employees continue to check Option C.

One highly rated Specialist wrote his supervisor in February 2005 explaining why he chose Option C. The only part he disagreed with was the 24 applications/hour quota, which was “too high”, and that while he was able to achieve this quota, there was a cost to doing so: taking shortcuts. He unsuccessfully argued that “quality and accuracy” should be valued more than quantity.

Between May 2002 and the present, the Union took a number of steps to contest Management’s actions in regards to the integrity of the passport issuance process. The Management Rights provisions of the Federal Service Labor-Management Relations Statute empower Management with the authority to “assign work” and to “determine the mission, budget, organization, number of employees, and internal security practices of an agency”, and the contents of performance standards and job elements have been held to be nonnegotiable according to Federal Labor Relations Authority (FLRA) precedent. So, contesting unreasonable and unfair standards via traditional methods, such as grievances, does not often meet with success.

On September 13, 2003, Union President Alex Allen filed a Grievance Between the Parties contesting Management’s formal rejection of the Union’s longstanding proposal to have a study done to measure the fairness of the proposed performance standards. Allen had proposed the study in June 2002 and over the next year it had been discussed and considered but not formally rejected by Management. This study would have had 2 Passport Specialists from each pay grade at each Passport Agency adjudicate applications while following every required step and without taking any shortcuts. Management denied the grievance.

The Union filed two Unfair Labor Practices charges (ULP’s) with the Federal Labor Relations Authority (FLRA) on January 27, 2004, arguing that Management failed to provide necessary information to the Union in response to the Union’s September 12, 2003 Information Request and that Management illegally implemented the new performance standards without completing negotiations with the Union. The FLRA rejected both ULP’s. On May 4, 2004, Union President Walle requested and was denied official time in order to dispute the decision of the FLRA, and that denial was one of the violations in the Grievance Between the Parties, filed on May 13, 2004, regarding the use of official time. The grievance was eventually settled amicably on February 10, 2005, but the terms are confidential.

On January 30, 2004, Walle filed a Grievance Between the Parties arguing that the new performance standards were not fair or reasonable, were not consistent with the duties listed in the employees’ Position Descriptions, and did not contribute to maintaining and enhancing the integrity of the U.S. passport issuance process. Management denied the grievance.

On April 8, 2004, acting Union President Carol Aguilar filed a Grievance Between the Parties contesting Management’s decision to eliminate the Assistant Fraud Program Manager positions. Management denied the grievance.

Most recently, the Union filed an Informal, Step 1 Formal, and a Step 2 Formal Grievance this year (March 16th, April 12th, and May 10th) contesting the overall Excellent rating and the Fully Successful rating in Element 2 (production) given to a Senior Passport Specialist for the 2004 appraisal. This employee was rated Outstanding overall for many years, and had high marks in fraud detection, customer service, and knowledge to go with a low error rate, but the new emphasis on exceeding the quota trumped these other achievements. Solely because the employee did not reach the Excellent quota mark, despite being marked as Outstanding in all of the other subparts of the Element, the employee was rated as only Fully Successful for Element 2, which in turn drove down the overall rating from Outstanding to Excellent. Numerous other employees have reported the same effect on their appraisals. The grievance is still pending.