



# Local 1998 News



Issue 13

National Federation of Federal Employees, IAMAW, AFL-CIO

March 2008

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

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## NFFE Local 1998 Executive Board:

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Colin Patrick Walle

### Vice President

Michael Garofano

### Secretary-Treasurer

Rob Arnold

### Recording Secretary

Jennifer Gile

### Chief Steward/Trustee

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Eva Brumfield - CG

Sarah Sun - CO

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(Vacant) - HH

Lisa Bohannon - HN

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Paulette Brent - TO

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## Management appeals Arbitrator's decision on measurement of 2007 OT adjudication performance

*By Union President Colin Patrick Walle*

The fair and accurate measurement of performance is very important to employees. It directly affects annual appraisals, which in turn affects career ladder promotions, merit promotions, awards, and (for probationary employees) retention on the job.

When Passport Services Management ordered mandatory overtime on a nationwide basis last March, for the first time ever, NFFE Local 1998 requested that adjudicators' work on overtime be measured fairly. Specifically, the Union cited the refusal to account for non-productive tasks on overtime. On regular time, adjudicators were measured for 6.5 out of every 8 hours, with the other hour intended for non-productive tasks like locking and unlocking, obtaining work, and reading emails. But on overtime, Management measured adjudicators for 7.5 out of every 8 hours—not providing any non-measurable time for the other essential tasks. Management declined the Union's request to measure adjudicators fairly, so the Union filed a grievance.

That grievance went to arbitration in August, and on October 23, 2007 Arbitrator Jerome H. Ross issued his decision, which "equally credits

both parties' positions." On December 31, 2007 Management notified the Union of its plan to implement the Arbitrator's Opinion and Award on. Management would henceforth measure adjudicators on overtime by counting 7 out of 8 hours work. This is a definite improvement over what most adjudicators had prior to the Union filing the grievance and invoking arbitration. However, Management refused to apply the measurement retroactively to the time period covered by the grievance for those who were measured unfairly.

The Union contacted Arbitrator Ross, as he had retained jurisdiction of the dispute, and he issued an order on January 9, 2008 requiring that Management apply the remedy retroactively. Management then filed an Exception—basically an appeal—of the arbitrator's order to the Federal Labor Relations Authority (FLRA), on February 7th. With the help of NFFE General Counsel Susan Grundmann and NFFE Assistant Directing Business Representative Bill Fenaughty, Local 1998 filed an "Opposition" to Management's Exception on February 27th. The decision by the FLRA could take months, so employees are advised to remain patient.

## Arbitration invoked over night shift and compressed work schedules at the Washington Passport Agency

*By Union President Colin Patrick Walle*

You apply for a job as a Passport Specialist. You relocate your spouse and children hundreds of miles for the job. You report to work at 8:30 AM, and work the 8 hour day shift for months. Then you and twenty other new employees are called to a meeting with managers where you are told that you will be forced to switch to a 4/10 compressed work schedule during the graveyard shift. The Union representative, who was forced to leave the meeting by managers, is only allowed back after you and you coworkers protest. A co-worker asks what options you have, but a manager says "if you don't like it, there's the door."

That is what happened in October 2007 at the Washington Passport Agency.

The actions by Management blatantly violated

the Article 26 contractual requirement that participation in a 4/10 CWS and participation in the night shift are strictly "voluntary".

The Union filed a series of grievances and made numerous attempts to find a solution to this dispute, pointing out that a dispute over moving employees schedules 15 or 30 minutes had already been arbitrated in 2004, but Management repeatedly refused and insisted that Management had the authority to force employees to work different hours and even compressed work schedules. Therefore, this potentially affects every single Passport Services employee.

The Union invoked arbitration on February 15th. The designated arbitrator declined the appointment, so a new selection had to be made. A hearing will be scheduled as soon as possible.

## Local 1998 election wrap-up

By PPT/NPC Union Steward Nate Tortora

When I was approached by Vice President Mike Garofano and asked to head last year's election committee I knew it would be an uphill climb to say the least. We were already over a month late in the proposed schedule and at that time no initial preparations had been made. The first thought that ran through my mind was, "How did we get into such a predicament?" The answer was obvious; we couldn't get any volunteers willing to take on such a large task, myself included. But I knew someone had to do it and if we didn't do it now, it wouldn't be completed by the end of the year which was essential. I thought about all the hard work our national officers put in day in and day out, fighting for the rights of our members. I knew how important this election was to our future operation and I knew I had to take on this challenge.

The first thing I did was to secure the help of one of my most trusted and reliable co-workers. I had worked with Bernadet Smith for some time and had developed a deep respect for her work ethic and dedication to the task at hand. Without hesitation Bernadet agreed to help and we were on our way. The nominations forms went out shortly after a great deal of copying, paper-folding and label-sticking. As they started to come back to our Post Office box I was shocked at the amount that had come back return to sender! Looking back on it now, it wasn't as big of a wrench in the gears as it had initially seemed, but nevertheless the importance of keeping up-to-date contact info cannot be stated enough.

Though many were nominated to run only a handful accepted. Most of those declining a nomination cited the outstanding job of the incumbent as their main reason for not running; which says a lot about the performance of our current officers. After a short period of time spent waiting to hear back from the nominees we were ready to begin work on the ballot phase of the election. Bernadet and I sent out another round of mailings which was slightly less painful but definitely reminiscent of our days preparing IRL letters as contractors!

The ballots were returned with speed and the participation was great. The votes were counted the weekend before Christmas giving our election committee a good excuse to engage in some holiday camaraderie. The results of the election were posted on our local website and emails were sent to the bargaining unit employees notifying them of their new representation.

Overall there were some problems with the election but I think that was to be expected given the aggressive timeframe set for such a large project. Some members did not receive mailings due to holiday slow-downs at the post office and incorrect address information. We tried to compensate the best we could by requesting updated information and by resending our mailings. Time was certainly a factor, unfortunately election activities are not permitted functions to be covered under official union time. All the work required to have an election and remedy any problems encountered had to be squeezed in and around our regular work schedules which was a challenge for sure. In hindsight, though it was an arduous task, I personally found it very rewarding to be able to contribute to such an important process. I hope that our fellow members are pleased with the results of our election and I look forward to the future and advancing our cause.

## Membership List Update

By NFFE Local 1998 Recording Secretary Jennifer Gile

As Recording Secretary, my primary internal Union business duty is to maintain our membership database. Unfortunately during December's elections we did not have current addresses for all members, and consequently some nomination forms were returned in the mail. Since I took over the position in February, I have been contacting these members to get their currently information and am down to only a couple who have not responded.

After the membership list is complete, I will be submitting this list to NFFE national to get us all Union member cards for use in obtaining Union benefits. If anyone would like to take advantage of Union member benefits prior to receiving a card, it is sometimes possible to show businesses your Earnings & Leave statement, which lists the dues deduction. Please visit the "Union Membership" section of our website ([www.nffe1998.org](http://www.nffe1998.org)) to learn more about available benefits, which include dental & vision insurance, Apple discounts and more!



PPT/MM Union Steward Jeff Affleck pointing to United States Passport display at the IAMAW's Winpisinger Education and Technology Center.

## 2008 Federal Employees Seminar

By PPT/MM Union Steward Jeff Affleck

I recently attended the Federal Employees Seminar a week-long training class at the Union's Winpisinger Education and Technology Center and was expecting another boring training course. Boy was I wrong!! From the moment I stepped inside I experienced quality from a solid building hand built by machinists with the best materials to the experienced top grade instructors.

I felt privileged to be taught by the Union's best, names like Bill Fenaughty and Frank Carelli. I can not shout the praises of these two men enough. The vast union knowledge and know-how they have was truly amazing. We covered grievances, arbitration, unfair labor practices, collective bargaining, Hatch Act, stewardship, and many more subjects. I wish I had another week there the subjects were so interesting.

Meeting with Union Stewards from other Passport Agencies was another highlight of the trip. We got to talk about problems and experiences in a free and open way. It was really great to meet with my fellow adjudicators and sit down at a meal and talk shop. If you think I am a little too much in my praise of the Winpisinger Center, just go there and you will see, I don't lie. To all my Union Brothers and Sisters please take advantage of this facility as many times as you can, I can't wait until I can return.

## Mysterious substance reported

By PPT/CPC Senior Steward Russell Gaither

On Tuesday, March 4<sup>th</sup> a lockbox of applications with a mysterious substance was opened in the Mail Room. Contract employees who were directly exposed were quarantined in the immediate area the box was opened. The Union was notified by an anonymous contact more than an hour later. The Union then conducted an investigation as to what was going on. The facts given by the anonymous source were confirmed firsthand then brought to the attention of the first level of management. The police, FBI, EMS, the Fire Dept and HAZMAT had all been called to the center. The Union expressed its concerns with not being informed per the CBA.

The building was vacated shortly after with the exception of the Mail Room Contract employees. The center remained closed for the Day Shift on Wednesday and re-opened Wednesday afternoon for Night Shift. Day Shift reported to work on Thursday morning. The Union brought concerns to the RD, Tim Wiesnet, and he addressed them all. The proper authorities had all responded and gave the Mail Room Contract employees a clean bill of health. The substance was found to be non-harmful. Mr. Wiesnet let the Union know that he had been in contact with headquarters in Washington, D.C. in regards to organizing a Town Hall meeting for getting policies on handling suspicious mail. He also sent out a full staff email, at the request of the Union, addressing what occurred with on that Tuesday and the findings. A copy of the official incident report was given to the Union by the RD upon request. The RD and the Union are still awaiting word on the proposed Town Hall meeting.

## Orientation of new employees

By PPT/NPC Senior Steward Chuck Black

At the request of National Passport Center (NPC) Regional Director Tyrone Shelton; Assistant Director Karen Pizza and Senior Steward Chuck Black have been developing the NPC Union Orientation Standard Operating Procedure (SOP). The purpose of the SOP is capture in writing, the guidelines and requirements necessary to conduct a successful Union Orientation for all new NPC Bargaining Unit Employees (BUE).

The SOP addresses the general guidelines associated with orientation (e.g., when it should be held), Management's responsibilities (e.g., providing copies of the Collective Bargaining Agreement), and the Union's responsibilities (e.g., insuring the meeting area is returned to the same state it was received in).

We have currently completed the final draft from the Union's perspective and it is being submitted to Management for agreement. We're anticipating a final version of the SOP shortly. Once approval is obtained, we should be able to use this document as a model for all other Passport Agencies to follow. Our goal of achieving a highly successful Union Orientation can then be realized.

*Pictured at right: NFFE Local 1998 Union representatives at the March 2008 Federal Employees Seminar pose in front of the Union orientation PowerPoint presentation created by Recording Secretary Jennifer Gile. From L-R: Jeff Afleck, Russell Gaither, Chuck Black, Jennifer Gile, and Nate Tortora. Recording Secretary Gile conducted a "mock" orientation for the other Union representatives during an extra training session.*



*From L-R: Local 1998 Union Steward Helen Bechard, Local 1998 Union Steward Sarah Cote, NFFE President Rick Brown, NFFE ADBR Bill Fenaughty, Local 1998 Senior Steward Chuck Black, and Local 1998 Union Steward Nate Tortora.*

## National Federation of Federal Employees President Rick Brown visits National Passport Center

By PPT/NPC Union Steward Sarah Cote

Members of Local 1998 from the National Passport Center attended a special gathering during what was to be their normal monthly meeting. NFFE president Rick Brown and Assistant Directing Business Representative (ADBR) Bill Fenaughty kindly braved the snow to participate in an off-site visit with their NFFE brothers and sisters in what proved to be an informational exchange.

Although the meeting was originally scheduled to take place at the National Passport Center, due to certain circumstances their visit was not permitted. Acknowledged during the luncheon, NFFE 1998 Vice President Michael Garofano was able to provide a very suitable accommodation in minimal time, allowing the meeting to run at a nearby dining establishment. Not to be deterred by the change of venue, both President Brown and ADBR Fenaughty delivered encouragement to their audience as issues from the history of unions to the importance of solidarity were discussed. President Brown and ADRD Fenaughty also ensured that ample time was set aside to answer any questions and to graciously thank the members for their continued commitment to Local 1998.



## Sayonara, "S&R"

By NFFE Local 1998 Secretary-Treasurer Rob Arnold

On February 29, 2008 NFFE Local 1998 President Colin Walle requested that Passport Headquarters clarify agency policy regarding recording S&R ("seen and returned") for citizenship documents. One check box on the application was previously used to annotate that submitted evidence was returned to the applicant. However, that box was missing on the new passport forms that Management unveiled this year.

Walle noted in his request that some regional agencies were requiring passport specialists to notate "S&R" on every application and interpreting the omission of the "S&R" as a notational error counted against the error rate. Walle pointed out that a requirement to write "S&R" several hundred times a day would lead to unnecessary PIP's for employees who forgot from time to time. Such a policy would also make it that much harder to maintain the speed necessary to produce 24 adjudications an hour.

The need to record "S&R" in the first place has always been something of a mystery. Management never required book print employees to mark "S&R" to show that they were sending on the passport book just printed. Adjudicators at the counter were never required to mark "S&R" to demonstrate that the driver's license had been returned. Also, the application has never provided a box to denote that an item was "retained for personal use", so the forms never contained an option to *not* return documents.

Passport Headquarters positively and quickly replied to NFFE 1998's request on March 12, 2008. The response stated that the "S&R" had intentionally been deleted from the new application, at the suggestion of the DS-11 re-design committee. That committee asserted that "it could be reasonably assumed that the evidence was returned unless the evidence was still attached to the DS-11".

Following Management's reply, instructions were sent out to all regional agencies that adjudicators no longer needed to write "S/R" on passport applications. This is another example of the Union and Management working together to resolve an issue. Let's all wish "S/R" a happy, long-deserved retirement!

## It could always be worse....

By NFFE Local 1998 Union President Colin Patrick Walle

You've heard the expression, "the grass is always greener on the other side of the fence." While we may sometimes feel that way, it certainly is not always true. A case in point involves NFFE Local 1450, which represents Housing and Urban Development employees in California, Arizona, and Nevada. It starts with one of those ubiquitous smiley faces that you see in some emails.... :-)

The Union President of NFFE Local 1450 was given an official reprimand by HUD Management for "inappropriate conduct". Her offense? Sending an email with a smiley face in it. The Union grieved the reprimand, but that did not resolve the dispute, so the case went to arbitration. After *three days of hearings*, the arbitrator issued her ruling and ordered that the reprimand be removed and that HUD Management post, for six months, an acknowledgement of the contract violation along with a commitment to not repeat it. HUD then actually appealed the arbitrator's decision to the FLRA! NFFE General Counsel Susan Grundmann helped Local 1450 in filing an opposition. The case is pending the FLRA's ruling.



## If This is the Enhanced Version, I Don't Want to See the Regular One

Several states, including the states of New York and Washington, have started issuing "enhanced driver's licenses". These licenses offer an alternative to a passport to travel by land or sea to Canada or Mexico, and were designed as substitutes for the Passport Card still being finalized by the Department of State. Since these enhanced licenses are being accepted as proof of citizenship at land borders, they seem to meet the definition of a "passport" as defined by the United States Code ("travel document...showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country").

This represents the first time since the 1850's that the Passport Agency has had to compete with states for the product they issue (in 1856, Congress outlawed the practice of individual states issuing passports). If this is a competition, the states are thus far beating the Department of State handily. To date, the State of Washington alone has sold more enhanced drivers' licenses than all of the Passport Cards sold nationwide. Part of this may be due to the lagging introduction of the Passport Card (hopefully ready for issuance in late Spring), but the states have done a good job of publicizing their new product.

Are these licenses just as good as Passports or Passport cards? For travelers already planning to renew their licenses, they are probably more convenient and cheaper. As a secure travel document and as a component of WHTI's goal of ensuring the citizenship/identity of those entering the US, they easily qualify as several steps backwards.

Historically, the reason that states lost the right to issue passports was due to bribery and malfeasance at the state level. Today, the concerns relate more to competence. The vast majority of frauds the Department of State detects have already been "identified" by state DMV's as the true individuals, and apply for passport using state-approved ID in the bogus identities. With the states already sorely lacking in their identifying performance, this seems like a poor time for them to add the burden of proving citizenship. The most obvious drawback is the state employees have no experience in documenting citizenship, just as they lack the right to grant citizenship.

The main problem prompting the WHTI was the huge number of different birth certificate formats border guards have to sort through when allowing individuals into the U.S. Shifting the responsibility of detecting counterfeit records over to the similarly-inexperienced states defeats the purpose of WHTI.

NFFE Local 1998 opposes the introduction of these licenses as acceptable citizenship documentation. On March 17<sup>th</sup>, NFFE Local 1998 requested that the Office of Inspector General look into the legality of the enhanced driver's license program. The Department of State's OIG referred the matter to Passport's Field Operations office. Field Operations issued a response stating it did not consider the driver's licenses to be passports, noting that "Homeland Security...has the statutory authority to determine what other documents can be deemed sufficient to denote identity and citizenship."

The Office of Inspector General at the Department of Homeland Security and the Department of Justice, as well as the Government Accountability Office, were also contacted, but no response has been received yet.