



Local 1998 News



Issue 12

National Federation of Federal Employees, IAMAW, AFL-CIO

October 2007

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

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- Pending OT # grievance
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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

Pat Caron

Chief Steward/Trustee

Karen Proctor-Adams

Senior Stewards

Cheryl Murray - BN

James Jarmon - CPC

(Vacant) - CG

Sarah Sun - CO

(Vacant)- CT

(Vacant) - HH

Lisa Bohannon - HN

Paulette Brent - TO

Leah Anderson - LA

Ann Burley - MM

Yvonne Smith - NO

Two Feathers Neal - NY

Sharlene Dandridge - PA

(Vacant) - NPC

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Arbitrator rules for Union on mandatory overtime

By Union President Colin Patrick Walle

On September 17, 2007 Arbitrator Jerome H. Ross issued a decision in a grievance filed by NFFE Local 1998 regarding employees requesting to be excused from mandatory overtime. The arbitrator sustained the Union's grievance and ordered that disciplinary action taken against employees for failing to meet the mandatory overtime be rescinded.

The Union had filed the grievance on April 13th arguing that Management should allow employees who requested it to be excused from mandatory overtime when other employees completed additional hours to complete the requirement for those wishing to be excused. After Management denied the grievance on May 10th, the Union invoked arbitration. The arbitration hearing was held in Washington, DC on August 10th.

At the hearing, both sides called witnesses, cross-examined each others' witnesses, and submitted affidavits and exhibits. One affiant for the Union testified that as a single mother the mandatory overtime created difficulties in caring for her daughter and caused increased expenses due to late fees with the after school daycare provider. Another affiant testified that she had been given disciplinary action, in the form of a Letter of Warning, because she only completed 13.25 hours of the 16 hour requirement in one of the 30-day periods, even though she had a doctor's note

for an illness and even though she had explained that she need to care for her husband in the evenings. A Management witness testified that she had refused to excuse a single mother of two children from the mandatory overtime, even though another employee (a Union representative) had volunteered to perform 32 hours to cover the requesting employee's 16 hour mandate.

The grievance specifically concerned this sentence from Article 28, Section 2 of the collective bargaining agreement: "In the event an employee does not desire to work overtime, the Employer shall make an effort to accommodate the employee's request to be excused from overtime work, provided that another qualified employee, who normally performs the work, is available for the overtime." Simply put, when Management ordered that all employees perform 16 hours of mandatory overtime, if one employee wished to be excused, and another employee voluntarily performed 32 hours, then the first employee should be (and should have been) excused.

The Union's case was prepared and presented by NFFE General Counsel Susan Grundmann, NFFE Assistant Directing Business Representative Bill Fenaughty, Local 1998 President Colin Walle, and Local 1998 Vice President Mike Garofano. Local 1998 Secretary-Treasurer Rob Arnold was a witness for the Union.

Adjudication OT measurement arbitration hearing

By PPT/SE Senior Steward Jennifer Gile

In August, NFFE Local 1998 went to arbitration over Management's alleged violation of Article 18 of the collective bargaining agreement.

We argued that by not taking into account the essential "non-productive" tasks (e.g., logging in/out of the computer, locking/unlocking desks/cabinets, obtaining/moving work, reading emails, shredding, etc.) during the measurement of overtime production, adjudicators are rated unfairly.

Currently all passport agencies, with the shining exception of the National Passport Center, do not account for the non-productive tasks on overtime and are therefore requiring adjudicators to work faster on overtime than regular time (effectively 180 applications for an 8 hour OT day vs. 156 applications in an 8 hour regular day).

Attempts at settling the grievance failed, so the deadline for post-hearing briefs is October 12th and then the Arbitrator will have 30 days to issue a decision.

Election of Officers

NFFE Local 1998 is holding an election of officers this Fall. Starting with a notice to members in October, continuing with nominations in November, and ending with the elections in December, dues-paying Union members are deciding who will represent the bargaining unit employees of Passport Services. The nationwide positions up for election include Union President, Vice President, Secretary-Treasurer, and Recording Secretary. Also, the Senior Steward position for each office is also up for election.

2007 Federal Employees Seminar

By PPT/LA Union Steward Isis Press

A group of five passport specialists attended the William W. Winpisinger center during the week of March 25, 2007, to participate in the Federal Employees Seminar.

The participants were Juliana Agler, from the Philadelphia office; Ronda Humphries, from the Charleston Center; Barbara Krell, from the Seattle office; Lydia Perez, from the New York agency; and Isis Press, from the Los Angeles office. A total of 31 Stewards from several Federal Government agencies took part in the training.

The seminar included a rigorous schedule of activities, presentations and interactive exercises organized by Mr. Frank Carrelli, the Coordinator of the program. We began the training with a welcoming session and an orientation discussion on the scope of the program. Throughout the week we had very interesting dissertations on leadership psychology, strategic planning and communication, the grievance procedure and arbitration, personnel practices, the Hatch Act, federal labor relations and a role playing exercise on the political and legislative process in Congress. Each one of these segments included research activities and homework that kept us very involved with the issues and dealing with a wide range of topics within the labor area.

The Winpisinger Center is an impressive facility with an interesting history documenting the origins of the labor movement in the United States. It provides the perfect environment for this kind of retreat. The week allowed us a special opportunity to meet, interact, and exchange ideas with the passport stewards and representatives of other federal agencies attending the program. It was an unforgettable experience.

Union 2007 finances update

By NFFE Local 1998 Secretary-Treasurer Rob Arnold

Our financial picture is generally good at the moment. We spent a significant amount on providing shirts, magnifying glasses, and lapel pins to employees for membership drives in late 2006. These drives resulted in a lot of new members, so it was not money wasted.

As mentioned on page 1, the Union took not one, but two grievances to arbitration this August. Although we are still awaiting word on the outcome of the first, we did receive a favorable outcome of the second. The expense of that single arbitration amounted to \$5659. In this case, Management has to pay the bill, but if the Union had lost, that money would have been paid out of the dues collected from our members. We are only able to invoke arbitration because of the strength of our membership.

Despite the record number of members we currently have, our bank account is only growing incrementally. \$1.62 out of the \$19.54 stays in our account, with the rest distributed between the National Federation of Federal Employees and the International Association of Aerospace and Machinists. The reason these organizations get such a large cut is to pay for the staff that advises and trains the Union representatives that serve you. NFFE provided our Chief Negotiator for the ongoing contract negotiations, as well as vital assistance for the two arbitration cases.

NFFE and the IAMAW lobby on behalf of government workers, and their efforts are partly responsible for the pay increases we receive each year. They are also fighting the NSPS (the personnel system threatening employees in the Department of Defense).



March 25, 2007 IAMAW Federal Employees Seminar class photo

Record # of Union members

By NFFE Local 1998 Recording Secretary Pat Caron

This year we have seen a phenomenal increase in union membership across the nation. As of the date this newsletter was printed, we had a record 249 dues-paying Union members nationwide. The newest members of the national adjudicative staff seem primed to be part of the organization and that is very welcome. Strength will flow from numbers and increase our impact on the work place. Because of this, I am noticing that former members are reconsidering their position outside of the union and realizing that they are better off under the umbrella of NFFE Local 1998.

The National Passport Center still leads the way with the most members (42), followed by the surging Houston Passport Agency (38), and then by the Washington Passport Agency (27) and the Charleston Passport Center (26).

There have been union leaders who have exhibited outstanding ability to convince others that NFFE Local 1998 is the best place to be, such as Senior Steward Lisa Bohannon from the Houston Passport Agency. The more members we have, the stronger we are, and the better able the Union is to represent the needs of the employees. We are grateful to you all!



September 14, 2007 training. From L-R: Melissa Toby, Steve Flory, Paulette Brent, Colin Walle, Karen Proctor-Adams, Kamaria Blandford.

Contract negotiations resume

By Union President Colin Patrick Walle

Passport Services Headquarters Management and NFFE Local 1998 negotiators resumed bargaining for a successor collective bargaining agreement after a hiatus taken during the busy summer. The parties met in Washington, DC at PPT/FO for four days of negotiations starting on September 10th.

The last bargaining session took place in February for two weeks. That productive session was hosted by the San Francisco Passport Agency.

During the September session, the parties successfully completed a new Article 17, "Equal Employment Opportunity", and Article 34, "Drug-Free Workplace Plan", and covered other topics such as mid-term bargaining, performance standards, Union/Management council meetings, and safety and health.

For the first time, the negotiators were joined by two observers, one from each side. The parties will meet again in October, and will be joined for part of that session by a mediator from the Federal Mediation and Conciliation Service.



Union negotiators on the left, Management on the right. From L-R: Rob Arnold, Colin Walle, Steve Flory, Mike Garofano, Karen Proctor-Adams, Lisa Anderson, Gary Roach, Jackie Harley-Bell, Steve Polson, Ken Cato, and Susan Moore.

NPC Union members celebrate Labor Day at the ballpark

By NFFE Local 1998 Vice President Mike Garofano

The NH Fishercats baseball team is a Double "A" affiliate of the Toronto Blue Jays and play their home games in Manchester, New Hampshire. The Fishercats offer a great setting for a wide variety of functions. Since it was a short summer this year we wanted to try to hold some type of outing for the Local.

The stands were graced with many NFFE Local 1998 polo shirts for the event. This was a perfect fit for a gathering of members and their families. We had just short of 50 people at the game. Almost everyone had a great time at the game, the weather was great and the game could have gone either way.

I had the honor to represent the Local with throwing out the first pitch prior to the game along with a couple of Little League heroes (one of whom is definitely headed to the majors).

The representatives from the Fishercats were great to work with and we look forward to returning to Merchants Park next year for an even larger function.

Casual Fridays arrive at the Miami Passport Agency

By PPT/MM Senior Steward Ann Burley

After advocating for "Casual Friday's" for a number of years, at least since 2004, finally in 2007 employees at the Miami Passport Agency are allowed to wear jeans to work on Friday's. Miami Union representatives and Management officials had several partnership meetings on this subject in the past but had made no headway on the issue. New Regional Director Ryan Dooley listened to the interests of the employees, as conveyed by the Union representatives, and agreed to make the change to allow jeans on Friday's. As of now Miami has no formal dress code, but is trusting that everyone keeps in mind that this is an office setting. Employees are happy that they have "jeans at last!"



Mike Garofano throwing out first pitch (photo by Gerry Pepin)

Union Rep 2007 Training Report

By NFFE Local 1998 Vice President Mike Garofano

With still a couple months to go in 2007, our Local's Stewards and Officers have either attended or are scheduled to attend a total of 19 classes at the William W. Winpisinger Center this year. To put this in perspective, the cost for a Sister or Brother to attend a class is estimated at \$2750.00. This equates to a total of \$52250.00 of Union funds through the International Association of Machinists and Aerospace Workers to train our leadership. This training pays dividends for the members by having Union officers who are better able to represent them.

Many of us will look back on the summer of 2007 as the summer that was lost due to the "workload crisis." With that thought in mind, those who were able to attend classes at W3 this year we are all extremely grateful due of the additional time that it took them away from their families. We are also very appreciative to Brother Christopher J. Wagoner, Director of the William W. Winpisinger Center, and Brother Frank Carelli, Government Employees Director for the IAMAW, who without their help we would not of had so many opportunities for training.

ULP's and OIG complaint re: contractors designated as Acceptance Agents

By PPT/SE Senior Steward Jennifer Gile

In May of this year, Passport HQ notified NFFE Local 1998 that contract employees were going to accept passport applications as part of an effort to reduce the three million application backlog. The Union objected to this plan and requested to bargain, however HQ began using contractors. This action by HQ outraged Passport employees, many of whom spoke out about their fears of higher incidences of passport fraud due to the contractors' insufficient training and experience, poor customer service practices, and passport integrity concerns.

This was a violation of Articles 12 and 35 of the collective bargaining agreement, which requires that Management negotiate over contracting out when requested by the Union. In response,

the Union filed two Unfair Labor Practice (ULP) charges with the FLRA, one of which was "workload transferred" from the Washington, DC office to Chicago due to their backlog.

The Union also reported to the OIG that Passport Services was contracting out "inherently governmental" duties. The OIG complaint was delegated to the Office of Legal Advisor, which issued a decision on October 4th that HQ was operating legally by designating contractors to be acceptance agents.

The Union intends to appeal this decision through appropriate channels. The Union appreciates the contribution that contract employees make, however they have lower level security clearances, do not receive intensive fraud/identity training, and this function is intimately connected to passport adjudication.

Petition submitted to HQ: "NO CONFIDENCE" in adjudication quotas

By Union President Colin Patrick Walle

In March 2007, the Union submitted a petition signed by 327 non-probationary Passport Specialists asking Headquarters to lower the numerical adjudication standards so that employees would have more time to diligently adjudicate and detect passport fraud. Union representatives in 16 offices invited 385 adjudicators who were present, and who were no longer probationary, to sign the petition, and 85% agreed to do so.

The petition asked Headquarters to "lower the numerical requirements ... to a fair and reasonable standard because the current numerical standards do not give us sufficient time to diligently scrutinize the applicants and evidence for fraud." The petition was motivated by the concern that "[t]he current numerical standards make our process too vulnerable to being exploited by frauds and criminals." The petitioners also stated that because the quotas are too high, HQ "should have "NO CONFIDENCE" that Passport Specialists have enough time to adequately do their job and to fulfill the intent of the [WHTI]."

The offices with the highest percentages of eligible employees

signing were the Passport Agencies in Washington (DC), San Francisco, and New York, all with 100%.

The survey essentially repeated the findings from the January 2006 survey, in which 94% of adjudicators indicating a firm response said that the numerical standards do not provide enough time for diligent adjudication, and 97% of adjudicators felt that the quantity of their work was valued more than quality.

The cover letter of the petition attempted noted that "[s]ome managers have said that since most employees meet or exceed the numerical standards then there is no problem; however, those very same employees ... are telling you - via this petition - that the standards do not provide sufficient time."

To date, there has been no official response to the petition from HQ. However, the fact that such a high percentage of employees signed it was introduced by the Union during contract negotiations as evidence that there needed to be an adjustment to the numerical standards. In addition, the petition was also introduced during the arbitration hearing for the grievance regarding the measurement of adjudication while on overtime.

This chart shows the percentages of non-probationary Passport Specialists who signed the petition from each office:

