



Local 1998 News



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Local 1998 Wins Huge Overtime Settlement For PPT Employees

In what may prove to be the biggest financial benefit ever achieved by Local 1998 on behalf of bargaining unit employees, the Grievance Between the Parties filed on April 20, 2004 was finally settled on February 11, 2005. The grievance challenged the classification of employees as Exempt from the Fair Labor Standards Act (FLSA): over 300 employees (those paid at the GS-11 and GS-9 Step 5 and higher rates) were incorrectly capped at the GS-10 Step 1 rate for overtime work.

As a result of the grievance, employees were reclassified as "FLSA Non-Exempt" on August 28, 2004 and will henceforth receive true time and one-half pay for overtime work. The total back pay and liquidated damages that employees are receiving as a result of the grievance is in excess of **\$170,000**. That does not include the \$250 each that eligible employees who submit claim forms will receive for comp time and suffered and permitted overtime.

As with any Union accomplishment, many share credit. Vice President Mike Garofano initiated the idea for the grievance, IFPTE Local 4 introduced the idea to Garofano, NFFE National and NFFE Local 2096 provided guidance, Secretary-Treasurer Carol Aguilar pushed it along, and President Colin Walle pulled the trigger to file the grievance. The Union was well represented in the grievance by our expert and diligent attorney, Michael Snider. Chief Steward Rob Arnold, Recording Secretary Paula Carter, and Union representatives in each office helped in gathering information necessary to conclude the settlement. Management amicably processed the grievance.



Colin Walle, Carol Aguilar, Michael Garofano, and Paula Carter, with attorney Michael Snider following the signing of the Settlement Agreement

Local 1998

Executive Board

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Colin Patrick Walle

Vice President

Michael Garofano

Secretary/Treasurer

Carol Aguilar

Recording Secretary

Paula Carter

Senior Steward/Trustee

Rob Arnold

Trustees

Bill Beardall

Mike Darcy

Senior Stewards:

Cheryl Murray - BN

Vacant - CG

Brenda Moore - CPC

Luz Figueroa - CT

Vacant - HH

Lisa Bohannon - HN

Vacant - IML

Cathy Prince - LA

Ann Burley - MM

Yvonne Smith - NO

Two Feathers Neal - NY

Sharlene Dandridge - PA

Marie Cooke - NPC

Amha Gezahegn - SF

Elisabeth Lucchese - SE

Paula Carter - SIA

Karen Proctor-Adams - WN

President's Message

The Categorical Imperative of the Fighting Machinists

I'm going to use this column to try to give a "big picture" answer to the question of why Union membership is important, and to tell you a little about myself. I grew up mostly in Alaska but went to sunny California for college. After graduating in 1991 with a B.A. in Philosophy from Pomona College, I started working for the Los Angeles Passport Agency the next year. In 1997 I transferred to Seattle, where I met my wife, Maily. We have three wonderful kids – Jeremy (12), Samantha (11), and Cameron (almost 1). I was elected Secretary-Treasurer of Local 1998 in 1998 and served as Acting President from November 2003 until I was elected to the post in December 2004. I've been a GS-11 Passport Specialist since 1999.

Being a Union rep has been challenging and rewarding, and I couldn't do this job without Maily's support and understanding.

Immanuel Kant, a philosopher whose writings I was introduced to in college, believed that the rules of behavior should be guided by the "Categorical Imperative": "Act only according to that maxim by which you can at the same time will that it should become a universal law". Akin to the Golden Rule, this means I should act in a way that I expect others to act. One implication of the Categorical Imperative is we should ask ourselves, "What would the world look like if everyone behaved the same as me?" This rule is a test: if everyone sped, there would be more accidents; because most (continued on page 2)

Local 1998 Website

nffe1998.org

President's Message (continued from page 1)

people pay their taxes, we have enough money to pay for schools, police, and hospitals.

The big headline in this Newsletter and on our website is the FLSA grievance. The efforts of Attorney Michael Snider and the Union officers are appreciated, but there is even more to the story than the roles they played.

In order for us to have filed a grievance challenging the FLSA status, there had to be an FLSA in the first place. Credit for the FLSA of 1938 goes to President Roosevelt and the Congress, who were elected with the help of Organized Labor. The FLSA implemented Labor's goal of the 40-hour workweek by requiring payment at 1-½ times the normal rate for work in excess of 40 hours. The FLSA also instituted the minimum wage and ended legalized child labor.

To file the grievance there had to be a grievance procedure and a Union to submit it. NFFE, created in 1917, was the first Union to represent only federal employees. Local 1998 was chartered in 1981, and our most recent contract went into effect in 2001 (Article 20 outlines the grievance procedure). The IAMAW was born in 1888 and NFFE affiliated with them in 1997. Training provided by NFFE and the IAMAW paved the way for the grievance filed. Back before the Wright brothers, when it was just "IAM", the members earned the moniker "The Fighting Machinists" when they achieved a *9-hour workday*, an historical point in the progression from the 10-hour day to the current 8-hour day, and one inspiration for the bumper sticker, "LABOR UNIONS: THE FOLKS THAT BROUGHT YOU THE WEEKEND".

Local 1998 needed the support of the dues paying members in order to risk filing the grievance. While this dispute was settled without arbitration, before we filed we weighed the potential costs if we had gone to arbitration and received an unfavorable decision. The many employees who joined the Union under the leadership of Bill Beardall and Alex Allen enabled us to go forward.

Because of the unionists who came before us we have had the benefits of the FLSA-mandated 40-hour workweek since 1938. Because of the current Union members we now have the benefits of the FLSA grievance in 2005. If no one had joined NFFE, the IAM, or the other unions, where would we be today? We would be working longer hours for less pay, with fewer benefits, in hazardous and unhealthful conditions. My two eldest children would be at work, not in school – and forget about college. If no one had joined Local 1998, then we would never have filed the FLSA grievance.

Clearly, we have all benefited from the labor movement. The Fighting Machinists followed the Categorical Imperative. They acted in a way that served as a model for others to act. Their efforts have led to significant improvements in the lives of millions today. Whenever we accomplish anything on behalf of one employee or all 600+ Passport Services employees, the credit goes to all 170 current dues paying members as well as to NFFE, the IAMAW, the AFL-CIO, and the labor movement.

If every Passport Services employee joined Local 1998, just think what we could accomplish in the future. . . .

In Solidarity,
Colin Patrick Walle

Carol's Column

For those of you who don't know me, my name is Carol Aguilar and I am your Secretary-Treasurer. I first took on the job in November 2003 when Colin was made Acting Union President and I have continued on since his election as Union President. It has been a very busy for time for all of us. Since Colin became the Union President, he has had his plate full trying to keep up to date on all that has been going on and training me on what I need to know to fill his shoes. I have also stepped in as Acting President when Colin was on leave in 2004, though under our new Bylaws I'll fill in only if the new Vice President, Mike Garofano, is also on leave. It has been a learning experience so far and I have been enjoying my time and learning a lot. Keep checking the web site for updates.

Membership Drives Local 1998

Keep those SF-1187's coming in! Boston, Seattle and Philadelphia held membership drives in 2004 and a few other locations still have some planned. Last year we added 11 new members for our local. The Union Executive Board allocated \$50 for membership drives in each office but only a few have taken us up on the offer. Remember, membership drives are a great way to attract new members by letting them know what we are all about and what benefits they can participate in i.e. dental, pet, car insurance, car rental discounts etc. Some offices have had barbecues on weekends, pizza and pop or sub sandwiches at lunchtime in the office. I have benefits packages that I can send to each office with brochures on some of the benefits members can participate in. I am trying to get these sent out to all offices, but if you are planning on a membership drive soon, let me know and I will send you a packet in time for your drive. Submit all receipts (total of \$50 max) to be reimbursed.

Visit to Philadelphia Passport Agency

While filling in for Colin, I had the opportunity to make a visit to the Philadelphia Agency in August 2004. It was nice meeting everyone face to face. I met with the ARD and ADJ Manager on the first day and again with the ARD, Program Managers and Supervisors on the last day before I left for the airport. I met with several employees, some who wished to talk about specific concerns and others who just wanted to meet with me.

I provided training to the Union Reps there, Felicia White-Jones and Sharlene Dandridge. We went over the Union Website and the specifics of the contract and discussed ongoing problems they were having. Many of the topics that were of concern in Philadelphia are the same nationwide, the elimination of the permanent ACSM and AFPM positions, production numbers and fraud to name a few. The Union has not forgotten those concerns and we are still working on many of them. I know there are still more concerns out there, so let your Reps know when something happens, since we can't try to fix a problem if we don't know one exists.

Union Takes Action on Work Schedules Disputes

The long running dispute at the Seattle Passport Agency ended for good in December 2004. The dispute arose when Management declared the Union's work schedule proposals non-negotiable on July 10, 2003 (including the proposal to "maintain the status quo") and also unilaterally terminated the three earliest Compressed Work Schedules (CWS) on July 28, 2003, and made changes to the terms of the local agreement despite the opposition of the Union.

"Local work schedule agreements must be honored"

The Union pursued a two-track strategy in appealing these actions. First, the Union filed a Negotiability Appeal with the Federal Labor Relations Authority (FLRA), contesting Management's claim that the proposals were non-negotiable. Second, the Union filed a Grievance, contesting the actual implementation of the changes to the local

agreement and the termination of the three CWS. The Parties engaged in an unsuccessful Alternate Dispute Resolution session on September 22, 2003, run by the FLRA.

On August 17, 2004, the Authority ruled in *60 FLRA No. 34* that the Union's work schedules proposals were negotiable. This means that Management is obligated to bargain with the Union over changes in CWS and cannot make unilateral changes based on Management Rights.

Management had denied the Grievance, and therefore the Union invoked Arbitration. After a number of delays, an Arbitration Hearing was held from October 26 – 28, 2004. After that hearing, and before a second hearing that was scheduled for December 1 – 3 could take place, Management proposed a compromise settlement to the Union. This proposal was identical to what the Union had proposed twice before to Management, and so the Union accepted. Ten of the twelve employees affected returned to their original schedules, and the other two employees adopted a compromise schedule. Management paid all of the costs of the Arbitration (over \$8000). On December 2, 2004 DAS Frank Moss signed the final settlement agreement.

There were similar changes in work schedules made in Philadelphia and Miami. The Union leadership was not aware of these changes until after they had taken place. The Union filed an Unfair Labor Practice charge against Philadelphia Management, but it was denied by the FLRA.

In order to address the needs of the employees in these offices, as well as in New Orleans and elsewhere, the Union has developed draft work schedule agreements that are being proposed to Management. This includes the implementation of the 4/10 CWS in some of the offices.

The Union views the outcome of the Negotiability Appeal and Grievance in the Seattle case as meaning that Management must bargain with the Union over work schedule proposals in the different Passport Agencies, and that local work schedule agreements must be honored.

Labor Unions: The folks who brought you the weekend, child labor laws, overtime, minimum wage, injury protection, workmen's comp insurance, pension security, right to organize, etc.

Grievance Results in Promotion to GS-11

A GS-9 Passport Specialist at the Washington (DC) Passport Agency was performing at an Excellent level, but had not been timely promoted. After the supervisor refused to submit the promotion, the employee contacted PPT/WN Senior Steward Karen Proctor-Adams. She filed a grievance in January 2005, arguing that the employee had met the promotion requirements. The requested remedy was granted: the employee was promoted to GS-11.

2004 Election: New Officers & New Bylaws

In December 2004 we conducted an election of officers and a vote on proposed changes to our Bylaws. These changes were necessitated by our affiliation with the IAMAW, and the most noticeable change is our new officer structure. Previously, we had two nationwide officers – the President and Secretary-Treasurer – to go along with a Vice President and a Steward or Stewards in each office. There will still be Stewards in each office, but the regional Vice President's have had their titles changed to "Senior Steward". The new nationwide officers are the Vice President, Recording Secretary, and Chief Steward – in addition to the President and Secretary-Treasurer. These changes should allow us to more effectively represent the employees.

2005 Annual Union-Management Meeting

On February 8, 2005, the Union leadership met with Passport Services HQ Management in Washington DC. The parties had a productive meeting, covering topics such as the Union contacting Congress and the GAO regarding concerns with the integrity of the passport issuance process, recent grievances, contract amendments, notifications to the Union, computer privacy, emergency plans/supplies, award delays, repetitive motion problems, ergonomic solutions, and the AFPM/ACSM rotations.

Website Untangles Info for Employees

By Colin Walle

Have you had a chance to check out our website yet? If not, you are truly missing out. You can take a look at the website by logging into <http://nffe1998.org>. That takes you to our "Home – News & Info" page, where you can find the latest information on what Local 1998 is up to. On the right, you'll see the latest "Hot Topics" – such as the FLSA grievance and the Passport Integrity Concern – and clicking on these links takes you straight to all you need to know on those subjects. On the left, there are 16 links. Information on Union benefits or how to contact or join Local 1998 is linked there. There are links to a cornucopia of information useful to you. The "Fed News Resources" has a list of sites where you can get federal employees news, as well as the latest pay chart. "News Archive", "Newsletters", and "History" house past stories. The "Contract", "Laws & Regulations", and "Steward Resources" links are extremely useful for Union representatives. We are very proud of our website, which has garnered a great deal of praise and admiration from visitors, and we thank our esteemed Webmaster, Bill Beardall, for all of his efforts.

Are You A Contributing Member of the Passport Services Community?

By Bill Beardall - Former President of Local 1998

We are all a part of various communities: the neighborhood where we live, the church we attend, the school where our children are enrolled, and our place of employment. As members of these communities we enjoy many benefits. However, the benefits within these communities do not just happen, but require the contribution of community members.

In the neighborhood where my family lives we receive the benefits of the fire district, sewer and water district, and school district. Each of these independent local organizations requires funding and governing boards. My minimum obligation requires me to pay my property tax and my monthly bill. Additionally, I should vote in elections where board members are elected and funding levels are decided. If my neighbors and I choose to vote against funding for the fire district or the school district, there will be a reduced level of service. That can affect the safety of my home, the education of my child, and even my property value. As a contributing member of this community I make a financial investment, along with additional participation by voting and becoming more active with the governing boards.

As a member of my church community, the benefits are different, but just as important. My church does not function without financial contributions and participation by church members. Along with making a financial contribution, I also teach a Sunday School class and volunteer to visit church members at home. Many others contribute in different ways to make our faith based community a great place.

All of us are members of the Passport Services community. As part of that community, we have an obligation to do our job or we will be fired. But being a contributing member of this community means more than just doing our job. We

need to work with management and our fellow employees as a team. When we do so, the job is done more efficiently and the workplace is a more pleasant place.

All of you who receive this newsletter are part of a sub-community within Passport Services, the bargaining unit which is covered by the union, NFFE Local 1998. But not all of you have joined the union. The Passport Services community is a better place for employees because of Local 1998. As noted in this newsletter, the union won a huge grievance dealing with overtime pay that potentially benefits every Passport Specialist. Also, as noted in this newsletter, Local 1998 protected work schedules and won a deserved promotion for an employee. Many other actions taken by the union have benefited employees and the negotiated contract continues to foster a better workplace.

Each of you benefit from the work of Local 1998, but not all of you are contributing members. It is my opinion that every bargaining unit employee has an obligation to contribute, at least by joining and paying dues. If you don't like the way the union is governed, then I suggest you work with the current officers to make changes or run for office in the future. The good things previously noted could not have happened if your colleagues had not stepped up to the plate by paying dues and becoming actively involved in the organization. Don't lean on their charity, become an active member yourself.

I don't have to vote for fire district funding, but my home will be in greater danger. I don't have to pay my water bill, but they will turn off the tap if I don't. And I don't have to be a member of Local 1998, but the organization and its benefits are at risk if I don't and if you don't.

Training for Union Reps

Since 2000, our Union officers have made over 40 week-long trips to the IAMAW Winpisinger Education and Technology Center in Placid Harbor, Maryland. Each of these trips costs the IAMAW over \$2000, in transportation, lodging, and the training itself (staff salary, etc.). That's an **\$80,000** value we've gotten for our officers to be better able to represent the employees. Look at the results – Vice President Mike Garofano has been a very effective Union rep on behalf of NPC employees, Chief Steward Rob Arnold has done a great job representing Seattle employees, Secretary-Treasurer Carol Aguilar has ably filled in as acting president and has assisted employees and other reps on a number of occasions. All three of them have helped the union reps in your own offices on numerous occasions. Garofano and Bill Beardall have been to two Placid Harbor web development classes, and the website that has resulted has been an unparalleled success.

IAMAW's Winpisinger Center

By Two-Feathers Neal

I encourage all officers of NFFE Local 1998 to attend classes at the Winpisinger Center. It's an amazing place and the people that you will meet and make contacts with are an

invaluable tool. Knowledge is power and to be able to educate your co-workers on issues is a good thing. The week you spend there is wonderful experience and the instructors are sincere and understand our plight, because they have fought on the front lines before most of us knew what a union was, and you've got to respect that. I feel that if more NFFE members shared the experience of this facility, we would move forward with great force.

We have our own gifts from the Creator, and to help others is a good feeling. There's nothing better than being a good human being and seeing the light at the end of a darkened tunnel. To be enlightened and know your limitations, the do's and the don'ts, I say attending the Winpisinger Center is a must.

Official Time Grievance

On February 9 – 10, 2005, the Union and Management participated in a mediation session in order to resolve the Official Time Grievance filed on May 13, 2004. A mediator from FMCS facilitated the ADR, which was conducted pursuant to Article 21 of the Agreement. The Union and Management have amicably agreed to the settlement.