



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

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IAMAW NFFE FDI FL1998

Step 1 Grievance

Date: August 6th, 2010

To: xxxx- Director, National Passport Agency

Re: Letter of Reprimand ICO Xxxx Xxxx

In accordance with Article 20 of the Master Agreement between Passport Services and the National Federation of Federal Employees-Local 1998, I am filing this Step 1 Grievance on behalf of Xxxx Xxxx, regarding a letter of reprimand that was issued to him on July 22, 2010. This action is a violation of relevant legal authorities, including, but not limited to, the following portions of the Master Agreement: Article 6, Section seven, Article 18, Sections two and three and Article 24, Section one.

Some Relevant Contractual Authorities

Article 6 Section seven

EMPLOYEE RIGHTS & RESPONSIBILITIES

7. DIGNITY AND RESPECT: All bargaining unit employees and Management officials deserve and shall be entitled to be treated with mutual respect, dignity, common courtesy and consideration, and will be treated fairly and equitably. All email correspondence sent by Employer or Union officials will be professional, factually correct (to the best of the sender's knowledge), and will comply with applicable law and regulation.

Article 18 Sections two and three

PERFORMANCE STANDARDS AND EVALUATION

2. FAIR AND REASONABLE APPRAISAL SYSTEM: The performance appraisal system and the parts that make up the system as applied to bargaining unit employees will permit, to the maximum extent feasible, the accurate evaluation of job performance on the basis of objective criteria, and will be fair, reasonable, equitable and job-related. Performance of any duty will only be measured during periods when bargaining unit employees are assigned to those duties, e.g., time used for CFC, EEO, Union representation, leave, etc. will not count against an employee in his/her evaluation. Upon request, the Employer will discuss with the employee how this activity was considered.

3. FAIR AND REASONABLE STANDARDS: The Parties recognize that fair and reasonable standards are an important and integral part of maintaining the integrity of the passport issuance process. Fair and reasonable performance standards for the adjudication and production of United States passports are a necessity.

Article 24 Section one

DISCIPLINARY AND ADVERSE ACTIONS

1. PURPOSE: The Employer agrees that action taken against bargaining unit employees will be consistent with applicable laws, be taken for just cause, and be fair and equitable. The Parties agree that the concept of progressive discipline, designed primarily to correct and improve employee behavior rather than to punish, will be followed.

The Unions Argument

On July 22nd 2010 Xxxx Xxxx received a letter of reprimand regarding a passport issued in error on June 9th, 2010. The passport issued in error was the result of a program instituted by Diplomatic Security and the PITT program in order to strengthen the adjudication process and be used as a learning tool for specialists. Mr. Xxxx was advised that the notice would be placed in his personnel file and kept there for a period of six months. At the end of that timeframe it would be considered for removal. While this grievance does not dispute the fact that a passport was issued in error it does dispute the letter of reprimand based on the memo provided by CA/PPT – Brenda Sprague dated July 8th, 2009 titled Procedural Integrity Testing and Training (PITT) Program. In this memo to all Passport Services employees Ms. Sprague specifically states “The Pitt program is designed to assure quality control, improve the passport issuance process, and serve as a learning exercise. It is not a “sting” operation. Testing will be conducted on a random basis, and no employee will be specifically targeted for testing. The results of any test under the PITT program **will not serve as a basis for disciplinary action against an employee**. However, the Department’s Diplomatic Security Services will aggressively investigate any criminal activity that is uncovered.” The agency is not alleging the employee was involved in any criminal activity, but simply made an error.

Immediately after this memo came out, the Union asked whether the statement regarding no “disciplinary action” also meant that they would not be held against an employee for performance reasons. Dottie Flaak of PMO stated that Management determined at the outset of the program that PITT results would not count as either positives or negatives for performance purposes; that employees could not get awards for detecting PITT applications, nor could they be penalized for missing them. They clarified that if errors in performance revealed in PITT applications were a recurring problem for the employee on other applications, the problem would be addressed with the employee, but not on the basis of the PITT application alone. PMO also said at the National UMC in February 2010 that they had no input on how the test applications looked, thus were unable to know what difficulty level was going to which region; PITT applications of *undetectable* difficulty level were never ruled out, as the whole thing is designed to give State an accurate picture of the agency’s fraud-detection capabilities.

The letter of reprimand to Mr. Xxxx is clearly not in adherence with this memo or the statements made by Ms. Sprague. Fair and equitable treatment and an expectation that policies and guidance can be relied upon and not withdrawn at the whim of management are crucial for employee/management relations. By issuing this letter of reprimand that relationship has been compromised.

Requested Relief

I respectfully request that Management remedy the violation by making the employee whole, including removing the letter of reprimand from Mr. Xxxx's personnel files and that assurances in writing are made that this will in no way be used to impact his end of year performance review in a negative manner.

Thank you for your consideration.

Sincerely,
Helen Bechard
Senior Steward – National Passport Center
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