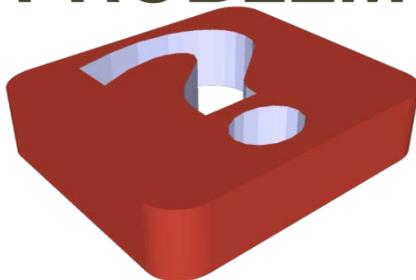


President's Message

New Year... New Problems

Well, with each New Year comes new problems, and this year started off like no other we have experienced for quite some time. Early indications show this is going to be a busy year for our stewards. In just the first few weeks of the New Year, NTEU Chapter 173 has been extremely busy dealing with four (4) active grievances and seven (7) disciplinary cases. This is in addition to the IA and OIG interviews that we

What's your
PROBLEM



have been attending as well as addressing those personal issues that our members are

seeking to address that have not risen to the grievance or discipline level as of yet.

However, we are never too busy to help. If you have a situation and would like our assistance, please reach out to a steward or executive board member at any time. As much as we try to know about everything that is going on within the chapter, sometimes we need your assistance in helping us.

★★★

Email Quota



NTEU has been made aware of the Agency's decision to implement an e-mail quota limit in conjunction with a May 2012 Memorandum of Understanding

regarding the Office of Information and Technology's (OIT) implementation of upgrades to the Windows 7 system and Microsoft Office 2010, Windows File and Print and Email-as-a-Service. NTEU believes that the hard cap e-mail quota limits of 2 GB of mailbox size and 3 GB of E-Vault archive space pose a significant problem and asked to meet and bargain the issue with CBP. Recently, CBP informed NTEU that it would be delaying the

implementation of the e-mail quota until April 1, 2014.

NTEU continues to believe that these arbitrary hard e-mail caps are a significant problem and can result in employees being forced to delete necessary e-mails, including e-mails that the employee may be legally and ethically required to keep. NTEU will be meeting with CBP shortly to further address these concerns.

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JOIN THE FIGHT AGAINST EMPTY CHAIRS!

NTEU CHAPTER 173 GENERAL MEMBERSHIP MEETING
MONDAY, FEBRUARY 10, 2014
6:00 PM

DoubleTree Hotel | 5801 Southfield Fwy. | Detroit
OPEN TO DUES PAYING MEMBERS OF NTEU CHAPTER 173





Maternity & Paternity Leave

The birth or adoption of a child brings many joys and challenges to a family. Article 37 provides that an employee may take up to 6 months of leave, paid and unpaid, for maternity and paternity purposes. There seems to be confusion on the part of both management and employees about the types of leave available under this section, including whether the employee must designate the leave as FMLA.

Under the law, a federal employee cannot be forced to designate leave as FMLA. It is completely within the employee's discretion whether they do so. Federal employees are also not required to use their paid leave concurrent with FMLA unless they choose to. Federal employees can "stack" their leave. Meaning, for example, if an employee wanted to exhaust their accrued sick leave, then their accrued annual leave, then request and

exhaust advanced sick leave and request and exhaust advanced annual leave, then request the 12 weeks of unpaid FMLA leave, the employee has the right to do so.

There is a misconception that employees must take the 12 weeks of FMLA leave at the time the child is born (or adopted). Under the law, employees have up until the child turns 1 (or 12 months from adoption) to take the 12 weeks of unpaid FMLA leave. This leave can be taken intermittently only if the Agency and employee agree.

Each family situation is unique. Some employees may prefer to be off only for the amount of time they have accrued, paid leave. Other employees may desire to maximize the amount of time they are able to be away from work to be with their newest family member, whether it is paid or unpaid. Other employees may not want to use any of their accrued

paid leave because they are saving it for other future uses. Still other employees may want to take some leave at the time of birth, but take more leave later on.

For an employee who wants to maximize the use of paid leave, the employee should consider exhausting their annual leave and sick leave balances, as well as requesting both advanced annual leave and advanced sick leave, if eligible. Employees can request up to 240 hours of advanced sick leave (6 weeks). Employees can request advanced annual leave only up to the amount of annual leave the employee would earn the remainder of the year.

Leave requests for maternity and paternity purposes can be complex. Please contact a steward for more information or if you would like help requesting leave based on your family's needs.

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NTEU Page on the CBPnet Secure



NTEU now has a page on CBPnet Secure that can be accessed from any government computer by visiting <https://cbpnetsecure.cbp.dhs.gov/NTEU/Pages/Welcome.aspx>.

The page – which will be updated periodically – lists some key NTEU accomplishments for CBP employees and links to important information about the contract, NTEU member benefits, the job swap program and more. It also features a link to the new NTEU CBP Update, where members can subscribe to the e-newsletter and read back issues.



For Your Toolbox

Appropriate Remedy: Back-Pay

For months now, NTEU Chapter 173, has been sharing stories from across the country highlighted numerous victories when it comes to missed overtime assignments. We have you, our members, letting us know when you have been missed for an overtime assignment so that we can begin researching the particulars regarding the incident. While we are happy to report that in some cases it was just a misunderstanding about the call out order and no violation occurred there have been other situations in which there truly was a violation but the bargaining unit member did not want to proceed with a grievance.

Well, that has just changed. Over the past month, NTEU Chapter 173 is in the process of filing three (3) overtime grievances (2 at 3807 & 1 at 3801). Using the other cases filed across the country as examples, we know that these are going to be long, drawn out cases in which the Agency is going to force us to take them to arbitration, despite the Agency's lopsided win-loss record (all loses, that we are aware of) when it comes to missed overtime assignment remedies. That is the question each time, what is the appropriate remedy?

5 USC 5596, known as the Back Pay Act, requires CBP to pay employees for overtime monies lost when CBP engages in "an unjustified or unwarranted personnel action", which includes violation of a collective bargaining agreement. The purpose behind the Back Pay Act is to compensate employees for monies lost as a result of an Agency like CBP violating the contract, and to also provide a monetary disincentive for agencies such as CBP to continue to violate the contract. Instead, CBP, in many locations, believes that merely offering a wronged employee the next overtime assignment is a sufficient remedy. While such a meaningless remedy was written into the RNIAP policy that CBP followed for many years (which was found to be an unfair labor practice by making local assignment policy changes without bargaining with the union), the fact remains that the

Back Pay Act is the appropriate remedy for CBP's violation of the overtime article.

Management has claimed for years now that these missed overtime assignments are the result of inadvertent administrative errors which may be true. However, these errors seem to be continuing and with a meaningless remedy of receiving the next overtime assignment (which may result in another employee missing out on an overtime assignment while trying to remedy a previous violation) there seems to be no incentive for management to get the overtime assignments issued in accordance with the call out order.

Maybe the reason that there are so many errors is that the earnings order list is too difficult to follow. Maybe it is because management no longer publishes the earnings list for all the Officers to see. When it was published, Officers were able to self-police the overtime assignments and it resulted in fewer missed assignments because issues were being corrected immediately. It is just amazing to see that with so many errors occurring nationwide that CBP has not done anything to correct the problem of missed overtime assignments. When an employee makes what could be considered an inadvertent administrative error, on a recurring basis, management is going to make sure that the employee receives discipline in an effort to correct their actions. But in this case, they see the problem but continue to "kick the can down the road" hoping it will eventually go away.

This certainly will be an issue raised when the national agreement is renegotiated. Maybe then, a more simplified earnings list will be created that makes it easier for management to follow. Until then, the appropriate remedy for every inadvertent missed overtime assignment, as verified by numerous arbitrators, will be the Back Pay Act. ★★★

2014 NTEU Legislative Agenda

During the week of February 25th – February 28th, four (4) local chapter leaders (Chapter President Ryan Gibson, Vice President – Trade Youssef Fawaz, Secretary- Sean Gibson and Chief Steward (3801) Robert Holland) will be traveling to Washington, D.C. for our annual legislative conference. This conference is important as it offers NTEU leaders the opportunity to weigh in on legislative priority issues with their congressional members and ensure that NTEU's voice continues to be heard on key federal employee concerns. This year, five (5) issues were selected as priorities for the 2014 legislative conference. They are:

Ending sequestration and providing adequate agency funding to limit workforce reductions at federal agencies, including CBP, IRS, and FDA.

Federal Employee Pay

- Providing an adequate pay raise for 2015
- Highlighting the negative impacts of the three-year pay freeze
- Fighting proposed legislation to cut pay at CFPB

FEHBP

- Protecting our current employer-sponsored system
- Enhancing dental and vision benefits with an employer contribution

Retirement

- Opposing efforts to increase employee contributions and cut benefits

Contracting out

- Lower contractor reimbursement cap
- End inefficient and unnecessary federal contracting



These are very high priority issues for 2014.

In an effort to make our trip to Washington, D.C. successful we are reaching out to you for stories that you might want to share about how any of these important legislative issues affect you personally. You can remain anonymous, but it is often nice to put a personal story to an issue when we are speaking with a member of Congress. I have heard it from Representatives and Senators alike, they know how many federal employees are within their districts and states. And they know how many of them are contacting their offices about federal employee issues. The less they hear, the less they think about the issue. This is why it is important we have some real life examples to share with them.

If you would like to submit an example of how these important legislative issues affect you, please go to www.nteu173.org, click on the Contact Us tab at the top of the page and fill out the required information. Please have any submissions to us by Friday, February 21, 2014.

CBP's Proposal to Reduce Performance Awards Funding



In another round of unilateral changes by the Agency, CBP has moved forward with their “proposal” to reduce funding for performance awards from 1% of employee salaries to .6%. Of course, NTEU has grieved this unilateral implementation of the Agency’s “proposal”, and accordingly, the Agency is just going through the motions in attending bargaining sessions. Bargaining will continue with the assistance of a mediator, but ultimately, NTEU expects that this dispute will be resolved through litigation.

While CBP is pleading poverty with this issue, just like with the FLAP issue, it refuses to provide NTEU with the budget data we have requested to evaluate the Agency’s budget defense. Needless to say, CBP does not want NTEU to see where it spends its money. Despite this situation occurring, locals Joint Award Committees (JAC) are still meeting to evaluate the nominations that have been received with the hope that this issue will be resolved prior to typical pay out period at the end of the year.

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CAN YOU MAKE A DIFFERENCE? Do you want to make a difference?

Let us Know

Can you make a difference? Do you want to make a difference? Here’s how!

NTEU has a program on its home page at www.nteu.org called Capwiz. If you are on the home page and scroll down to a box titled “Legislative Action”, you can, in only minutes, send a pre-written letter to your Congressmen and Senators. It’s easy, it’s fast, but it doesn’t work without YOU!! There are many things we as NTEU can do for you. But we need your help. Make your voice heard! In only

You are our eyes and ears. If you see something that needs to be addressed, let us know. The Executive Board has 7 members and the chapter has 37 stewards that need to be watching out for over 765 employees. Many times you will know before us where there is a problem. You need to let us know so we can act on it. As chapter leaders we want to be visible and aware, but it is inevitable that we will need your help in knowing what is going on when we don’t see it. We can speak anonymously with you if you are concerned about your privacy. We are here to help you but sometimes we need your help as well.

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about five minutes you can send out four or five letters. If we all take advantage of this easy program, our lawmakers will hear our voice loud and clear.

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National Grievance: Foreign Language Awards Program

NTEU has filed a national grievance over CBP's failure to issue awards under the Foreign Language Awards Program (FLAP) for fiscal year 2013.

CBP has unilaterally cut foreign language awards funding from \$19 million to \$3 million claiming "this decision is part of several cost-savings measures to realize an expected reduction in funding in the Agency budget for Fiscal Year 2014." In addition, CBP has failed to provide employees with their awards by the end of November as it has done since the FLAP was implemented in 1997.

NTEU and CBP had bargained over the proposed 84 percent cut in funding, but CBP has failed to respond to NTEU's latest bargaining proposals and has instructed local FLAP coordinators to submit the traditional FLAP paperwork without applying the negotiated award percentages. From this, NTEU has concluded

Witamy w Stanach Zjednoczonych
संयुक्त राज्य अमेरिका स्वागत
Les États-Unis vous souhaite la bienvenue 美国欢迎您
ארצות הברית מברכת אותך
Los Estados Unidos le da la bienvenida
الولايات المتحدة ترحب بكم
De Verenigde Staten heet u welkom

that CBP may have already or intends to unilaterally change the negotiated FLAP, by, for example, reducing individual FLAP awards contrary to the parties' negotiated agreements, the CBP FLAP directive, and past practice, without first bargaining as required by the contract and law.

As you may be aware, individuals covered by the FLAP have already served CBP in fiscal year 2013 by using their language skills. Assuming they have met the 10% usage and language testing requirements, they have already met the negotiated requirements entitling them to a FLAP award for their work in fiscal year 2013. CBP in the FLAP negotiations has again claimed lack of resources,

but has refused to provide NTEU with the budget information that we have requested that would,

supposedly, support CBP's position. Among other remedies, the grievance seeks a return to the negotiated award procedures, payouts and back pay.

In each of the past four fiscal years, CBP has attempted to eliminate foreign language awards, a move that requires congressional approval. However, each time, NTEU's efforts in Congress have saved the program.

Locally, NTEU Chapter 173 has communicated with the Detroit Field Office to find out when the reduced amount would be paid to the employees. The response back was "we have not received a budget or guidance as to when this will be paid out." NTEU is continuing the fight with this grievance, and the union will continue to educate Congress on this issue.

NTEU & Social Media Comments

NTEU Chapter 173 has been receiving questions from our members about NTEU National's Facebook page; specifically about their comments that have been posted and have been removed. NTEU Chapter 173 reached out to NTEU National to find out why this was occurring.

It was explained to us that NTEU National deletes all comments, whether positive or negative. The reason is in part to protect our members, because so many of our

members deal with sensitive information. This is very true for us as CBP employees. They also delete comments as a matter of policy because at times they get members of the general public posting negative comments about federal workers. The prevailing legal opinion is that an organization has to delete all or none and cannot pick and choose which comments to delete.

NTEU National is making it a



point to respond individually to all posts and questions provided the individual is a union member. This is likely a better approach because the member can get personalized information in a private manner rather than having their situation made public.

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Double Check your W2's for Errors

Employee's Form W-2 is now available on the NFC EPP online as well as being mailed out. Be sure to review your Form W-2 for accuracy. Verify that your income is not overstated and that there is not an understatement of pre-taxed items. If any erroneous information is found, you will need to request a corrected Form W-2.

A horizontal banner with an orange background. From left to right, it features: a silhouette of a person with arms raised, a silhouette of a trumpet, a silhouette of a soldier running with a rifle, a silhouette of a woman's head in profile, a silhouette of a tuba, and a portrait of a man with his hand on his chin.

EXPLORE BLACK HISTORY
FOR MORE INFO CHECK OUT NTEU'S HOME PAGE AT WWW.NTEU.ORG

NTEU Chapter Leaders Participate in Annual Training

On January 28th and the 29th NTEU Chapter 173 representatives from both Detroit and Detroit Metro Airport came together for the annual local steward training. This year's training focused in on various aspects of what it is to be a steward and providing representation to our members in the best way possible. Chapter President, Ryan Gibson opened each days training session with welcoming remarks and explained the importance of their roles as leaders in the chapter.

NTEU Assistant Counsel Julie Lenggenhager provided stewards and executive board members with lesson objectives and an interactive training program to include effective communication skills with members and management, understanding member's rights in accordance with the CBP/NTEU Collective Bargaining Agreement and the law. And other topics that



gave our stewards the tools and training to be effective leaders.

Stewards worked in groups to understand the importance of effective listening skills, and were encouraged to discuss how the chapter could strengthen its fundamental mission of organizing employees to work together and to ensure that our members are treated with dignity and respect.

Ryan Gibson, NTEU Chapter 173 President stressed the importance of this yearly training, "It's important to train our stewards because each year we are faced with new and unique issues and we owe it to our members that our stewards have the most current information out there so we can do

our jobs effectively." Part of the problems stewards face are supervisors who have not yet received training on employee/labor relations and don't have a deep understanding of the Collective Bargaining Agreement, "It's important our stewards receive training on a yearly basis because far too often new supervisors are selected and prior to them learning anything about collective bargaining rights that our employees have, they pick up bad habits, and it's often our stewards who find themselves educating these managers when they make mistakes."

(Continued on Page 10)

NTEU Chapter 173

Executive Board

Ryan Gibson

Chapter President

Dave Lira

Executive Vice President

Roger Amodio

Vice President - Airport

David Wood

Vice President – Border

Youssef Fawaz

Vice President – Trade

Sean Gibson

Secretary

Jeffrey Marshall

Treasurer

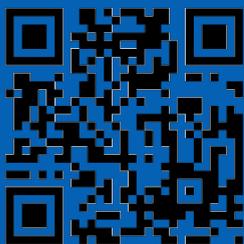
NTEU Newsletter Committee

Youssef Fawaz

Executive Editor

Janet Ebel

Editor



NTEU Chapter representatives taking part in an interactive discussion how NTEU can do better protect members rights.

NTEU Stewards Attend Annual Training

Continued From Pg. 9

The training wasn't only about communication and dealing with new supervisors as Roger Amodio, NTEU Chapter 173 Vice President at Detroit Metro Airport added, "The biggest issue is dealing with grievance procedures. The airport is currently in the process of handling two active grievances at this time. We want to insure all of our stewards know what to do when faced with filing a grievance as well."

So with all this material jammed into an eight hour work day. The chapter would like to express its sincere gratitude and thanks to NTEU Assistant Counsel Julie Lenggenhager who worked tirelessly with the chapter in providing for a lesson plan that was both beneficial to our stewards and reenergized these chapter leaders in their representational activities. ★★ ★