

Help Wanted

NTEU Chapter 173 is looking for volunteers.

Stewards – The chapter is currently looking to fill steward positions (especially in our passenger processing work units). This would be a good time for anyone that has interested in taking a leadership role within the union as we are preparing to have local steward training on December 10th and 11th.

Auditors - We are also looking for three (3) people (not an elected chapter leader or steward), one person to be named the chairperson, to serve on our audit committee. This committee is responsible for auditing the books and accounts of the Treasurer on a bi-annually basis.

Social Planners - A social committee that would handle the planning of chapter events and social gatherings is in the works, and we would like our



members to take an active role in this committee. Members of the social committee would be responsible for making all necessary arrangements with host facilities regarding these events.

If you are interested in any of these positions please send an email to Chapter President [Ryan Gibson](#) for consideration.

Compliance Cap

NTEU Chapter 173 is in the process of requesting information from port management at both 3801 and 3807 as it relates to the statutory overtime and premium pay cap. Based on information received it appears that port management failed to allow employees to earn their full potential of \$35,000; (a) moved employees from their scheduled Sunday(s) to a regular day off; (b) moved employees from their scheduled premium shift to a non-premium shift; and/or (c)

prevented employees from working overtime.

Leading up to the end of the fiscal year, port management at 3801 acknowledged the violation of the statutory overtime and premium pay cap by creating a “port cap” of \$34,500. NTEU Chapter 173 is awaiting additional responses from any employees they may have been impacted. Once NTEU determines that sufficient information has been received from management, and

employees have been provided reasonable time to send us their information; NTEU will be filing a grievance to get each impacted employee back-pay.

If you feel you were prevented the opportunity to earn the full \$35,000 of the statutory overtime and premium pay cap please send your details to Chapter President [Ryan Gibson](#).

★★★

Pocket Calendars

Around this time of the year the chapter has always purchased pocket calendars for our members. Some members find them useful, others not so much. The problem we always face is that we have never known how many pocket calendars to order. Last year, we asked that you requested a calendar in advance so that we can order the number that we need. This helped us eliminate having extra pocket calendars going unused, which is essentially a waste of money.

So this year, if you would like a pocket calendar (one per person), please log on to our website, nteu173.org, and fill out the request form. The deadline to request a pocket calendar is Friday, November 21st, 2014. Once we have received all the requests we will purchase the calendars and begin to distribute them as soon as they arrive. ★★★

Arbitration Decision on Bid, Rotation & Placement

Recently, NTEU received the arbitrator's ruling on the Bid,



Rotation and Placement (BRP) decision; sustaining in part and denying in part NTEU's national grievance on this matter. The grievance alleged that CBP violated, and continued to violate Article 13 of the Collective Bargaining Agreement, when it required employees to work in units other than those in which they were placed and by creating blended and other work units that were not the smallest organizational component to which employees had been previously assigned.

Bargaining Unit members that have been operating under the Article 13 BRP procedures since it was first implemented in January 2009, even

before the effective date of the contract, know the real story behind NTEU's BRP dispute with CBP. When it was first implemented in January of 2009 continuing through fiscal year 2011, CBP for the most part honored the BRP provisions as you would expect from an agency that sees itself as a first rate law enforcement agency. Then, when its budget got tight, it walked away from its agreement and began to systematically violate its provisions, rather than approaching NTEU and asking that it be renegotiated as the parties have done with other parts of the contract.

The good news; the arbitrator has agreed that once an employee has been placed in a work unit, she/he is entitled to remain in that work unit for the entire BRP durational cycle. The only extremely narrow exception that CBP has in this regard is if it can establish exigent or emergency circumstances to temporarily reassign an employee to a different work unit. As for the remedy, the arbitrator ruled that the

Agency will immediately cease and desist from its practice of assigning / reassigning CBP Officers who work in a position bid upon and awarded to them under the BRP process. Overtime back pay shall be awarded to an employee that can establish he/she was adversely affected by the assignment of a CBP Officer from a non-bid unit to another unit (e.g. if you missed overtime due to management "pulling from teams")

The not-so-good news; the arbitrator has allowed CBP to essentially unilaterally renegotiate Article 13 on its own by permitting it to combine or otherwise encompass the duties of two work units and open this "smallest" work unit up for bid.

NTEU Chapter 173 is going to need your help throughout this fiscal year. If you are a part of a work unit that gets "pulled" to work in another work unit please let us know so that we can make a determination if management has violated this decision and the national agreement. ★★★

Updated Occupational Safety and Health Program Handbook

CBP has provided the attached notice informing NTEU that it has modified the existing Occupational Safety and Health Program Handbook. The Handbook is a comprehensive policy document for the Occupational Safety and Health Program that provides specific information on how CBP manages its various health and safety programs. The Handbook also includes forms and sample plans to help assist the user of the Handbook.

CBP plans on making four updates:

- **Chapter 2 (Administration)** — Remove last sentence of paragraph 2.3.3.b addressing inspections; Conduct OSHA required annual safety inspections of every CBP work location. ~~Conducts follow up inspections as needed to ensure that all inspection findings have been corrected and program deficiencies have been appropriately addressed;~~
- **Chapter 6 (Safety Committees)** — Changes “are” to “were” in 4th bullet of paragraph 6.4.2; Review inspection reports and employee hazard reports to confirm appropriate corrective measures ~~are~~ were taken;
- **Chapter 18 (Smoking)** — Adds paragraph to 18.3 that addresses electronic cigarettes; and The smoking of tobacco products is prohibited in all interior space occupied by CBP employees that is owned, rented, or leased by the Executive Branch of the Federal government and in government-owned or leased motor vehicles, aircraft, and marine vessels.

Smoking of tobacco products is prohibited in courtyards and within 25 feet of doorways and air intake ducts on outdoor space under the jurisdiction, custody or control of GSA or CBP.

Electronic cigarettes (e-cigarettes) have recently emerged as an alternative to cigarette smoking. The Food and Drug Administration (FDA) has not approved the use of e-cigarettes and has deemed them to be harmful based on the vapor produced. GSA treats the use of e-cigarettes in its Federal buildings the same as with any other tobacco product. All prohibitions that CBP applies to the smoking of tobacco products shall also apply to the use of electronic cigarettes.

The only exceptions to the above policy against smoking are:

- Residential accommodations for persons residing, on a temporary or long-term basis, in a building owned, leased or rented by the Federal government.
 - Portions of federally owned buildings leased, rented or otherwise provided in their entirety to non-Federal parties; and
 - Places of employment in the private section or in other non-Federal governmental units that serve as the permanent or intermittent duty station of one or more Federal employees. CBP employees will comply with the host facility smoking policy and use tobacco products in designated areas only.
- **Chapter 26 (Respiratory Protection)** — Removes last bullet from paragraph 26.6 (Traveler Contact). Typically, voluntary masks are industrial or odor removing respirators. Some of the most likely voluntary respirator uses may include the following:
 - Blood borne Pathogens (BBP) to prevent splashes to the mouth and nose (where possible) when a surgical mask is not available
 - Border Patrol Horse Stable Duties (Airborne Dust, Manure) 26.6 Required Use Program
 - Border Patrol Vehicle Maintenance (Falling Dirt from Vehicle Underside)
 - Cadaver Recovery (Objectionable Odor)
 - Detainee or Subject Processing / Transport Drivers / Asylum Work
 - Illegal Drug Handling / Evidence Handling / Suspicious Package Handling
 - Money Counting Machine Operation
 - Nuisance Atmospheres (Dust, Filth, Pollen, Inert Material)
 - Open Burning of Contraband / Incinerator Operations
 - Plant, Animal or Bird Handling / Inspections
 - ~~Traveler Contact – Tuberculosis (TB), Severe Acute Respiratory Syndrome (SARS) & other airborne pathogens during direct contact (pat down, escort, transport) with symptomatically credible persons~~

2015 FEHBP Premium Rate Information

The U.S. Office of Personnel Management (OPM) has released the 2015 premium rate increases for the Federal Employees Health Benefits Program (FEHBP) that covers 8.2 million federal employees, retirees, and eligible family members. Premium increases for FEHBP plans in 2015 will average 3.2%; 3.0% for the government and 3.8% for enrollees. Rate increases for the 1.4 million participants in the Federal Employees Dental and Vision Insurance Program (FEDVIP) will be 1.7% for dental coverage, and vision benefit premiums, paid by approximately one million individuals, will increase by 1.5%.

Blue Cross/Blue Shield (BCBS) Standard plan, the program's largest health plan. BCBS Standard will rise 3.7% for individuals who choose self-only coverage. Those enrolled in the BCBS Standard family coverage option will see an increase of 4.1%. This translates into a biweekly increase of \$3.21 for Standard self, and \$8.33 for those enrolled in Standard Family.



As a reminder, the upcoming Open Season, where federal employees can make changes to their health, dental, and vision insurance for 2015, and enroll in flexible spending accounts will be held November 10 – December 8, 2014.

★★★

Another Win on CBP Scheduling Violations

NTEU has won another favorable arbitration decision that could result in back pay for Customs and Border Protection (CBP) Officers and Agriculture Specialists not scheduled in accordance with federal law. Except under limited circumstances, the agency is required to provide these employees with consecutive regular days off and/or the same daily hours of work for their entire work week. In the previous cases, CBP unsuccessfully argued that it met the conditions for the exceptions.

When the agency lost that argument because it had not formally made a determination that the exceptions apply, CBP issued a memorandum purporting to give local managers latitude to schedule outside the rules if they believed the exceptions applied. The latest arbitration decision rejects that position, except in certain circumstances. CBP retains the right to appeal to the Federal Labor Relations Authority ★★★

*Even more ways
to connect with us...*



Survey Finds Parents Don't Talk to Their Kids about Federal Career Opportunities

There are plenty of challenging and rewarding jobs in government service, but fewer than four in 10 parents—37 percent—have encouraged their children to consider a federal career, a survey taken for the nation's largest independent union of federal employees shows.

The online survey of more than 1,000 adults with children between the ages of eight and 22, conducted for the NTEU by IPSOS Public Affairs, found only 8 percent of parents named the federal government as a place their children want to work and only 6 percent named the military.

With a federal retirement wave in the offing, the survey underscores the difficulty federal agencies likely will face in trying to attract a new generation of employees into government service.

“Parents have the most influence on the career choices of their children,” said NTEU President Colleen M. Kelley. “We need to get parents to talk to their kids about the interesting jobs in nearly every field that will be available in the future.”

As kids head back to school or off to college, NTEU's new public service campaign presents a positive view of federal employment today and inspires the federal workers of tomorrow.



“Other data show that only 2 percent of college students said they planned on joining the federal government after graduation,” President Kelley said, quoting a study by the Partnership for Public Service and the National Association of Colleges and Employers. Contrast that with a Government Accountability Office report that 600,000 current federal employees—31 percent of the workforce—will be eligible to retire by 2017.

President Kelley offered these tips for parents:

- Talk to your child about a federal career and the chance to make a difference in the world.

- Encourage your children to learn more about all the different types of federal jobs available in your area. Roughly 86 percent of all federal jobs are outside of the Washington D.C., area. The government site, www.USAJobs.gov, lists them all.

- Talk about the positive contributions federal employees make to our country in science, engineering, public health, national defense, environmental sciences, history, preservation of natural resources, banking and protecting our democracy. Fifty federal employees have won the Nobel Prize and the federal government offers many STEM (Science, Technology, Engineering and Math) jobs. *(Continued)*

Parents Don't Talk to Their Kids about Federal Career Opportunities

Continued from Page 5

Visit www.theyworkforUS.org to: watch a video of federal employees and their kids talking about careers in the government; see our survey results; and find information about federal jobs and the federal workforce.

“The work of federal employees impacts every American,” President Kelley said. She cited just a few examples: “Federal workers are law enforcement officers who protect our borders; nuclear scientists who safeguard nuclear power plants; cybersecurity experts who preserve our national defense; bank examiners who keep our bank deposits secure; food inspectors who keep our food and medicines safe; conservationists who protect our natural environment; historians who preserve our national heritage; and much more.”

Chapter Holds Elections

As most of you already know the NTEU Chapter 173 elections were held for the office of President, Executive Vice President, Vice President – Airport, Vice President – Border, Vice President - Trade, Secretary and Treasurer in August 2014.

The winners were Youssef Fawaz for Vice President – Trade and Sean Gibson for Secretary. The President (Ryan Gibson), Executive Vice

President (Robert Holland), Vice President – Airport (Roger Amodio), Vice President – Border (David Wood) and Treasurer (Kristi Miler) were uncontested and were declared the winners.

We would like to take this time to bid a farewell and say thank you to outgoing NTEU Chapter 173 Executive Board members David Lira and Jeff Marshall. Again, thanks for all the hard work you did.

Other findings of the IPSOS survey show 74 percent of the parents believe federal jobs are stable and well-paid; 70 percent said they provide career growth; 76 percent agree that federal workers provide important services to the public; and 56 percent said they believe the jobs are personally fulfilling.

“To attract the most talented workers to government now and in the future, we have to increase awareness about the important work of federal employees,” Kelley said.

As the largest independent federal union, NTEU represents 150,000 employees in 31 agencies and departments.

★★★

The new Executive Board has many new challenges ahead of them, but you will see that you will get a 100% effort from every one of them. On October 2, 2014, the new executive board held its first meeting of the new term. Everyone is excited to be part of the board and we discussed many ideas that we are eager to get started. Stay tuned for more details as we still have some planning to do before we can make any formal announcements.

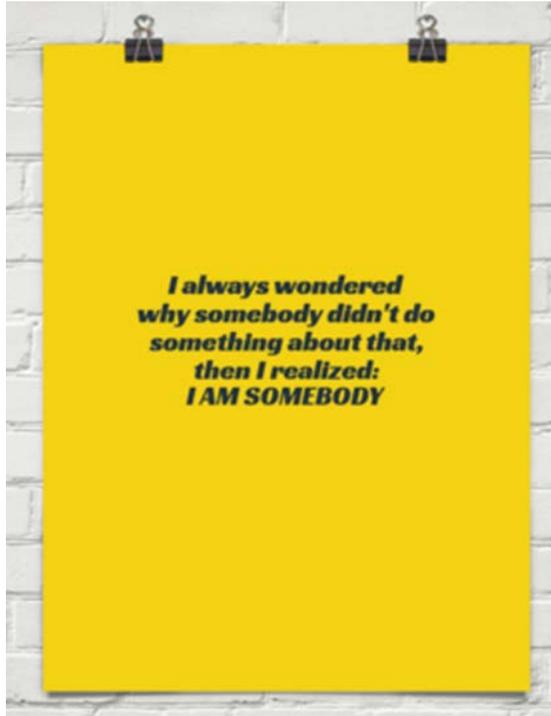
Election Day is Coming...

Get Educated.

www.NTEU.org

Help Keep YOUR Union Informed

I'd like to address an issue that really needs to be resolved. The issue is that if you see a problem that needs to be addressed whether it's with management or coworkers you need to speak up and speak up when the problem first appears. If you do not speak up, don't expect there to be any corrective action taken. The Officers and Stewards of the Chapter cannot be in every meeting or every conversation between management and the employees. If you believe



management is taking improper action that would violate the National Agreement and/or local policies, please contact a steward or one of the Chapter officers. We cannot address an issue we do not know about. You are the eyes and ears of the Chapter.

I understand that most people don't like confrontation, or they don't want to make waves. When issues arise, it's absolutely necessary to inform someone about what happened. Whether it's a supervisor or a union steward; it needs to be done in a timely manner. If not, potential issues will go uncorrected and this will undoubtedly set the stage for future and potentially more serious issues and problems.★★★

Personally Identifiable Information Data Breach

NTEU was recently briefed by CBP on the PII data breach at which time it repeated some of the information already provided to the bargaining unit while being unable to answer other questions related to the breach. As a result of the briefing, NTEU has requested certain information from CBP discussed below.

CBP advised NTEU that on or about June 17, 2014, DHS was notified by the vender, identified by the press as USIS, of a potential breach of its database with the breach confirmed on July 25, 2014. On or about August 3, 2014, USIS shut down its web site thereby eliminating web-based access to its database. Approximately 28,000 DHS employees had PII on the database at issue, including between 15,000 and 23,000 CBP employees. The PII information was contained on employee-submitted SF-86s/e-QIP. Once the breach was confirmed, DHS notified US-CERT, a federal incident response center that, by statute, must be notified when an agency learns of a PII security breach. DHS's, CBP's, and US-CERT's investigations into the breach are ongoing. *(Continued)*

NTEU CHAPTER 173

EXECUTIVE BOARD

RYAN GIBSON

President

ROBERT HOLLAND

Executive Vice President

ROGER AMODIO

Vice President – Airport

DAVID WOOD

Vice President – Border

YOUSSEF FAWAZ

Vice President – Trade

SEAN GIBSON

Secretary

KRISTI MILLER

Treasurer

NEWSLETTER COMMITTEE

YOUSSEF FAWAZ

Executive Editor

JANET EBEL

Editor

PII Data Breach

Continued from page 7

Based on this briefing, and the information conveyed to employees in the bargaining unit, NTEU has requested the following information from CBP:

1. What criteria did DHS use to decide which CBP employees would receive the

August 21, 2014 letter titled: Notification-USIS Incident? Did all CBP employees who had Personally Identifiable Information (PII) on the database subject to the cyber-intrusion receive the August 21, 2014 letter? If not, how did CBP determine which employees to notify of the cyber-intrusion?

2. At our briefing, CBP informed NTEU that DHS believed that approximately 15,000 to 23,000 CBP employees were implicated by the USIS incident. Does CBP have more precise numbers on how many CBP employees, including bargaining unit employees, had PII on the database that was implicated by the cyber-intrusion? If so what is that number?

3. Will all CBP employees who had PII on the database at issue be provided credit monitoring services? If not, who made this decision and why? What criteria did DHS use to determine who would be provided such services and protections?

4. Please give us more information about the credit monitoring services that will be provided to CBP employees, including:

- a. Whether identity theft protection will be provided with the credit monitoring services;
- b. Whether the identity theft protection (if provided) will include insurance for any financial losses suffered due to identity theft;

c. The provider and name of the service that will be provided;

d. The date on which such services will begin;

e. The date on which such services will terminate;

f. Whether employees must take any action to initiate the services and, if so, what action; and

g. The entity paying for the services.

5. What is the status of the various investigations (including the investigation by US-CERT) into the cyber-intrusion?

a. Are any investigations ongoing or has each concluded?

b. What have the investigations revealed?

c. If any investigations are ongoing, when will they conclude?

6. Did any of the investigations into the cyber-intrusion reveal whether any CBP employees had their PII improperly accessed or breached? Is this something that DHS/US-CERT will be able to determine through its investigation(s)?

a. If known, how many CBP bargaining unit employees had their PII breached as a result of the cyber-intrusion? What are their names?

b. If known, how many CBP bargaining unit employees had their PII made vulnerable to improper access as a result of the cyber-intrusion? What are their names?

7. What types of “financial account information” were included in the database implicated by the cyber-intrusion?

NTEU continues to monitor and assess DHS’s and CBP’s responses to this data breach and evaluate its options.

**TIRED OF THE CONSTANT STREAM OF POLITICAL ADVERTISEMENTS OVERLOADING
YOUR TV & SOCIAL MEDIA?**

IT'S TIME TO TAKE A BREAK FROM THE POLITICS

★ ★ ★ JOIN US ★ ★ ★

NTEU

CHAPTER 173

GENERAL MEMBERSHIP MEETING

THURSDAY ★ OCTOBER 23 ★ 2014 ★ 6:00 PM

DOUBLETREE HOTEL

DETROIT - DEARBORN

5801 SOUTHFIELD FWY. | DETROIT