

Bid, Rotation and Placement

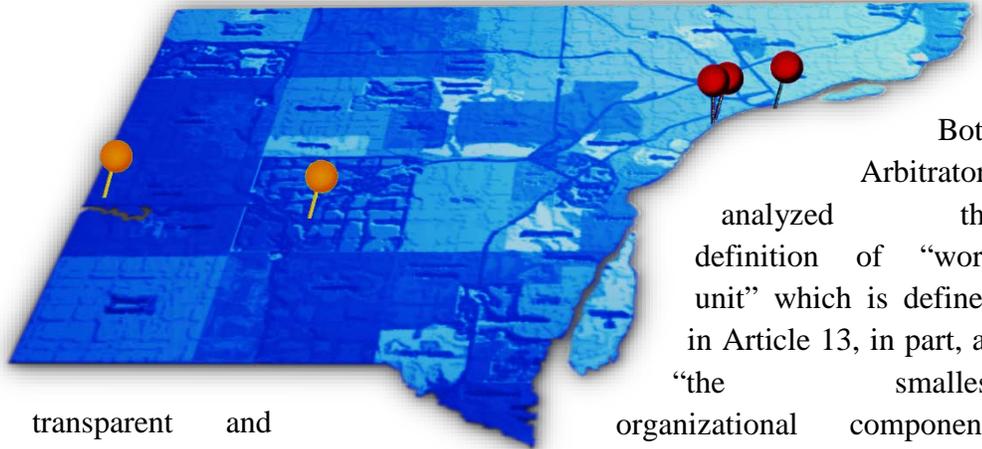
An Examination of the Process for Officers and Agriculture Specialists

By Ryan Gibson, President & David Wood, Border Vice President

Each year there seems to be misinformation about the Bid, Rotation & Placement (BR&P) process. This article will summarize and clarify the history and law so that employees can hopefully better understand how the process works and NTEU's and management's roles in the process.

So, let's break this down from a fundamental stand point. Keep in mind that two of the rights management has under the law at 5 USC Section 7106 (restated in Article 6) is the right to determine its "organization" and the right to "assign work." But also keep in mind that these management rights are limited by language it negotiates and therefore agrees upon with NTEU.

Such is the case with BR&P. Nearly seven (7) years ago, the national parties negotiated BR&P (what is now Article 13) and agreed to implement it, along with AWS, ahead of other agreed-upon language in the current National Agreement. BR&P was intended to provide employees with the ability to receive work assignments by seniority in accordance with their preferences while also bringing a fair,



transparent and consistent bid and rotation system to employees.

Three national grievances have been filed by NTEU regarding CBP's alleged violations of BR&P for fiscal years 2012, 2013, 2014 and 2015. The grievances claimed, in part, that CBP violated Article 13 by requiring employees to bid-to and/or work in multiple work units; by not permitting employees to bid to work units that met the definition of "work unit" and by CBP unilaterally establishing larger, new, and/or changed work units – whether by merger, combination or creation of hybrid work units. The grievances for FY2012, 2013, and 2014 were arbitrated by Arbitrators Goldstein (FY2012 and 2013) and Strongin (FY2014).

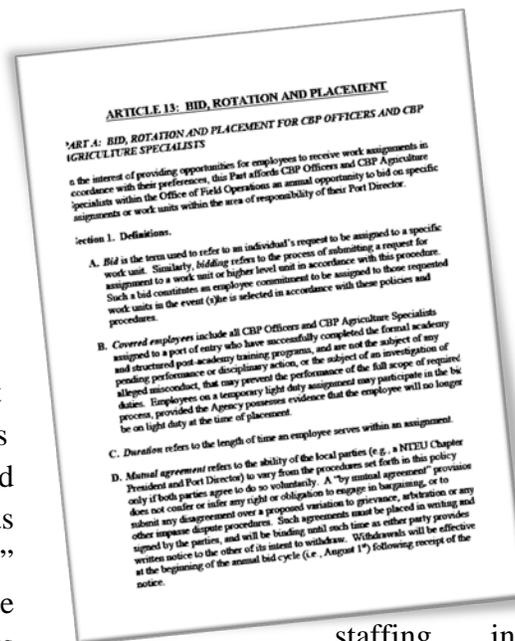
Both Arbitrators analyzed the definition of "work unit" which is defined in Article 13, in part, as "the smallest organizational component, operational or equivalent level to which groups of employees are normally assigned..." Arbitrator Goldstein provided that "under both the management rights provisions of the C.B.A. and, inherent to any bidding process (i.e. annually) no prohibition exists on the Agency attempting to seek efficiencies in its operations, *per se*. This includes combining work units where the Agency finds it has assigned staff excessively in one place and conversely requires staffing in another, i.e., addressing operational needs that are staffed improperly." Arbitrator Goldstein also provided that "...some degree of limitation upon management's complete discretion was intended...local management does not possess unfettered rights to assign CBP Officers from a bid upon
Continued...

work unit to another unit for reasons outside the boundaries of an emergency situation or others not specifically contemplated by the C.B.A.”

While Arbitrator Strongin’s decision interprets this language to permit the Agency to “merge, combine and create new work units in connection with each annual bid cycle,” he also made clear that he noted NTEU’s concern that “the Agency’s position, taken to the extreme, could result in the creation of a single work unit, **essentially eviscerating all seniority-based rights established by Article 13.**” Arbitrator Strongin noted that the “Agency emphasizes that its composition of work units is based on what it variously describes as “legitimate operational necessity,” “reasons consistent with the operations and mission requirements of each particular port,” and “operational necessity, efficiency, and practicality.” He also stated that “It is, of course, presently unknowable how the process will play out in successive years. It is enough, for the moment, to note that **the Agency asserts that it has no intention of abusing its right to establish the composition of work units on an annual basis, and that the Union has not shown, in any particular location, that the Agency altered any extant work unit for improper purpose.**”

The chapter’s opinion is that these arbitration decisions clarify that

pursuant to Article 13 and the law, that at the beginning of the annual BR&P, management must create work units to which groups of employees are normally assigned. Management can combine work units where the Agency found it had assigned staff excessively in one place and conversely requires



staffing in another, i.e., addressing operational needs that are staffed improperly. Management can only create work units based on “legitimate operational necessity,” “reasons consistent with the operations and mission requirements of each particular port,” or “operational necessity, efficiency, and practicality.”

Once management determines the work units for each BR&P year, port management is required per Article 13 to provide the chapter advance copies of the bid opportunity announcements by August 1. The

chapter then has until August 15 to provide its “issues or concerns” with the bid announcements. **Note this does not say that the chapter gets to negotiate the contents of the bid announcements.**

While the chapter certainly wishes that management was required to negotiate the content of the bid announcements, the law that gives the Agency its “management rights” does not require it. Arbitrators have ruled that “the Union’s right to provide “issues or concerns” in response to the Agency’s proposed bid announcements does not rise to the level of formal bargaining, which is consistent with the Agency’s right to determine its functional structure.” And that functional structure includes how the work units are created, the number of officers assigned to each of those work units, the operational hours of the work units and the 8 hour shifts that are offered, to include the day off rotation. Unlike 8 hour shifts, AWS is fully negotiable with the Union – including **whether AWS is available for a work unit must be negotiated with the chapter.**

Generally, each bid year, port management and the chapter meet sometime after the August 15th deadline to discuss the issues and concerns that we have presented. We use this opportunity to make sure that management completely understands the issues and concerns **Continued...**

that we know our members would want us to fight for. Some years, port management has taken our concerns and made changes to the bid announcements before they are sent out to the employees. Other years, management has maintained their position, despite our objections. And, when there are objections, we still have the ability to file grievances and proceed to arbitration on those decisions that we feel we have a reasonable likelihood of success on the merits should we determine that management is violating any laws, rules, regulations or the contract as it relates to the bid announcements. We also review and consider the recent arbitration decisions to make sure the management is following those final and binding decisions.

And finally, after all the emails have been sent and the meetings have concluded, management is required to send the BR&P announcements to the employees on or about September 1st. From there, the employees have ten (10) calendar days to return their bid preferences. Once completed, the BR&P committee will meet shortly thereafter to begin the bid placements. Once an employee is placed in a work unit, employees should not be removed from their bid-to work unit unless it is an emerging and unanticipated work requirement (Article 38).

Hopefully this gives a better understanding of the chapter and

port management's rights, responsibilities and limitations for BR&P. ★★★

Telework... The Fight Continues

By Youssef Fawaz, VP Trade

We finally have enough people successfully Teleworking that chapter leaders from across the nation are reaching out to Chapter 173 to find out what we have done to insure Telework was a real option for our members. While we've shared our ideas and perspectives on how other chapters can successfully demand more Telework for their members, we continue the fight for more Telework right here.

The chapter continues to tackle issues locally; especially with the implementation of the Centers of Excellence and Expertise (CEE), we have been doing double duty to insure our members get the equipment they need to be able to successfully Telework.

Airport Vice President, Roger Amodio has been aggressively addressing a matter where the Detroit Field Office and one of the CEE's are at odds for which entity would be responsible for ponying up the cash to purchase equipment that would enable employees, who have been patiently waiting, to Telework.

While that's going on, we are also aggressively pursuing more Telework days for our employees. Starting with Core CEE members,

whose work is remote, so an additional day doesn't sound unreasonable. However, management seems to think otherwise.

The union has been successful in insuring our members are able to request Situational/Episodic Telework days for medical conditions and other situations where both the agency and a Teleworker would benefit from being able to work from home and be productive.

NTEU successfully fought on behalf of an employee whose equipment failed, the agency initially refused to replace/repair their equipment, forcing the employee out of Telework for several weeks. NTEU quickly acted to insure the employee received the equipment they needed to get back to Teleworking.

The fight does in-fact continue... We are well aware that there are several employees that have approved Telework applications and are still waiting on equipment. This is an issue we continue to address to management, and are working diligently to gain further ground on.

Keep us informed about your situation. It's vital that you continue to let us know what issues you have with Telework, The first step is speaking with a steward and informing them about what's going on. We will continue to update you on our progress with making Telework more comprehensive for our members. ★★★

NTEU Delegates Meet at Union's National Convention

Elect Tony Reardon and Jim Bailey to Head the National Office

NTEU Delegates met in Hollywood, FL from August 9th through the 13th to discuss important issues and elect a new National President to replace Colleen Kelley, who retired on August 13th. Delegates from across the country voted on several constitutional amendments, and resolutions which have an impact on important issues federal workers face on a daily basis. Chapter 173 was represented by President Ryan Gibson; Vice President – Border David Wood; Vice President – Airport, Roger Amodio; and Vice President – Trade, Youssef Fawaz.

The Chapter was also recognized nationally for its work in maintaining an over 90% membership rate, and for the chapter's excellence in communications, remaining at the top of all CBP chapters nationwide with respect to sending the message out. "Our chapter leaders work hard to insure our members are informed, and are represented from the grassroots, all the way to the bargaining table at CBP Headquarters, and in the halls of Congress." Said Chapter 173 President, Ryan Gibson. "The recognition we received at the National Convention only solidifies

our commitment to our members, and encourages us to do even more to make our chapter even stronger." NTEU chapter leaders also had the opportunity to meet with and listen to candidates running for the National President and National Vice President seat. David Wood, Chapter 173 Border VP explained, "It was pretty clear that Tony and Jim had the interests of CBP members in mind. While others fell short of fully understanding how CBP functions and the needs of our employees." Needless to say, Tony Reardon and Jim Bailey won the lion share of the votes from chapters across the nation.

The convention also served another role. It allowed leaders from across the country to engage with other chapter leaders to discuss best practices with the BRP, Telework, and other important issues our members have dealt with over the past several months. "This is a great opportunity to meet with chapter leaders from across the nation, while sharing practices and ideas on how to best represent our members with the issues we face every day" stated Roger Amodio, Airport Vice President. "It further gives us the



NTEU National President Tony Reardon

capability to network with these chapter leaders, learn about other valuable practices they may use handling similar cases, and to utilize this knowledge back here in Detroit."

The Convention closed with a farewell to outgoing President Colleen Kelley, who served as NTEU's leader for 16 years. Kelley was successful in defending the rights of federal workers, and also championed several initiatives like successfully fighting for Flexible Spending Accounts for federal workers, and credit towards retirement for unused sick leave for employees in the FERS system. ★★★

Senate Approves Indexing Customs User Fee to Fund Highway Bill

In July, the Senate approved HR 22, a six-year surface transportation reauthorization bill by a vote of 65 to 34. Section 52202 of HR 22 allows the indexing of Customs user fees to inflation to help offset the cost of an extension of the Highway Trust Fund. Indexing Customs user fees to inflation would raise \$4 billion over ten years. Customs and Border Protection (CBP) collects user fees to recover certain agency costs incurred for processing, among other things, air and sea passengers, and various private and commercial land, sea, air, and rail carriers and shipments.

NTEU supports increasing Customs user fees to fund the hiring of additional CBP Officers as identified by CBP's Workforce Staffing Model and indexing Customs user fees to inflation. NTEU believes that any additions to the Customs User Fee Account should be properly used for much needed CBP staffing and not diverted to unrelated projects. Attached is a letter that NTEU sent to the full Senate opposing indexing of Customs User fees to fund a multi-year highway bill. We will continue to push for increases in Customs user fees that will be used to provide additional CBP staffing.

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Agriculture Specialists to be Issued Tablets

In the last edition of In The Loop, we informed you that CBP provided NTEU with notice that the agency intended to issue "ruggedized" tablets to all CBP Agriculture Specialists. Recently, NTEU and CBP have reached agreement on the implementation of the agency's proposed issuance of tablets to Agriculture Specialists. The tablets will provide Agriculture Specialists with handheld mobile inspection processing capability, which will allow for immediate access to the applications, databases and reference materials necessary for real-time query, processing, and verification capability.



NTEU and CBP have negotiated an MOU regarding the agency's issuance of the tablets. Its highlights include:

- All impacted bargaining unit employees will receive in-person training sessions on the use of the tablets and the Exam Findings Mobile application.
- Bargaining unit employees will be given thirty (30) minutes of duty time after the training session in

order to further familiarize themselves with the tablets. Bargaining unit employees may request additional duty time for training and/or familiarization with the tablet, and the Agency will not unreasonably deny such requests.

- Bargaining unit employees who are unable to use their tablets on a given day will be given a loaner tablet or be required to use an alternative process (i.e., desktop computers).
- Bargaining unit employees will not be required to check their e-mail or perform work functions using the tablets while not on duty. CBP will also not remotely activate the tablet's camera to monitor or view an employee, nor will the Agency use the tablet to monitor or track an employee's location and/or start/stop times.
- In addition to the tablet, bargaining unit employees will also receive a charger and a carrying accessory (e.g., hand strap, shoulder strap or belt holder). ★★★

FEGLI Insurance Premium Rate Changes and Open Season Announcement

The U.S. Office of Personnel Management (OPM) has announced select Federal Employees' Group Life Insurance Program (FEGLI) premium rate changes starting January 1, 2016. Additionally, OPM will be holding a FEGLI Open Season from September 1-30, 2016.

Authorized by law, FEGLI is a life insurance program for federal and postal employees and retirees. OPM is charged with administering the program and setting premiums, and contracts with Metropolitan Life Insurance Company (Metlife) to provide the insurance coverage. In Fiscal Year 2013, over 75,000 death and dismemberment claims were paid, totaling \$2.7 billion in benefit payments.

Effective January 1, 2016, FEGLI premium rates will change for certain types of coverage in certain age bands. Please note, there will be no change in premium rates for Basic Insurance for current employees. There will be premium decreases for coverage levels for many age bands under Coverage Options A, B, and C. However, there will be premium increases under Option B for those in the 80 plus age band, and for individuals in any of the age bands above 70 under Option C. Some participant premium rates will stay the same under Options A, B and C. For retirees, premium rates will also register a mix of holding steady, increasing and decreasing, but there will be an increase in premium rates for individuals who have selected Post-Retirement Basic Insurance with a 50% Reduction and No Reduction. Please use the included attachment to review specific coverage levels and associated premium rates. For information on the overall FEGLI program, [CLICK HERE](#).

Additionally, OPM has announced a FEGLI Open Season that is to be held September 1-30, 2016.



During the month of September 2016, federal employees will be able to enroll in FEGLI (including those who previously turned it down) without a Qualifying Life Event or taking a physical exam, and to increase overall insurance coverage levels. Unlike the annual health insurance (FEHBP) and Flexible Spending Account (FSA) Open Season, FEGLI Open Seasons are rare, with the last one occurring in 2004. Any coverage changes made under the September 2016 FEGLI Open Season will take effect October 1, 2017, as stipulated under existing law and regulations.

While we recognize that some federal employees will see decreases in their FEGLI premiums, NTEU understands that some participants will experience increased premium rates, which may be a hardship. Please research your personal impact in advance of the coming changes in 2016, and be sure you are aware of, and make use of the FEGLI Open Season opportunity. There may be individuals who would not be able to enroll in FEGLI via a physical exam, who will now be able to do so.

NTEU will continue to keep you updated on FEGLI, and on all other benefit program changes. ★★

NTEU NATIONAL ISSUES UPDATE

OIT On-Call MOU

On August 8, 2014, former NTEU President Kelley sought input from bargaining unit employees in anticipation of NTEU's decision to renegotiate the OIT On-Call Memorandum of Understanding (MOU) signed by NTEU and CBP in August 2012. On October 17, 2014, President Kelley informed NTEU chapters that NTEU sent CBP initial proposals. NTEU and CBP have now reached agreement on the MOU. The major changes in the new MOU are as follows:

- Bargaining unit employees will not be required to be on-call for any period in which an employee has their leave approved prior to the on-call list being disseminated to bargaining unit employees.
- On-call weekly intervals will now start on Monday mornings at 0600 instead of Wednesday mornings at 0600.
- Bargaining unit employees who are on-call may be granted an alternate reporting location outside of the 2 hour radius from their home if: (1) there is an alternate reporting location within 2 hours of an employee's on-call area of responsibility; (2) the new location provides equal or better support to the mission compared to the employee's normal duty location; and (3) the employee has all required access and equipment available at the alternate reporting location.
- Should a bargaining unit employee be required to perform on-call duties between the hours of 12 AM – 5 AM, CBP shall approve, solely at the employee's request and choice, unscheduled leave or leave without pay for the duration of the employee's next shift.

NTEU's bargaining team consisted of Annie James (Orlando), Mike O'Brien (Buffalo), and Blake Thomas (Great Falls/Denver). ★★★

Legacy Customs 6101 Litigation



The Federal Labor Relations Authority has rejected another attempt by CBP to overturn an arbitrator's decision to pay legacy Customs officers back pay because of CBP's failure to comply with federal scheduling laws.

CBP has refused to comply with final legal determinations concerning its failure to schedule legacy Customs employees consistent with 5 U.S.C. 6101 (6101).

A decision from the Federal Labor Relations Authority (FLRA) has been issued rejecting another attempt by CBP to avoid having to back pay deserving Officers because of its scheduling failures. In this latest decision, the FLRA rejected CBP's arguments either because CBP failed to first make these arguments to the arbitrator or because CBP did not establish extraordinary circumstances warranting the FLRA to change its previous decisions on those arguments that were presented to the arbitrator.

NTEU has filed an Unfair Labor Practice (ULP) charge with the FLRA over CBP's refusal to comply with the underlying arbitration back pay remedial award and in January will be seeking a finding from the arbitrator that CBP has failed to comply with the remedial award in order to buttress our ULP charge.

I will continue to provide you further information on whether or not CBP will follow the law and implement the arbitrator's remedial award.

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Implementation of CBP Phased Retirement Update

On July 6, 2012, P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21), was signed into law. Section 100121 of P.L. 112-141 provides authority for a new phased retirement option for certain federal employees. On August 8, 2014, the Office of Personnel Management published the final rule to implement phased retirement.

The phased retirement program allows retirement-eligible federal employees in CSRS or FERS to gradually phase into retirement at the end of their careers, by working part-time and fulfilling a required mentoring component, with certain stipulations. Eligible employees will receive income from their part-time salary as well as from a prorated defined benefit pension.

Employees with mandatory retirement ages are not eligible to participate in the program. NTEU, however, was successful in ensuring that those Customs and Border Protection (CBP) Officers who were hired before July 6, 2008, and who are exempt from a mandatory retirement age, are not excluded from phased retirement.

The Department of Homeland Security (DHS), in its initial draft policy on the implementation of the phased retirement program, excluded eligible CBP Officers from participating in the phased retirement program. NTEU contacted DHS to urge reconsideration of this decision and allow for the implementation of phased retirement for eligible CBP Officers at the ports of entry.

NTEU recently received a letter from the DHS Under Secretary of Management agreeing to NTEU's position and removed language from the current draft policy on the implementation of the phased retirement program excluding eligible CBP Officers from participating in phased retirement. ★★★

NTEU NATIONAL ISSUES UPDATE:

'Level 3' Surveys

Recently, CBP, OTD Field Office Academy provided notice to NTEU, pursuant to Article 26, Section 16 of the parties' collective bargaining agreement, that it intends to distribute a survey to CBPOs, Import and Entry Specialists after the bargaining unit employees complete training to gather data on the effectiveness of the training programs. CBP intends to send the surveys to bargaining unit employees 3-6 months after completion of the training to assess the transfer of learning to on-the-job behavior. The surveys are voluntary and anonymous, and will be conducted during duty hours. ★★★

Agriculture Resource Allocation Model

CBP briefed NTEU on the results of its risk-based Agriculture Resource Allocation Model (AgRAM) which is "an analytical decision support tool developed by CBP to calculate CBP Agriculture Specialists' (CBPAS) staffing requirements for each port of entry (POE) based on data-driven analysis of the volume and composition of arrivals." According to CBP, the Fiscal Year (FY) 2015 AgRAM calculates that the agency needs to hire 723 additional frontline CBPAS and supervisors to address current workloads.

NTEU worked with House appropriators to get report language in the House version of the FY 2016 funding bill that states: "With CBP's recent release of its risk-based Agriculture Resource Allocation Model (AgRAM), the Committee is concerned about how CBP plans to fulfill its agriculture quarantine inspection (AQI) mission with current staffing levels. CBP is directed to report back to the Committee within 90 days of enactment of a plan to address these staffing needs to meet its AQI mission to protect U.S. food, agriculture, and natural resources." NTEU will continue to work with Congress and the administration to secure increased funding to hire the needed 723 CBPAS. ★★★

President Issues Alternative Pay Plan for CY 2016

On August 28th, the President sent Congressional leaders a formal letter transmitting an alternative pay plan for the calendar year 2016 pay raise for federal workers in the General Schedule. Under current law, absent congressional action to establish a pay raise, the annual, across-the-board pay raise for most pay systems is set automatically using a formula tied to the Department of Labor's Employment Cost Index (ECI), which measures the rise in private-sector pay. However, the law also provides the President with the ability to set a different pay raise amount, which is required to be transmitted to Congress by September 1st of the preceding calendar year. The White House has set the across-the-board raise for 2016 at 1.0%, and plans to provide 0.3% for increases to locality pay rates for a total average pay increase of 1.3%. The White House announced today that the specific plan for locality pay increases will be released to Congress, as is required by law, prior to December 1st. Earlier this year, the President's Fiscal Year (FY) 2016 budget proposal to Congress included a total 1.3% pay raise for federal employees for 2016.

Congress has not finished its work on the various FY 16 appropriations bills needed to fund federal agencies starting on October 1st. It is possible that Congress could still act on a different pay raise amount through the

remaining appropriations process—which could include blocking a pay raise entirely. So far this year, Congress has remained silent on a pay raise, which would allow the President's Alternative Pay Plan announced today to become law. Congress has again included needed language in its appropriations bills to ensure that wage grade employees receive the same pay raise that is ultimately provided to employees covered by the General Schedule.

NTEU recognizes that overall federal employee pay has risen only 2% in the last five years, compared to an increase of 8.3% in average private sector wages. It is a positive step to restart increases to locality pay after five years, however, the amounts are far too low. You not only deserve a higher across-the-board adjustment and locality pay raises, but economic data also reveals increases in private sector wages and bonuses, meaning agencies will struggle even more to recruit and retain skilled workers as our economic recovery continues. We will continue to press Congress to act on the NTEU-supported FAIR legislation that would provide a 3.8% raise. NTEU is focused on getting you fair pay, and will keep you updated on all administration and congressional actions through the end of the year that affect your pay. ★★



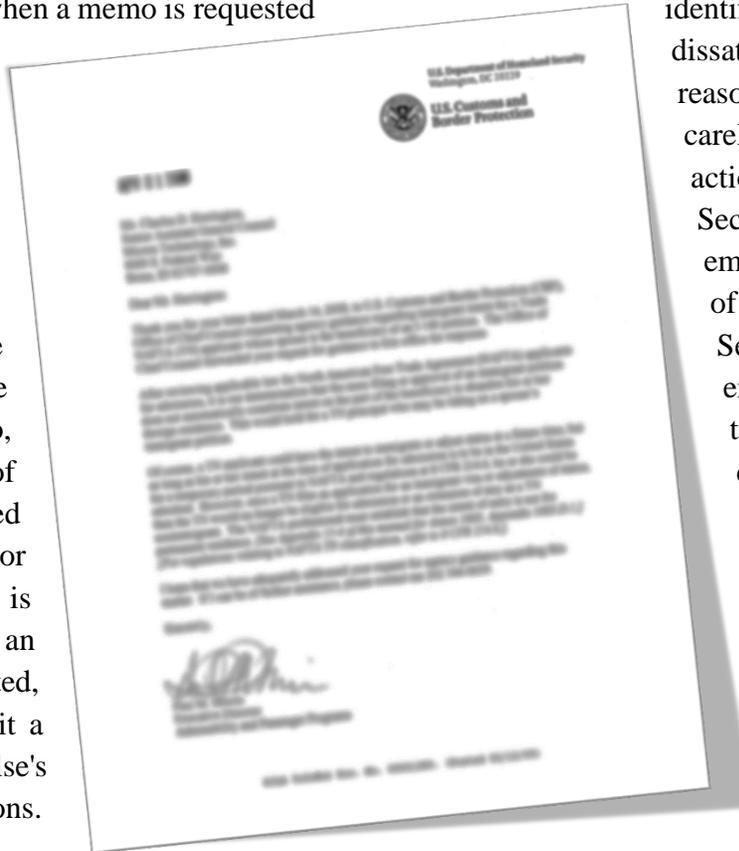
WE WILL NEVER FORGET

NTEU honors the memories of those who perished and the families who continue to mourn the loss of loved ones.

"I NEED A MEMO"

By Roger Amodio, Airport Vice President

In the last edition of the In The Loop newsletter, Border Vice President David Wood gave us great advice on what to do when a memo is requested from a manager in his "Quick Tips" article. The advice he gives... "Immediately contact a Union Steward and have them help you write the memo" is very important. At times, the employee may not see the importance of this memo, nor see what may result of how this memo may be used as evidence of misconduct or a possible violation. This is especially true when an employee is requested, ordered or asked to submit a memo about someone else's alleged misconduct or actions.



We can all agree that the request of a memorandum is appropriate and necessary in many situations, especially when this employee is the subject of an alleged activity or supposed misconduct. However, there are also situations where these requests are seen as unnecessary. Basic communication and leadership skills could resolve issues at the very onset without the intimidation and timeliness issues that arise from the request of a memo. And the situation gets a little dicey when an employee is asked to provide memorandum regarding the actions of another, as a third party witness, so to speak.

Many of you may be familiar with Article 31 (Employee Rights) in the Collective Bargaining Agreement, particularly Section 9A. This section gives an employee the right to be notified of a written complaint received by management. A complaint for the purpose of this section

is defined as a written statement, including any oral complaints reduced to writing by the Agency, by an identified complainant indicating dissatisfaction with an employee by reason of conduct, appearance or carelessness or propriety of an action taken by the employee. Section 9B indicates that an employee shall be furnished a copy of this complaint upon request. Section 9C then affords the employee a reasonable amount of time to properly respond to this complaint in full to management.

Now, for years CBP and NTEU have had different interpretations of many articles of the contract. This is definitely one of those.

The key phrase in question is **identified complainant**. CBP management and Labor Employee Relations (LER) do not believe that a CBP employee fits the definition of an identified complainant. Therefore the subject of alleged misconduct is not entitled to the complaint submitted by this individual (a CBP employee), even if this information is to be used to substantiate discipline assessed by management.

CBP and their managers stand by their belief that an identified complainant could never be an actual employee of the Agency. A recent request for information by an employee regarding a memo from another employee yielded this response: "In the spirit of the contract Article 31 Section 9 refers to external customer complaints (traveling public, brokers, and other stakeholders)." Management denied our request. *Continued...*

On the other hand, we do not see how CBP came up with this interpretation. To us, an identified complainant is an identified complainant. It is an individual who produced information, plain and simple, against an employee. It is difficult for us to understand where the "spirit" of the contract language denotes "external" complaints only. NTEU has been informed that CBP will always have this interpretation, therefore will continue to deny information from fellow employees until this contract article is changed.

So where do we go from here? Why does CBP strongly maintain this stance? Many CBP employees believe that management uses this as the excuse, or an out. Now the subject does not get the chance to fully understand what the exact complaint is and how to respond to it. Perhaps management may also be concerned about the future relationship between the two employees involved. This can become a dicey situation.

On occasion, the "third party witness" is unaware that a memo he or she submits to management may contribute to another's disciplinary action. We reasonably understand that some actions may be egregious in nature, and the witness has an obligation to report an incident. But in cases that are administrative in nature, memos are ordered to bolster management's argument that there is misconduct. The witness employee is now uncomfortable and leery of what has happened. Now there are trust issues with both management and fellow employees. Later, down the road, the Union will most likely request and receive this information if discipline in the form of suspension is proposed.

But, in the meantime, please always follow the advice given by Mr. Wood in the last issue. It is always in your best interest to have a representative from the Union at your back. ★★★

NTEU CHAPTER 173

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Help Wanted

NTEU Chapter 173 is looking for Stewards.

Unfortunately, those serving as union leaders can only do so much. That is why we need you to volunteer to become a union steward.

There are lots of good reasons to become a union steward, whether you like to get involved in grievances, negotiations, arbitrations, employee meetings, or information gathering & analysis. No matter the reason, we have something for you.

If you want more AWS, we need your help! If you want more Telework, we need your help! If you want to resolve the issues in your duty station(s), we need your help!

If those aren't enough reasons to step up and become a leader amongst your peers, here are some other reasons we hope lead you to think about getting involved.

NTEU Sends Letter Urging Elimination of Upcoming Tax on Health Insurance Plans

On September 9, 2015 NTEU sent a letter urging co-sponsorship and support for H.R. 2050, the Middle Class Health Benefits Tax Repeal Act of 2015. This bill would eliminate an excise tax on health insurance plans that is currently scheduled to go into effect in calendar year 2018.

Under the Affordable Care Act, a 40% tax will be applied to health insurance plans when total premiums exceed certain annual limits. The dollar limits are linked to inflation, and for years 2018 and 2019, are indexed to the Consumer Price Index (CPI) plus one percent. The health plan excise tax was originally scheduled to take effect in 2013, but was delayed by five years over widespread concerns of its impact on health plans and enrollees.

While individuals will not be directly taxed, the concern is that employers and issuers will respond to the tax by considering raising the enrollee share of premiums, and



- It is a chance to help co-workers;
- You will learn how things are really done and how the law, rules, regulations, contract and arbitration decisions affect your work environment;
- It gives you a chance to see how bad managers operate as well as good ones;
- You get to exercise your problem-solving and team work skills;
- It gives you more visibility among co-workers and management;
- It is an opportunity to try and put your values and perspectives into action; and
- It is a leadership opportunity.

If you're interested, please send an email to Chapter President Ryan Gibson. Upon the conclusion of the BR&P placements, the NTEU Chapter 173 Executive Board will review the list of names to a make final decision. ★★★



by increasing deductibles, copays, and other out-of-pocket costs. Additionally, since the excise tax is determined solely by premium cost, and not the quality or actuarial value of a plan's benefits, it will unduly impact plans that cover higher numbers of older individuals, sicker individuals, women, and those living in higher-cost areas and working in high-risk occupations.

The FEHBP will not be immune from the excise tax, or from its effects on enrollees. Federal employees are already shouldering ever-rising premiums and out-of-pocket costs, without this added burden.

NTEU strongly supports H.R. 2050, and other efforts to stop this tax. Take Action online at: www.nteu.org to see what you can do to support this measure. ★★★