

Ask For Representation...

You must under the contract

You may not be aware of this... Under the Contract, in order to have Union representation, you must ask for it.

We cannot claim that management violated your right to Union representation if you don't ask for a union representative to be present. Under some circumstances the manager who is conducting the interview/discussion must tell you that you are entitled to representation, while in some cases, they don't.

IN ALL CASES, ASK FOR A UNION REPRESENTATIVE TO BE PRESENT! It's your right under Weingarten. If desired, cut out the card on this page and keep it in your wallet. If management calls you into the office to ask you questions that in any way

WEINGARTEN RIGHTS

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my NTEU representative or steward be present at the meeting. Without representation, I chose not to answer any questions."

can cause you to be disciplined or terminated, pull out this card and you can either hand it to the manager, or recite what the card states.

If a union steward is not present at the moment, you are allowed to postpone the meeting with management personnel to allow you time to locate a representative. You can find a list of stewards at: www.nteu173.org. ★★★

NTEU Encourages members to take the Federal Employee Viewpoint Survey

The 2015 FEVS is being sent to a random sample of more than half of the CBP workforce. Your supervisor should give you duty time to complete the survey between now and June 8. The e-mail comes from evhs@opm.gov.

Last year, the Department of Homeland Security (DHS) ranked last among the large agencies and has ranked near the bottom since its inception. CBP (and DHS) continue to put together committees and work on its communication strategy in order to address the low scores it has been receiving from employees on the survey. At CBP's request, NTEU and CBP have been collaborating on a "Deep Dive" initiative to

implement a series of recommendations developed by 20 NTEU chapter presidents and 20 CBP managers. By any standard, progress has been slow. During this process and at our Labor-Management Forum meetings, NTEU has told CBP (and DHS) repeatedly that the best way to improve employee morale is by complying with the agreements it negotiates with NTEU and applicable law.

With this in mind, NTEU is urging employees to take the survey and respond frankly about the impact of inadequate pay raises, budget cuts, training reductions, increased workloads and management actions regarding your work life.★★★

Quick Tips

By David Wood

People often ask how to handle various situations that occur at work and I wanted to just give a brief overview of how to handle certain situations that seem to arise more than others.

Safety Issue – If you notice a safety issue, compose an e-mail and send it to the Supervisors in your Area of Responsibility and cc: the [Safety Officer](#). It then becomes the responsibility of the Supervisor to act on that safety issue. When you cc: the Safety Officer they will ensure that the issue is followed up on.

Union Issue – If you have an issue which you believe to be a Union issue, please bring it to the attention of a Supervisor and attempt to have it handled by them on the spot. If you feel it isn't being handled, or is being handled improperly, contact a Union Steward, and let them know the whole story, they will then take the appropriate actions to handle the situation.

Requested Memo – Immediately contact a Union Steward and have them help you write the memo.

Meeting with a Supervisor – If a Supervisor calls you into the office and you have no idea why, ask them if you need a Union Steward, if they say yes, then contact a steward. If they say no, let a union Steward know that you may need them, and if the meeting takes a turn that may lead to discipline, stop the meeting and get the Union Steward.

Work Injury – If you are “injured” on the job, let a Supervisor know immediately. If you need immediate medical attention have a Supervisor complete a CA-16 and seek medical attention. If you do not require immediate medical attention, complete an electronic CA-1 and seek assistance from the [Injury Compensation Coordinator \(ICC\)](#). The ICC will guide you through the process. Things to remember: If you miss any time



because of the work related injury, you will be reimbursed any leave. If it's within the first 45 days, you want to ensure that you complete an OPM-71 for the time lost. You will request “Other Leave” and indicate in the information area “Please code 67 (COP) for a work related injury”. Follow up and ensure that COSS shows your leave coded as 67 for that lost time.

Leave Issue – If you need leave, request it through your immediate Supervisor, unless it is needed immediately and your immediate Supervisor is unavailable, then request it through any Supervisor. If they deny it, they must give you a reason. If they are understaffed, you can check it via the PP schedules in the “S” drive. If you need a week for a specific reason and the Supervisor denies it, request it from the Chief, while cc'ing the Supervisor that denied it. This is keeping them in the loop and by letting them know, you are following your chain.

There is an obvious common thread in most issues; the fact that the first place you should start is your immediate Supervisor. It is their responsibility to handle most issues that arise, and they should always be given the chance to solve issues first. Doing this can lead to better relationships with your Supervisors as they become confident that you will keep them in the loop and therefore allowing them to assist you as a first course of action. ★★★



NTEU NATIONAL ISSUES UPDATE:

Body Worn Cameras

At a cost of approximately \$1,000 per camera, CBP will be testing the concept of CBPOs wearing cameras when performing their job duties. Initial testing has been conducted at the CBP Field Operations Academy (FOA) to be followed



by testing in the Seattle Field Office. It appears that CBP's decision to require Officers to wear cameras is motivated more by pressure from public interest groups rather than the misapplication of CBP's use-of-force policies by officers represented by NTEU. ★★★

Polygraph Examinations & the Anti-Border Corruption Act of 2010

CBP and NTEU have held their second mediation session regarding the issue of the use of polygraph examinations with the Federal Mediation and Conciliation Service (FMCS) which is assisting the parties in their negotiations. CBP had previously notified NTEU in 2012 that pursuant to the Anti-Border Corruption Act of 2010, it would be administering polygraph examinations to current employees who apply for CBP law enforcement positions. NTEU has agreed to post-implementation bargaining so as to enable employees who choose to risk the polygraph examination to apply for the CBPO position. The main areas of dispute are over NTEU's proposals to allow an NTEU representative to attend the polygraph sessions if requested by the employee applicant and to allow a second polygraph examination for an employee who fails the initial examination. ★★★



Seized Property Specialist Position

At NTEU's request, CBP has agreed to update the Seized Property Specialist (SPS) position description (PD) as it was last updated in 1996. In November 2014, four NTEU-selected members that occupy the SPS position convened a workgroup with management to update the PD. Since then, CBP has issued an updated PD and conducted a grade review. While the initial grade review had the position still classified at the GS-11 level, NTEU plans to appeal the classification and is currently working with members in the bargaining unit to do so. ★★★

OIT On-Call

NTEU has invoked its right to reopen the On-Call MOU to alleviate some of the issues that have been presented by bargaining unit employees while on-call. This includes employee area coverage, on-call scheduling, and clarification to rules and regulations concerning on-call policies. Bargaining had been scheduled for early March, but due to Congressional budgetary issues, the agency cancelled the scheduled dates, and new dates are currently being scheduled. ★★★

OFO - Issue Tablets to Agriculture Specialists



CBP's, Office of Field Operations, Agricultural Programs and Trade Liaison notified NTEU that it intends to issue "ruggedized" tablets to all

CBP Agriculture Specialists in calendar year 2015. The tablets are intended to provide Agriculture Specialists with handheld mobile inspection processing capability, which would also allow for immediate access to the applications, databases, and reference materials necessary for real-time query, processing, and verification capability. The parties are currently bargaining over the impact and implementation of the agency's decision to issue the tablets. ★★★

NTEU NATIONAL ISSUES UPDATE:

CEE Implementation of Phase II Accelerated Roll Out

CBP began the Phase II expansion of the CEE process at the following three Centers: Electronics; Petroleum, Natural Gas & Minerals; and Pharmaceuticals, Health & Chemicals. Under the expansion, these three Centers will assume trade authority for post-release trade processes of entry summaries for respective industry tariff lines filed in certain Ports of Entry.

At the same time that Port work is transitioned to these three Centers, a corresponding level of trade staff at these locations will be transitioned to the Centers to support Center operations. Attached to this memorandum is further information on this expansion including the Ports included in Phase II of the operational expansion, the name of the Centers and the Center team codes that will be used.

Entry summary filing procedures and document submission processes will remain the same for brokers and importers while the initial intake of trade documents will continue to occur at Ports of Entry. There will be no changes in document submission requirements. Inasmuch as employees transitioned to a Center will still be required to perform some trade work at their physical location, CBP represents that Port and Center management will collaborate and coordinate assignments in an attempt to achieve an equitable distribution of work.

NTEU is continually monitoring and addressing issues that arise as a result of the CEE Expansion. Please reach out to your NTEU stewards and let us know about any issues, concerns or questions you may have. ★★ ★

RNIAP Remedial Order - Adverse Decision

An arbitrator has issued an adverse decision on the RNIAP national grievance regarding the agency's failure to reinstate local scheduling policies/practices pursuant the Arbitrator's remedy ordering CBP to return to the status quo ante.



Following the Federal Labor Relations Authority's 2011 decision to uphold the Arbitrator's decision in the 2005 RNIAP grievance, NTEU sought for CBP to return to local scheduling policies/practices (status quo ante) as ordered by the Arbitrator. The agency refused and NTEU requested that the Arbitrator, under his retained jurisdiction, find that CBP has violated the Arbitrator's ordered remedy. NTEU and CBP briefed the issue to the Arbitrator. Unfortunately, the Arbitrator found that CBP was not in violation of the ordered remedy. (A copy is attached) The Arbitrator found that because the parties entered into the 2011 CBA, and the CBA contains a scheduling article (Article 34), the dispute regarding the agency's need to return local scheduling policies/practices to the status quo ante is now moot.

This decision, however, does not affect the other remedy that was part of this case, i.e., the back pay remedy that was ordered by the Arbitrator. Currently, that aspect of the case is pending before the Federal Labor Relations Authority after the agency filed exceptions to the Arbitrator's favorable decision that addresses the appropriate back pay remedy as a result of NTEU's successful RNIAP litigation. ★★ ★

House Approves Bill to Allow CBPO's to make Penalty-free Withdrawals from Their TSP

The House approves H.R. 2146, a bill to allow CBP Officers, among others, to make penalty-free withdrawals from their TSP after the age of 50 under the “separation of service” exception.

Last evening, the House approved a bill to amend the Internal Revenue Code of 1986 to allow federal law enforcement officers, federal firefighters, federal air traffic controllers, and federal CBP Officers, to make penalty-free withdrawals from their TSP plan after age 50, after separating from service.

Under current law, a distribution from TSP, or other 401(k)-type plans, to a participant under age 59-and-one half is subject to an additional 10 percent tax unless an exception applies. An exception currently applies to distributions made to a participant who separates from service at or after age 55—the “separation of service” exception.

Hands Off My G Fund!

Among the draconian proposals contained in the House budget plan is a drastic one that would cut the return on the Thrift Savings Plan's G fund.

That's right, the G Fund -- the least risky option in the TSP where 43 percent of plan money is invested. Certain lawmakers want to amend the interest rate to a 3-month maturity from the current four-year average. NTEU believes that any change to the G Fund interest rate would effectively remove the only safe harbor in the TSP. That's because the proposed change would render the fund virtually worthless.

“Federal employees’ pension benefits have been under constant attack, and Congress recently acted twice to raise new employee contributions,” said President Colleen M. Kelley. “This latest volley to change a carefully crafted fund in the TSP will have severe consequences for federal retirees.”

HR 2146 expands the “separation of service” exception to age 50 for most federal employees who are eligible to



retire at age 50 with 20 years of service, including federal law enforcement officers, federal CBP Officers, federal firefighters, and federal air traffic controllers. This will allow CBP Officers and others with early retirement, to access their TSP accounts without penalty if they meet the requirements and retire before they reach age 55. The changes made by the House-passed bill would be effective for distributions after December 31, 2014.

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If the fund's interest rate is significantly lowered, more than 4.2 million G Fund participants will be facing another retirement benefit cut. It will leave them contemplating pulling their money out of the TSP entirely or selecting riskier funds.

Even the Federal Retirement Thrift Investment Board, which is in charge of administering the plan, thinks the proposal is a terrible idea. Kim Weaver, director of external affairs for the Investment Board told a media outlet that under the proposal the G Fund would be worthless to TSP participants.

Angry yet? Tell Congress to not reduce the investment value of the G fund in the TSP.

Make your voice heard by logging on to NTEU's Legislative Action Center at www.nteu.org to send your message to Congress. ★★

NTEU Leaders Gather for National Training

From April 14-16, 2015, NTEU Leaders took part in the annual NTEU Training Conference.

Each year every Chapter decides who shall be sent to the training in hopes of getting the training to the Union Officers and Stewards that will come back to their port's and incorporate what they've learned into action, representing their chapter's members.

NTEU Chapter 173 brought forward some of its best stewards to interact with other NTEU leaders. Attending this year was President: Ryan Gibson, Executive Vice President: Robert Holland, Vice President – Border: David Wood, Vice President – Trade: Youssef Fawaz, Secretary: Sean Gibson, Treasurer: Kristi Miller, Chief Steward (3801): Timothy Gies, Chief Steward (3807): Tom Watson and the following stewards: Jason Lagrand, Shawn Coogan, Kelly Rende, Mike Berney, Bryan Miller, Reid Sullivan, Bernard Richards, Joseph Piraneo, Jim Lueck and Lino Bugeja.

This year was extra special as it allowed the CBP chapters of NTEU to say goodbye to NTEU's longtime leader, Colleen Kelley. After nearly 16 years as NTEU's National President, she has decided not to seek an additional term as the National President. This year's training was filled with emotion as Colleen provided insight into her 16 years of leadership for this great organization. In addition, this year's training had (for the first time in many years) a congressionally approved Commissioner, Mr. Kerlikowske, provided a frank and open dialogue with NTEU leaders about the future of CBP during the opening session.

After the opening session, participants were separated into one of three training tracks:

1. Seminar, or President's track;
2. Advanced (for experienced Stewards); or
3. Stewardship (for new Stewards).

With each training track being structured to the level of those attending, participants received training on

legislation, labor law, duty of fair representation, communications, chapter administration, overall

contract issues (very important as NTEU begins bargaining the new collective bargaining agreement), communications, light duty, weapons removal, fit for duty, grievance handling, discipline case study, oral replies case study, labor law, Q&A Session with the National President (for the President's Tract), Stewardship Training (How to effectively be a Steward) and various contract articles that arose during discussions. As you can see, the training provided a ton of insight and knowledge to those who attended and we hope that they left this training with the necessary skills that are required to provide benefits to our members of NTEU Chapter 173. ★★

NTEU CHAPTER 173

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