

## Nameplate Concerns

In a recent email, NTEU Chapter 173 provided you with a summary of a recently held meeting by the NTEU-CBP Uniform Committee. As a result of that email, NTEU Chapter 173 has been receiving numerous emails from uniformed employees expressing their views on why they believe the wearing of a nameplate on any outerwear item, to include the outer carrier, is not a good idea. In addition to expressing their personal views, they have asked what NTEU is doing about this decision.

In January of 2000, NTEU filed a request for assistance with the Federal Service Impasses Panel (FSIP or Panel) to consider a negotiation impasse over the Agency's proposal to require then Customs Inspectors to wear name plates with their legal last names.

During the hearing, the Agency took the position that instituting a requirement that uniformed employees wear name plates displaying their legal last name was consistent with recent policy changes (at the time) directed toward creating and projecting a highly professional law enforcement image that evokes respect and confidence in the public and Congress. The wearing of names plates, in the Agency's opinion, also goes along with new measures (at the time) to improve relations with the public that include informational pamphlets and comment cards at the inspection sites, customer surveys, and revised search procedures.

The Agency went on further to state that the use of name plates is the overwhelming practice of other law enforcement agencies. The Agency believed the use of name plates is justified because, at the borders, uniformed employees have authority by law to conduct "intrusive personal searches," detain persons, and seize property without a magistrate's reviewing whether probable cause exists to issue a warrant; at the borders, uniformed employees take such action based on "mere suspicion". "The whole purpose in

wearing a legal last name is so the officer is accountable to the public and acts professionally since he/she knows his/her name is available to the public."



During the same hearing, NTEU presented evidence whereby seventy (70) Customs Inspectors and canine enforcement officers and/or their families had either been threatened or assaulted by passengers they processed as part of their normal work duties. NTEU also offered live testimony whereby an officer and/or their family had been harassed and threatened by members of the traveling public as a direct result of their work for Customs. Evidence was also presented of the many safety alerts issued by Customs over the years. Lastly, NTEU alerted the FSIP to the very real danger that the Internet presents for officers by allowing criminals to obtain a vast amount of personal information solely from knowing the employee's last name.

Nevertheless, the FSIP, agreed with the Agency's rationale in that the use of name plates would not increase the risk of threats, attacks, or other actions against uniformed employees and their families. The FSIP was also influenced by the fact that the predominant practice among law enforcement agencies was to require employees to wear a name plate. With regard to the threat to privacy and access personal information, the FSIP again noted

*Continued on Page 2*

## Nameplate Concerns

*Continued from Pg. 1*

that this risk also applies to other law enforcement agencies and that a criminal would not depend on a name plate to harass or retaliate against a Customs officer. Armed with this analysis, the FSIP concluded that the name plate requirement was justifiable complement to the extraordinary search and detention powers that officers exercise and that such power warranted a greater measure of accountability than afforded by the practice of numbered badges.

While NTEU was obviously disappointed in the result, it is important to note that the name plate

initiative was a priority of then Commissioner Kelly, to such an extent that he publicly stated his willingness to go to Congress if he received an unfavorable response from the FSIP. Nevertheless, under federal labor law, the decision of the FSIP in imposing a negotiated solution on the parties is final and cannot be appealed. Hence, this is why uniformed employees have been wearing name plates on their outermost uniform garment since March 23, 2001.

★★★

## NTEU Holiday Stress Buster a Success

By Robert Holland

The first NTEU Stress Buster has come and gone, and the chapter is happy to report that it was with great success. Overall, we had a great turn out and everyone who was attended enjoyed themselves.

I would personally like to thank everyone who was able to attend and I would welcome any feedback you may have on how the event went. It was great having so many members show and be able to just relax, let loose for a night. Buffalo Wild Wings provided a fantastic venue and the service was amazing as food seemed to come out quickly and drinks were poured often.

The Stress Buster has been something I have talked about wanting to put together for over a year, and it



feels great to have accomplished such an exciting night for the chapters members. In the end we are all family

*Continued on page 3.*

## NTEU Stress Buster a Success

*Continued from pg. 2*

and that's my number one goal for this chapter, to bring us all together on a more personal level. We are all here for each other and will have each other's backs when the time calls for it, so we might as well get to know one another more than just a "hello" in passing at work.

I am proud to work with all of you, even more proud to be able to represent you as the Executive Vice President of this Chapter. I will continue to find ways to bring this chapter together as a whole and to strengthen the bond we all share. In order for that to happen though, I can't do it alone. I need your help. If you were at the event, I need you to share the fun you had and spread the word. If you have pictures, post them on twitter or Instagram using **#NTEUStressBuster**. I would love to see the next

Stress Buster have an even greater turn out. It would be great to see even more members come and enjoy good company.

So please, let us hear from you on ideas for future events. It's safe to say that this will not be the last Stress Buster that the chapter will hold, especially while this E-board is in their respective positions.

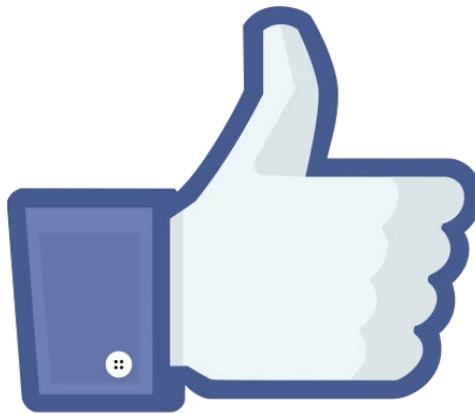
The wheels are already turning and I can say that the excitement is already building for the next NTEU Stress Buster which will be held on Thursday, March 12<sup>th</sup> at the Buffalo Wild Wings in Downtown Detroit.

*Robert Holland is Executive Vice President of NTEU Chapter 173, and is the inspiration behind the NTEU Stress Buster events.*

★★★

## We've Gone Social

The chapter recently embarked on further enhancing the way we communicate with you, our members. We have signed on to social media. Although the chapter is in its infancy stages with this digital media communications platform, we wanted to let you know where you can find us. On Twitter and Instagram, look us up with the handle; [@nteu173](#). You can also find us on Facebook by logging on to [fb.com/nteu173](#).



Please follow and like us on these platforms for up to date info on what our chapter is doing to better serve

you. We are just getting started with this, so we ask for your patience as we start to update our sites with valuable info and news you can use. You can continue to rely on our web presence as well [www.nteu173.org](#) to find a steward, locate the Collective Bargaining Agreement, gain access to documents and communicate with us directly. We are also working on an updated steward access site for our

chapter leaders, which will empower them to better serve you. ★★★

# NTEU Legislative Conference on Capitol Hill

From February 2 – February 5, 350 NTEU members, including a five person delegation from Chapter 173 took part in the annual NTEU Legislative Conference. As in previous years, participants attended workshops, heard speeches from key policymakers, and met with lawmakers on Capitol Hill.

This year's delegation from Chapter 173 included:

- Chapter President, Ryan Gibson
- Executive Vice President, Robert Holland
- VP-Trade/Legislative Coordinator, Youssef Fawaz
- Chapter Secretary/Legislative Committee member, Sean Gibson
- Chapter Steward/Legislative Committee member Joseph Piraneo

“It was important for the chapter to try and to cover all facets of who we represent. We were able to do just that by pulling together a team of dedicated NTEU Leaders from around the chapter representing interests for the various CBP missions we represent. We were able to compliment this by having folks who represent people in trade, at the airport, and the land border that were able to provide members of congress and their staff a firsthand look into our respective missions.” said Chapter President Ryan Gibson.



The conference began on Tuesday morning with an inspiring opening speech given by Senator Mazie Hirono (D-HI). Senator Hirono offered words of encouragement and support for federal employees and deplored the attacks the federal workforce has recently faced. She spoke of the important work performed by the federal workforce and the need to maintain it in order to deliver services to the public. NTEU members then traveled to Capitol Hill for scheduled meetings with their representatives and senators.

On Wednesday during NTEU's congressional luncheon, NTEU members heard from the Chairman,

Jason Chaffetz (R-UT) and Ranking member, Elijah Cummings (D-MD), of the House Committee on Oversight and Government Reform. Representative Jason Chaffetz (R-UT), offered supportive statements on federal pay and a promise of an always open door for NTEU. Representative Elijah Cummings gave a riveting speech, offering his great support and respect for federal employees. Representative Cummings also pledged to fight proposals that could negatively impact



federal employees.

NTEU's annual Congressional Reception took place on Wednesday evening. During this year's reception a number of Congressional members stopped by take photos and meet with NTEU leaders from their state. The reception ended with energizing remarks from Democratic Minority Whip, Representative Steny Hoyer (D-MD) in support of federal employees and retirees. The conference concluded on Thursday with more Congressional meetings and a closing session emphasizing the importance of participating in the legislative process.

NTEU's legislative conference efforts focused on a number of priority issues recommended by members of our Legislative Advisory Committee (LAC) that met in Washington, D.C., in January. [CLICK HERE](#) for fact sheets provided to members of Congress during visits to their respective offices.

If are interested in getting involved with NTEU's Legislative grassroots activities, please contact Youssef Fawaz at [yfawaz@nteu173.org](mailto:yfawaz@nteu173.org). ★★

# A FEW GOOD POINTERS... Communication in the Workplace

By Roger Amodio

**Lt. Kaffee:** “Colonel, I just need a copy of the transfer order...Santiago’s transfer order...for the file.”

**Col. Jessup:** “For the file?”

**Lt. Kaffee:** “Yeah.”

**Col. Jessup:** “Of course you can have a copy. I am here to help in any way I can. You believe that don’t you, Danny...that I will help any way I can? The corporal will take you to personnel and get it for you. But you have to ask me nicely.”

**Lt. Kaffee :** “I beg your pardon?”

**Col. Jessup:** “You have to ask me nicely. I can take the bullets, bombs and the blood. I don’t want money and I don’t want medals. What I want is for you to stand there in that white uniform with your Harvard mouth and extend me some frickin’ courtesy. You have to ask me nicely.”

**Lt. Kaffee:** (after some hesitation) “Colonel Jessup, I’d like a copy of the transfer order. Sir.

**Col. Jessup:** “No problem.”

## Scene from: *A Few Good Men*

COPYRIGHT © 1992 COLUMBIA PICTURES INDUSTRIES, INC. AND CASTLE ROCK ENTERTAINMENT

Ah, the lost art of Interpersonal Communication (IC). I never was a Tom Cruise fan, but you gotta love Nicholson in this movie, and in this scene which places interpersonal communication in the spotlight. I like this scene because both individuals have a particular goal during this conversation. One is making a request while the other simply wants respect.

I could safely say that at least half of the complaints about our workplace deal with interpersonal

© 1992 COLUMBIA PICTURES INDUSTRIES, INC. AND CASTLE ROCK ENTERTAINMENT



communication, and what is said to an employee by a co-worker or manager, and by how it was said. Unfortunately, it is extremely difficult or impossible to formally grieve or dispute interpersonal conflicts.

Ironically, it seems the only time we take real notice of interpersonal communication skills is when the other person “doesn’t have it” or he or she loses it. I call it a lost art because we all take it for granted and don’t really think about it. Everyone may think they are great communicators, but who actually stops and thinks how they communicate with one another. Are we clear (crystal) or is the problem with the “other guy”? Is what I just said subject to misinterpretation? So how do I solve this dilemma with that “other guy”?

A key to effectively opening the IC door may lie in how assertive we are. The communication spectrum goes from being overly passive to being overly aggressive. Assertiveness lies in the middle. So where and how do we determine the happy medium? I have heard the phrases “market yourself” and “portray yourself” when it comes to initiating communication with another. If a request you make is reasonable, being assertive in most cases should not result in a resistive response, even if you did not get the answer you may have wanted. We don’t always see eye to eye on the issue at hand, but the way we speak to each other should be amicable.

*(Continued on Page 6)*

## Communication in the Workplace

*Continued from Page 5*

Hopefully we never get to where the “other guy” builds up a wall and the door fully shuts, and further outside assistance is needed. Unfortunately, that does happen, and we as Union leaders may need to help reopen that door. OK, back to the “other guy”.

Too many times, we are fearful of possible consequences when we should not be. Being assertive means setting boundaries so others know how you stand. It doesn't mean being aggressive or demanding, or attempting to outsmart the “other guy”. That never works for anyone in the long run. It is all about

knowing how far we are willing to go in order to make ourselves respectfully clear. Respect comes with an understanding of the other person and their position, and may take a few takes to fully accomplish. And we don't lose any assertiveness by “asking nicely”.

We may not get our way the first time, but it may lead to better discussion and results the next time. Hopefully, this will help to establish a rapport and trust in the future. In a courtroom situation, an attorney's objection may not be sustained, but it may be “duly noted”. Maybe this “other guy” will understand you are making your best effort to make this work. Then we all may be able to “handle the truth. ★★★

## Chapter Represented on the National Stage... Again!

2014 was a busy year for the chapter's Legislative Committee and their work throughout the year hasn't gone unrecognized. NTEU National President, Colleen Kelley, invited NTEU Chapter 173 Vice President-Trade, and Legislative Committee coordinator, Youssef Fawaz to take part as a member of NTEU's Legislative Advisory Committee (LAC). Committee members met on January 12, 2015 at NTEU Headquarters to discuss NTEU's legislative agenda for the year.

The chapter received word back in November of this consideration. The chapter's participation is major recognition as Chapter 173 was among only one other chapter representing CBP employee's interests nationwide, “It's great that our chapter continues to be recognized for the dedicated work our leaders do in representing our



members.” said Chapter President Ryan Gibson, “I am proud of the time and dedication of our Legislative Committee and that commitment was recognized by the NTEU National leadership in Washington, D.C..”

The LAC consists of 11 leaders representing various agencies. NTEU Representatives, included; IRS, FDIC, SEC, and CBP. The LAC met to discuss NTEU's agenda for the 2015 Legislative Conference, where members nationwide met with and discussed issues with their respective members of Congress on Capitol

Hill. The conference was held in early February, and the chapter sent a delegation to represent our member's interests on the Hill. Chapter 173 leaders discussed issues affecting Federal employee pay, benefits, budgetary issues, and the continuing Sequestration which is expected to continue for several years if Congress does not work to end the Sequester. ★★★

## NTEU'S Junk Yard Dogs Find Millions-Again

Article courtesy of fedsmill.com

Junk yard dogs are famous for never letting go once they sink their teeth into something—no matter how hard the victim struggles and fights back. A good union needs a few of them around, especially the shrewd ones with lots of fighting experience, to deal with the more complex threats—like the one that NTEU ran into soon after September 11, 2001. At that time, the Customs Service made vast unilateral changes in how Customs Inspectors were assigned to shifts, allegedly to boost security. When Homeland Security was formed the Customs and Border Protection Service did the same thing to the CBP Officers. NTEU filed standard ULP grievances, but lost them all. That's when they let the dogs out.

Rather than walk away with their tail between their legs and employees getting senselessly yanked around constantly with last minute shift changes in the middle of the week, union negotiators filed a national grievance charging CBP with violating the requirements of 5 USC 6101. The grievance specifically targeted the management practice of not giving CBP Officers two consecutive days off each week or the same start time each day of the week. Management made it almost impossible for employees to plan for child care or have private



lives -not to mention screwing with their sleep cycles. The union argued that while the law gave management the authority to do that, it first had to develop a detailed economic analysis justifying the move—but CBP had not.

The union took the case to arbitration when CBP failed to make even a weak attempt to settle. In fact, it took the dispute to three arbitrators because when Homeland Security was formed and CBP structured, employees from three pre-existing bargaining units were merged under the CBP umbrella—forcing NTEU to argue the case three times. It has won all three and now the first of those has worked its way through the FLRA exception process.

While CBP threw up a number of arguments in hope of a miraculous, Hail Mary-type, comeback, it lost them all. The most intriguing for anyone pursuing future 6101 disputes is how do you remedy a situation where for the last dozen-plus years management has given employees shifts where their two days off a week were perhaps Tuesday and Friday, rather than consecutive as the law requires? Or when management also had that employee start work at 6 AM Monday and Thursday, 11 AM on Wednesday and Friday and 2 PM on Sunday? The agency argued that so long as the employee only worked 40 hours a week s/he was not entitled to back pay. NTEU's dogs were not about to let agency leaders go without paying a penalty after working for years to

*Continued on Page 8*

## NTEU Finds Millions-Again

*Continued from Page 7*

track them down and pull them out from under the dripping wreck that their defense arguments were. NTEU proposed two simple formulas the agency could use to identify each of its over 15,000 CBP Officers the hours of each day and week going back to about 2002 for which it owes the employee overtime. The formulas are so simple they can be programmed into a computer and applied to the years of time sheets the agency had to maintain until this case was resolved. Simply stated, if the CBP Officer should have worked a 6 AM to 2 PM shift one week, but for two days that week worked an 8 AM to 4 PM shift, then s/he is owed overtime for the two extra hours s/he would not have worked but for the violation of law. If the employee was assigned non-consecutive days off, one of those days should be compensated at an overtime rate because, but for the violation of law, the employee would not have worked that day.

Although this new FLRA decision only covers one of the three 6101 cases NTEU has pursued, it will be interesting to watch what happens next. From what we can see, CBP has no right to appeal further. If it wants to get to court, it will have to refuse to comply, and hope that a federal judge is willing to overturn FLRA as part of an enforcement or contempt proceeding FLRA will likely bring.

However, we are going to keep our fingers crossed that CBP uses this case to work out the first of several settlements involving 6101 and other multi-million dollar cases. Ideally, it finally agrees to sit down with NTEU and end its “All-litigation-all-the-time” approach to labor relations by agreeing on a dollar figure, a very large dollar figure, that compensates through an uncomplicated formula the thousands of employees (and former employees) whose lives were substantially disrupted for more than a decade. CBP had a chance to settle this soon after the litigation began in 2002, and again in 2006 when the 6101



grievances were filed, and again when the arbitrators began ruling against CBP on the 6101 claims, and again when CBP and NTEU sat at a term bargaining table for three years talking about shift assignment practices, and again when FLRA upheld the first 6101 arbitration decision prior to the creation of the remedial formulas, and again any day of the last decade that it wanted to. A settlement at any of those points would have benefitted taxpayers and perhaps helped the miserable morale at CBP or even the high attrition rate. Or CBP can continue to resist and be dragged kicking and screaming to the point where it will likely have to write a nine-figure check to pay for a long-term “kick-the-can-down-the-road” strategy implemented by executives and managers who left long ago. ★★★

**NTEU**  
**STRESS**  
**BUSTER**

**Thursday, March 12**  
more info: [nteu173.org](http://nteu173.org)

**BUFFALO WILD WINGS**  
GRILL & BAR

**1218 Randolph Street | Downtown Detroit**

## Disability Retirement

NTEU has negotiated a benefit with the Harris Law Firm in Lexington, Kentucky, under which NTEU members may obtain representation in a disability retirement claim at significantly reduced rates. The Harris firm is a reputable firm specializing in handling disability retirement claims for federal employees across the country. They claim a 99% success rate during their decade of existence.

NTEU members will receive a discount of 20% or \$800 off Harris' current flat fee of \$4,000. Members will receive an additional 5% discount or \$200 if the fee is paid in full at the beginning of representation, for a total discount of \$1,000 off the regular fee. Members unable to pay in full have the option of making monthly payments in minimum amounts of \$400 for four or eight months. NTEU members will also receive a discount of 20% off Harris' billing for representation in an MSPB appeal of a claim denial by OPM.

By offering this benefit, NTEU is not urging members to obtain professional representation for all disability retirement claims. In many cases, members will be able to establish their disability without paying for representation, especially when the agency supports the claim, or cost concerns may preclude professional representation. Under those circumstances, paying for representation to pursue a disability retirement claim may not be in the member's best interest. But there may be instances where professional representation is worthwhile to the member because they anticipate the claim will be disputed, they want to ensure the claim is properly supported for expeditious processing, and/or they simply want to let experienced professionals handle it. That is why we negotiated this benefit.

In order to provide you with more information about this new benefit, I have attached a brochure provided by the Harris Firm. Their web site address is [www.HarrisFederal.com](http://www.HarrisFederal.com), and their toll-free number is (877) 226-2723, should you want to make contact with Harris. ★★ ★

### 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

**RYAN GIBSON**

Contributing Writer

**ROBERT HOLLAND**

Contributing Writer

**ROGER AMODIO**

Contributing Writer

## NTEU Chapter 173 General Membership Meeting

*April 8, 2015 | 6:00 PM | Location: TBD*

*Open to dues paying members of Chapter 173*