

Introductions:

NTEU Chapter 173 Board Introductions

Robert Holland, Chapter President

Hello Chapter 173! As many of you know, I am Robert Holland. First, I want to thank you for electing me President of the Chapter, it is truly an honor to be here. The journey with the union has been an exciting and effective one in the last 5 years and I hope to continue to build on that success. Second, for those of you who don't know me as well, let me tell you a little bit about myself and why I ran for President of Chapter 173.

I take this position very seriously and understand the full responsibility that it entails. I want to assure you that the chapter has my full commitment when it comes to protecting its members rights. I take pride in this position, everybody deserves to be treated with dignity and respect. I believe that respect isn't owed, it is earned, regardless of what your responsibilities are. I hope over the last 5 years I have earned your respect and looking forward, I understand that I must also do everything I can to continue earning your respect. It's only been a short period of time since I have been in this position, but with that said, there's already been major accomplishments. The BR&P was completed early at the land border and at the Airport, we completed the first Live BR&P with great success. The



land border completed, for a second year in a row, the Live Annual Leave bid. At the trade office we promoted Chewana Lee to being a Chief Steward which has already yielded positive results. Her hard work has opened the door for a 3rd day of telework being approved by an arbitrator.

To make our workplace better is the goal of our Chapter. We are always looking for ways to improve the environment and create a place that people are proud of. I understand, however, that I don't have all the answers, I don't know all the problems. With that in mind, to improve the workplace, I'll need your assistance. If you have issues, please bring them to an NTEU Steward. If you have an idea that you think will make the work day better, pull a Steward aside and explain it to them. If you see me out, pull me aside and we will discuss. I make it a point to be available throughout the port on a daily basis, please don't hesitate to stop me and discuss any issues, that's why I am here, for you. In closing, I want thank you for your support and more importantly to thank you for all that you do on a daily basis.

Jeffrey Marshall, Executive Vice President

My name is Jeffrey Marshall, and I am your Chapter Executive Vice President. You may have seen me in a recent video. I have been an employee of CBP for almost 13 years and have served in a union capacity for almost 7 years. I look forward to taking on new challenges and new experiences.

I recognize the importance of this position. It is my personal goal to represent both the Air and Land portions of our chapter impartially. Additionally, I aspire to aid in the unification of our chapter as a whole. To do so I require

the help of all members. Please keep me informed of matters which need addressing. I can't assist you if I'm unaware of the challenges you're experiencing. Communication will be key in making this a better, safer place for all of us to work.

Improvement in our workplace is the constant goal of this Chapter, and the current Executive Board are the people that do just that. I am very proud of the people with whom I work, and look forward to representing all of our members.

Chapter 173 Receives Favorable Telework Arbitration Decision



Chapter 173 recently received a favorable arbitration decision regarding CBP's failure to allow a Senior Import Specialist to telework three days per week.

In 2014, the grievant, a Senior Import Specialist in the Automotive and Aerospace Center of Excellence and Expertise (A&A CEE) requested to telework three days per week. Management had only approved the grievant to telework two days per week. After finally receiving all required agency-provided equipment, the grievant began teleworking two days per week on March 2, 2015. On March 27, 2015, the grievant submitted a new request to telework three days per week, CBP denied the request. The reasons listed by CBP were that the A&A CEE had not reached its "end state" and was not yet fully operational. CBP also contended that core employees to the CEE were

required to "maintain a presence to support their port with trade issues." Lastly, CBP claimed that it would be "inconsistent and unfair" to approve a third telework day for the grievant.

The arbitrator agreed with NTEU that the agency violated Article 15 when it denied the grievant's request. She stated "[t]he language the parties selected in Article 15 has its foundation in Congressional goals to promote and encourage employee participation to the fullest extent possible in telework while recognizing that productivity and mission accomplishment as corollaries." Regarding the duties of a Senior Import Specialist, the arbitrator found:

"...I am persuaded that the Union has been able to demonstrate convincingly that the position and duties of the Grievant that consists mostly of system work and post-transactional processing are consistent with telework as all or most of these tasks are done electronically. She has successfully performed Agency work by teleworking two days per week for fourteen months without any showing by the Agency that her performance was diminished or the Agency's mission was in some way impaired. There has been no evidence that her duties are likely

to change if she were granted a three-day telework arrangement. Client contact may be satisfied with e-mails and telephone messages and there is no evidence of client complaints or examples that customer questions were left unanswered.”

The arbitrator directed the agency to approve the grievant’s request to telework three days per week.

CBP is required to consider all telework requests on a case-by-case basis. Approval of telework requests

should be consistent with successful performance of the agency’s work. As the arbitrator succinctly stated, “evaluating requests by an eligible employee to telework, is therefore a balancing of interests of the employee’s quality of work life, productivity and performance, and the Agency’s mission accomplishment. It represents an investment in the wellbeing of both the employee and the organization.”

NTEU National President Stops by Detroit

By Robert Holland



This last month National President Tony Reardon visited Detroit and met with the Chapter E-Board. It was great to have some personal conversations with President Reardon and get to know him as a person, rather than someone that you just see giving speeches. I personally walked away from our day long meetings feeling as if I not just met with the President, but met with a new friend. He was very personable and very knowledgeable about what was going on at the Port of Detroit. It was also great timing because we were able to discuss the settlement that is coming soon and get some clarity and more information about what went on during the negotiations. (For more information

about the Settlement, visit NTEU173.org under “Latest News”) Since this was set up to be more of an informal meeting as President Reardon did not have the time to tour the port, it was a great opportunity for the entire E-Board to introduce themselves to him and get to know him as well. Each had an opportunity to discuss issues that were close to the work group they work in and receive feedback on how to handle them. President Reardon was very impressed by the representation of the E-Board and could see the bond that we have and the dedication that we all share for

the Chapter. He was very confident that the Chapter was in good hands and was excited for what the future had in store. To top off the afternoon, I was even able to get a burger named after NTEU added to the menu at



Briggs Detroit in honor of his visit. I think the Chapter was able to leave quite an impression in such a short period of time with him.

While President Reardon was not able to tour the port, after our visit, he was very excited to come back and join in on one of our Stress Busters! In fact we are booking him to come back for the Summer Stress Buster in 2017 so keep an eye out!!

Chapter Recognizes Steward Lino Bugeja

NTEU Chapter 173 would like to congratulate NTEU Steward Lino Bugeja for his Superior Achievement for the Month of August! Bugeja has been very helpful to officers with on the spot questions and concerns and handling many issues as they arise. He also handled a disciplinary case



that got a 30 days suspension proposal mitigated to 7 days in a final decision. NTEU Steward Bugeja has shown great initiative while being a Chapter Steward and his hard work is paying off with favorable results. Please join me in congratulating NTEU Steward Lino Bugeja on a job well done!

Chapter Stress Buster, One Month Away!

The big night is 1 month away and I hope to see all of you at the upcoming Winter Stress Buster taking place at **Buffalo Wild Wings in Detroit!!** The Stress Buster is scheduled for **December 9th** and begins at 5:00 pm and ends at Midnight! As always, included will be 2 drink tickets and a meal of your choice for you and your spouse/significant other.

The chapter has been asked if the invite is for a plus one or just spouse and significant other. This is a private event for dues paying members and their spouses or significant others along with their children if they'd like to bring. If a spouse or a significant other cannot attend, then the invitation is not offered to anyone else.

Carry Out Order Process

- Only those that will be working a normally scheduled shift the entire duration of the party (4:00-Midnight, 2:00-Midnight, etc.) will be eligible for a carry out order.
- I will be sending those that are working a regularly scheduled shift covering the party an email closer to the event to collect their carry out order!
- If you do not receive an email from me and still place a carry out order, the costs will be your responsibility.
- Also, for those that are working a shift that lasts the duration of the Stress Buster and participate in the Carry-Out order, your name will be entered into a separate raffle! Winner will get a \$50 gift card to Best Buy!!! The drawing will be held the night of the Stress Buster.



THE NTEU STRESS BUSTER RAFFLE!!!

Details:

When you arrive you will be given one (1) raffle ticket* (only dues paying members are eligible. Immediate family members/guests are deemed ineligible to participate in the raffle). A ticket will be drawn every hour until the last drawing at 11:00 PM. This means there will be drawings at 6:00, 7:00, 8:00, 9:00, 10:00, and 11:00 pm.

You must be present to win, if your ticket is drawn and you are not present, another ticket will be drawn and you will forfeit your prize. So what does that mean? The longer you stay, the more chances you have to win!! You will only be eligible to win one (1) prize. If your ticket is drawn, you can pick from any of the prizes available.

NTEU Executive Board and staff members are not eligible to participate in the prize drawing.

You Need Something Done, Consider Doing It Yourself

By David Wood, VP-Land Border

If you're sitting there listening to your co-workers discuss how they just received extra money in the form of a Superior Achievement Award (SAA). You think to yourself, I do much more work than they do, how is it they received an SAA and I didn't? I'm certain that this thought runs through most employees minds when the SAA's come out. I'd like to give you some insight on how the process works and what you can do to get a piece of the SAA pie.

Let me begin with the boring part, otherwise known as the process. Every fiscal year (FY), per the NTEU/CBP contract, a certain amount of money is set aside for SAA's for non-management employees. A committee, known as the Joint Awards Committee (JAC) is formed based on the NTEU/CBP contract which consists of 3 union Officers and 3 Management personnel. The FY is broke down into quarters. An e-mail is sent out from the JAC soliciting nominations for an SAA award each quarter. Any employee can submit any other non-management employee, including themselves, for consideration of an SAA based on any reason that the employee feels the SAA is warranted. The nomination needs to be submitted on a CBP 80 form. If a member of management submits the nomination it goes directly to the JAC mailbox, "DET JAC". If a non-management employee submits a nomination, they must send it through their Supervisor. I suggest that you cc the DET JAC as well. The Supervisor will review it and forward it on to the JAC with their comments/approval. Each quarter the JAC meets to go over the awards to determine if a share is warranted, and if so, how many shares are warranted for the nomination. At the end of the last JAC meeting for the FY, the amount of shares are divided by the amount of money set aside and the SAA's are then paid to the employee. No employee is to receive more than \$2,500 each FY, regardless of the number of shares it was determined that the employee was awarded. Each share must also be at least \$100.

Things to consider when thinking about the SAA process. Will my Supervisor put me in for an award? The answer, more often than not is an astounding NO!! Most employees that do go above and beyond during their normal workday



feel that the Supervisor will do their job and put them in for an SAA for their hard work. They feel that it is beneath them to have to put themselves in for an SAA, I tend to agree. The process should be simple: you do a good job, your Supervisor recognizes it and puts you in for an SAA. The problem is, your Supervisor is probably too lazy to do this, or not informed enough to do it in such a way that it appears that you actually do go above and beyond while working.

In the past Supervisors would put their pets or favorites in for SAA's and lazy employees would put themselves in for SAA's. The result: the SAA's would come out and most of the good employees got overlooked and were disenchanted when they saw who actually got the SAA's. The current process has changed that, as the JAC is very diligent in weeding out the favorites, pets and slackers from getting undeserved SAA's. They ensure that there is something of substance written in the SAA nomination that would warrant an SAA. The result of that sometimes leads to good employees not getting an SAA, because there is no substance in their SAA nomination.

Now, what can you do to get a piece of the pie?

Follow these simple steps and you should see yourself being on the list of SAA's:

1. Nominate yourself.
2. Put something of substance in;
 - a) A collateral duty

b) Numerous (more than 1 or 2) extra activities: arrests, seizures, kickbacks, penalties etc.

c) A special act that was more than a 1 time incident, a 1 time incident is not eligible for a SAA, it is only eligible for an “on the spot” award.

That’s it. It’s that easy. Now to make it easier, here is a list of things, not to be considered as above and beyond, as these are merely part of your daily job:

1. I show up on time.
2. I look and carry myself professionally.
3. I work well with my co-workers and other agencies.
4. I work lead.
5. I work lots of OT.

H.R. 532 (Rep. Maloney-NY)-extends six weeks of paid parental leave to federal workers. **NTEU Supports this proposal.**

6. A job description listing.

In other words, refrain from merely stating the basics that everyone should be doing, even if everyone isn’t doing them. Write something that shows you go above and beyond the normal job requirements. If you do collateral duties, write yourself in for one collateral duty assignment each quarter, until you have put yourself in for each one, as a collateral duty is above and beyond. Remember to refrain from putting yourself in for the same thing from one quarter to another as duplicates will get rejected.

I hope this not only helped you to have a good understanding of the process, but also assists in you getting your fair share of the awards available.

NTEU-CEE Management Conclude JAC Negotiations

As you may be aware, CBP notified NTEU earlier this year that it wanted to establish Joint Awards Committees (JACs) at the Center level. However, negotiations took longer than expected as Center management made it immediately clear that it saw no value in having in-person JAC meetings. Rather, Center representatives told NTEU



that it would rather spend JAC savings on other Center issues. On the other hand, the Centers refused to even consider keeping the status quo that would have had Center JAC meetings held at the port level which would have significantly reduced if not eliminated the costs associated with most in-person JAC meetings.

Nevertheless, the parties persevered and have reached the attached Memorandum of Understanding on this issue. Its terms are as follows:

Section 1. Each Center will establish a Joint Awards Committee (JAC) that will be made up of three (3)

representatives each from NTEU and CBP. NTEU’s representatives will be selected by NTEU National. The required quorum for any JAC meeting is two (2) representatives each from NTEU and the Center.

Section 2. For Fiscal Year 2016, there will be one in person JAC meeting per Center.

Section 3. For Fiscal Years 2017 and 2018 there will be four JAC meetings per Center per year. Two of the meetings will be in-person meetings. The in-person meetings will take place during the 2nd and 4th quarters. By mutual agreement, the parties may decide to hold the two in-person meetings in a different quarter(s). Nothing in this Section prevents the JACs, by mutual agreement, from considering any employee achievement that was performed

in any quarter of that fiscal year. For purposes of this MOU, mutual agreement decisions on behalf of NTEU will be made by each Centers' NTEU JAC representatives.

Section 4. The location of in-person meetings will be determined by CBP.

Section 5. All Center JAC shares will have equal value.

Section 6. In Fiscal Year 2017, the parties will convene a workgroup to develop additional criteria and examples for the Center JACs to use. Once completed and adopted by the parties at the national level, these criteria and examples will be used in the next JAC fiscal year. Each party will be represented by three (3) representatives.

Section 7. The remaining procedures under Article 42: Awards and Recognition, will remain in effect and apply to this MOU.

Section 8. The parties will begin negotiating in January of 2018 new JAC arrangements that will apply after Fiscal Year 2018. Any agreement will be effective beginning in Fiscal Year 2019 or no later than January 31, 2019. It is the parties' intent with this agreement that this issue be resolved by January 31, 2019. If no agreement is in place after the first meeting in January 2018, the parties agree to request the assistance of a mediator for a bargaining session in February 2018. If the parties are unable to reach agreement, Panel services will be requested by April 2018.

In agreeing to Center-based JACs, NTEU's negotiators saw value in having all Center JAC decisions made by Center employees. Initially, NTEU expects NTEU's JAC representatives to be staffed by Import Specialists and National Account Managers who are NTEU members. However, as other occupations are permanently assigned to the Centers, for example, Entry Specialists, NTEU members in these occupations will also be selected to sit on the JACs.

Nevertheless, in moving from a Port to a Center-based JAC process, NTEU was concerned that employees sitting side-by-side yet working for different Centers, might receive awards based on significantly different share values. As a result, NTEU proposed and CBP agreed that all Center JAC shares will have equal value. Similarly, the parties have agreed to convene a national Center workgroup to

develop additional JAC criteria and examples to supplement those set forth in Article 42 to guide the ten Center JACs. This approach is already being used by some JACs and is another attempt to provide uniformity to the JAC process.

As set forth above, there will be one JAC meeting to adjudicate the embargoed JAC nominations that have already been submitted for Fiscal Year 2016. There will be four JAC meetings in Fiscal Years 2017 and 2018, two of which will be in-person. The in-person meetings will be held in the 2nd and 4th quarters of the fiscal years, unless the parties at the Center level mutually agree to hold these meetings in different quarters. The parties may also mutually agree to consider any achievement for an award regardless of the quarter when it was performed. For purposes of this agreement, mutual agreement decisions for NTEU are made by our Center JAC representatives.

As stated above, Center management sees no value in in-person JAC meetings. NTEU disagrees. The parties negotiated the compromise arrangements discussed above and have agreed to revisit the issue of JAC arrangements for fiscal years subsequent to 2018.

NTEU CHAPTER 173 WINTER
STRESS BUSTER
 CHAPTER 173 MEMBERS RECEIVE
 2 DRINK TICKETS*
 1 FOOD TICKET*
 IMMEDIATE FAMILY MEMBERS ALWAYS WELCOME
 - PRIZE DRAWINGS -
 SOME RESTRICTIONS APPLY
 - 5:00 PM - MIDNIGHT -
FRIDAY, DECEMBER 9TH
 - 2016 -
 BUFFALO WILD WINGS 1218 Randolph St.
 Downtown Detroit
NTEU
 The National Treasury Employees Union
 CHAPTER 173

Negotiations will begin in calendar year 2018 on an expedited basis so that arrangements can be in place for Fiscal Year 2019.

CBP -- More ULP Charges and One ULP Complaint

Listed below are brief summaries of Unfair Labor Practice (ULP) charges that NTEU has filed with the Federal Labor Relations Authority (Authority) and one unfair labor practice complaint that the Authority has issued as a result of a previously filed unfair labor practice charge by NTEU.

Use of the Communication and Operation Management System (COMS) by Center Employees

This ULP alleges that COMS was implemented by Center management without first negotiating with NTEU. NTEU's concerns include CBP creating yet another information system with sensitive employee data that can be hacked by outsiders, requiring employee GPS coordinates to be entered into COMS, management expectations regarding the use of COMS, and privacy interests in general.

Annual Leave Procedures for Employees Assigned to the Centers

This ULP alleges another Center-related unilateral change that is being implemented without providing NTEU the opportunity to negotiate. These changes include ignoring local port-level annual leave practices and agreements, requiring employees who request leave of 40 hours or more to make such requests one year in advance, requiring employees to use the above-mentioned COMS system when requesting leave, and requiring both Center and Port approval before leave is granted.

CBP Refusal to Implement its Own Upward Mobility Directive

Five years ago in the parties' first National Collective Bargaining Agreement, CBP agreed to NTEU's proposal to establish an upward mobility program to enable lower-graded employees to move into positions with a higher career ladder. In February of this year, CBP finally developed a Directive on this issue. However, even after the parties negotiated an agreement implementing the Directive in August of 2016, CBP has refused and continues to refuse to implement its own Directive and its own Upward Mobility Program.

Polygraph Examination Requirement for Employees Applying to Become CBP Officers, Agriculture Specialists, Import Specialists and Seized Property Specialists

As you were previously advised, CBP has sided with Internal Affairs over its own employees subject to the polygraph examination requirement for the four positions referenced above. Specifically, IA convinced CBP that

employees who obtain a "No Opinion-Countermeasures" (NO-CM) testing result, a result that can be caused by just fidgeting during the polygraph, must wait two years to reapply for the positions in question. When the Federal Service Impasses Panel (Panel) issued a decision that such employees were entitled to up to two polygraph re-examinations within three months of their last examination, CBP rejected the Panel order on Agency Head Review.

NTEU has appealed this Agency Head Review decision to the FLRA. To prepare for our appeal, NTEU requested that CBP provide NTEU data that would support its statement on Agency Head Review that "Of the CY 2016 pre-employment polygraph examinations resulting in a NO-CM, fully 38% of the applicants admitted that they employed counter-measures."

NTEU's ULP charge is based on CBP Labor Relations' refusal to even respond to NTEU's request for information much less provide NTEU with the information that would support this unsupported statement.

Canine Training Program

NTEU recently learned that CBP Officers who are selected to become CBP Officers (Canine), must acknowledge that if they fail the Basic Detection Canine Handler Course, they are subject to removal from CBP, demotion or reassignment. NTEU's ULP charge is based on CBP's failure to notify NTEU of this change and then Labor Relations refusing to provide the evidence that would either support or refute CBP's contention that it has not committed an unfair labor practice.

Tactical Terrorism Response Teams (TTRT)

Based on a previously filed ULP charge, the Federal Labor Relations Authority has issued a ULP complaint against CBP since it implemented the TTRT without first officially notifying NTEU of this change in working conditions.