



LOCAL 1998

National Federation of Federal Employees
International Association of Machinists & Aerospace Workers, AFL-CIO



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Informal Grievance

March 11, 2005

To: David Bounds, Director – Office of Information Management
cc: Gayle McCoy, Chief – Record Services
William Crawford, Branch Chief – Records Processing
Karen Proctor-Adams, Senior Steward – PPT/WN
Paula Carter, Recording Secretary & Senior Steward – PPT/SL

Note: This grievance was filed under the old CBA (for example, there is no “Informal Grievance” step in the new CBA). Keep that in mind when using this as an example.

NFFE Local 1998 requests that the following grievance be considered in accordance with the provisions of Article 20 of the Agreement Between Passport Services and NFFE Local 1998 (hereafter referred to as “the Agreement”).

I am filing this Informal Grievance on behalf of the bargaining unit employees of PPT/IML. This grievance concerns the performance appraisals given to employees for 2004. We are alleging that Management has violated the Agreement, the law, and the negotiated procedure for implementing the Security Awareness Element.

Background

On December 28, 2000, then-Union President Bill Beardall was informally notified of a new job element, Security Awareness, to be implemented on January 1, 2001 for all Department of State employees. Mr. Beardall then shared this information with Passport Services HQ and, on January 17, 2001, formally requested to negotiate as appropriate over this proposed change in working conditions. After numerous discussions in person and via email, Management and the Union agreed on implementing procedures in October 2001. Unlike other Department of State personnel, Passport Services bargaining unit employees did not have the Security Awareness element in 2001; rather, the element was implemented on January 1, 2002.

Passport Services HQ Management issued the implementing procedures that were negotiated with the Union on October 19, 2001. Those procedures state:

Supervisors will use the following guide in determining how to rate an employee in this element:

- Outstanding – No more than one infraction
- Excellent – No more than two infractions
- Fully Successful – No more than three infractions
- Unacceptable – Four or more infractions

On February 10, 2005, the Union first became aware that there were complaints by PPT/IML employees regarding their evaluations. The specific problem of how the Security Awareness Element was rated was not made clear until later.

In the text of a higher-level review of one employee's 2004 Appraisal conducted in February 2005, a PPT/IML Branch Chief stated:

[The employee] expressed concern over her rating on Element 5, Security Awareness. The previous management of the human resources division had mandated that unless there had been a security violation during the rating period, the employee was to be rated at the outstanding level, regardless of any other performance issues under the scope of this element. Barring security violations or exceptional performance in this element, the current management policy is to rate the employee at a level consistent with the ratings given for the other elements so as not to artificially affect the employee's overall rating. Since [the employee] had no security violations during the rating period, she was rated as Fully Successful.

In late February and early March 2005, the Union became aware that other PPT/IML employees were, as described above in the individual employee's higher-level review, being rated as Fully Successful for Security Awareness even though they had zero security violations.

Union's Argument

I believe that PPT/IML Management has violated the Agreement (Article 18, Article 12, and Article 6), the law (5 U.S.C. 71), and the October 19, 2001 Security Awareness Memo.

Clearly, the October 19, 2001 HQ Memo states that employees with zero violations should be rated Outstanding, and the current PPT/IML policy is in opposition to the HQ policy. For the overwhelming majority of Passport Services employees, this element has been properly rated. Many employees in other PPT offices had zero security violations in 2002, 2003, and 2004, and they received an Outstanding rating on that element. The Union and Management spent many months bargaining over this matter, as required by 5 U.S.C. 71 and Article 12 of the Agreement, and the resulting memo applies PPT-wide. PPT/IML cannot and should not make its own policy. By doing so, PPT/IML has violated the HQ Memo as well as the legal authorities under which the memo was created.

While we believe that this is clearly a violation of the cited authorities, we also take issue with the rationale given for this change in policy at PPT/IML. Each element that an employee performs stands alone and apart from the others. An employee may be good at Quality Assurance, but average at Data Entry, and outstanding at Security Awareness. Another employee may be good at Fraud Awareness but poor when it comes to Customer Service. The ratings in one element should not affect the ratings in another element. If an employee deserves an Outstanding rating in any element – not just the Security Awareness element – then that employee should be rated accordingly, regardless of his or her performance in other aspects of the job.

Requested Relief

I respectfully request that all PPT/IML employees have their 2004 rating for the Security Awareness Element be reevaluated in accordance with the October 19, 2001 implementation standards. Specifically, the practice of rating employees as Fully Successful in this element when they have had zero, one, or two violations should cease. Employees should be rated as follows:

- Zero violations = Outstanding
- One violation = Outstanding
- Two violations = Excellent
- Three violations = Fully Successful
- Four violations = Less than Fully Successful

For any employee whose rating for the Security Awareness Element is raised as a result of this (i.e., an employee who is rated Outstanding instead of Fully Successful), then we respectfully request that the employee's Summary Level Determination (overall rating) be reevaluated. For example, if an employee who had zero security violations was rated Excellent in two elements and Fully Successful in three elements, including the Security Awareness Element, then that employee was incorrectly rated – his/her overall rating should be corrected from Fully Successful to Excellent. Any consideration for awards or promotions normally associated with a higher rating should also attach.

Conclusion

From where I sit, this violation appears to me to simply be the result of a misunderstanding of the implementing procedures for the Security Awareness element. I know that there is new Management at PPT/IML, and I believe that this violation was done out of error rather than malice. I hope that we can quickly and amicably resolve this dispute.

Thank you,

Colin Patrick Walle

Attached: October 19, 2001 Passport Services HQ Memo on the Security Awareness Element