



LOCAL 1998

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



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Step 1 Formal Grievance

May 19, 2005

To: Florence Fultz, Director – Passport Services Office of Field
cc: Gary Roach, Director – Passport Services Office of Field Coordi
Ken Cato, Operations Officer – Office of Field Coordination
C. Pamela Holliday, Regional Director – Washington Passport A
Keacha Medley, Steward – NFFE Local 1998

**Note: This grievance
was filed under the old
CBA. Keep that in
mind when using this
as an example.**

Re: Overtime Policy at the Washington Passport Agency

In accordance with Article 20, Section 7a of the Agreement Between Passport Services and the National Federation of Federal Employees – Local 1998 (hereafter referred to as “the Agreement”), I am filing this Step 1 Formal Grievance on behalf of CA/PPT/WN bargaining unit employees. This grievance concerns the overtime policy implemented at the Washington Passport Agency. We are alleging that Management has violated the Agreement and the law by not allowing all employees to “have an equal opportunity to share in the overtime”.

I hereby incorporate in its entirety the Informal Grievance filed on April 28, 2005.

Background

On Thursday, March 31, 2005 at approximately 12:45 PM, while working at the counter in the Public Agency, Supervisor MANAGER A informed Passport Specialist EMPLOYEE A that her daily quota for that day was six (6) applications per hour at the public counter and that she wouldn't be allowed to work overtime that evening if her daily quota was not bought up to standard of seven (7). She asked Supervisor MANAGER A to clarify if he meant that one (1) additional application for that day was required or if one (1) additional application per hour was required. He stated that he was not sure of that himself and that he would check into it.

While at lunch Ms. EMPLOYEE A checked and read her email sent high priority from Adjudication Manager Ms. MANAGER B. She went to Ms. MANAGER B before returning to the public counter (where specialists accept and execute applications in person) and informed her that she read her email and asked if the production standards to qualify for overtime work was for the desk work or at the public counter? Ms. MANAGER B stated, “It was for both.” Ms. EMPLOYEE A then told Ms. MANAGER B that prior to her going to lunch Mr. MANAGER A informed her that “she would not be able to work overtime that day because of not meeting her agency [public counter] production by 1 number.” Mrs. MANAGER B then told her that she if it was just the 1 number for that day, then it should be ok for her to work overtime for that day.

At 4:15 PM Ms. EMPLOYEE A started working overtime and at approximately 4:50 PM, Supervisor MANAGER A told her that Regional Director C. Pamela Holliday would like to see her in her office. Once in Regional Director Pamela Holliday's office, she advised Ms. EMPLOYEE A that Mrs. MANAGER B should not have told her that she could work overtime that day because meeting daily production in the Public Agency was a requirement in order to work overtime that evening. Ms. EMPLOYEE A then expressed to Mrs. Holliday that this had been the very first time that she heard of this requirement for the public counter standards (as opposed to desk adjudication standards) and if it had been a requirement by management, it had never been enforced. She also expressed to Mrs. Holliday that upon her return to the public counter, after meeting with Mrs. MANAGER B, had the work been provided, she would have been able to obtain the one (1) application needed to meet the quota that day. In other words, there was insufficient work available in order to meet or exceed the quota. Mrs. Holliday then stated that she could not work overtime that evening and that upon her return on Monday, April 4, 2005 she would look into the matter.

On April 28, 2005, the Union filed an Informal Grievance contesting the denial of overtime payment to Ms. EMPLOYEE A for the time worked on March 31st as well as the restrictive overtime policy at the Washington Passport Agency. Regional Director Pamela Holliday responded on May 4, 2005, granting that part of the grievance dealing with Ms. EMPLOYEE A's overtime pay and agreeing to recompense her for her overtime work. We appreciate Ms. Holliday's decision on that matter. However, we are continuing to contest the overtime policy, which is unchanged.

Union's Reply to Informal Grievance Response

Article 28, Section 1 covers the assignment of overtime, and it states:

The Employer will make a reasonable effort to assign overtime work to employees performing the task(s) during the workday. The supervisor will seek to equitably rotate overtime among employees who perform those duties during normal duty hours. *Normally, overtime will not be assigned to an employee who is a chronic user of leave or whose record establishes a negative pattern of leave usage. (emphasis added)*

Article 28, Section 2 covers the distribution of overtime, and it states:

All employees shall have an equal opportunity to share in the overtime, unless an employee indicates unwillingness to perform overtime duties. In the event an employee does not desire to work overtime, the Employer shall make an effort to accommodate the employee's request to be excused from overtime work, provided that another qualified employee, who normally performs the work, is available for the overtime. The Employer agrees that records of overtime work will be maintained by the Employer and that such records will be made available for review by representatives of the Union upon request in connection with a complaint or grievance. *(emphasis added)*

It can clearly be seen from these two sections of the Agreement that there is a negotiated, nationwide policy that "All employees shall have an equal opportunity to share in the overtime", and that there are only two negotiated exceptions to this rule. The first exception is the employee's own unwillingness to perform overtime duties. The second exception is for an employee who has leave problems. There are no other exceptions to the rule of equal opportunity that are listed in the

Agreement. Therefore, since Management at the Washington Passport Agency is promulgating and enforcing a third exception that was not included in the Agreement, that local office policy is in violation of the Agreement's equal opportunity requirement.

According to the December 5, 2003 Memo from Managing Director Ann Barrett:

These set adjudication numbers are to be considered a *standard* that a passport specialist at each grade level should be able to accomplish, on a routine basis, in order to be rated "Fully Successful". However, these set adjudications numbers are not to be looked at by either supervisors or Passport Specialists as a daily "quota", in that a Passport Specialist must adjudicate his/her set workload production number of applications each and every day.

Ms. Holliday recognizes in her May 4, 2005 Grievance Response that "Other employees have been denied the opportunity to work overtime when they did not meet their standards, whether daily or cumulative..." This local overtime policy goes against the purpose of the standards enunciated by HQ Management.

Furthermore, as a practical matter, we dispute the logic of tying overtime assignments to successful performance at adjudication at the desk or at the public counter. First of all, many employees had heard that less than Fully Successful performance at desk adjudication would eliminate employees from participating in overtime where more desk adjudication would be performed. However, since HQ Management has made it clear that adjudication during overtime will be included in the measurement of performance in this area then denying overtime to the employees takes away opportunities for the under performing employee to improve. Second, for an employee who is slightly below the quota at the public counter to be denied overtime for work to be performed at the desk is illogical since there is no connection between the two assignments. Finally, considering the workload increases faced by the Washington Passport Agency and repeatedly referenced in the Agency Wide Staff Meeting notes provided by Ms. Holliday, it would be in the best interests of the Agency in attempting to complete the mission to allow as many employees as possible to help out by doing overtime. Denying employees, such as Ms. EMPLOYEE A, the opportunity to perform desk adjudication during overtime will not help her meet the quota at the public counter and will serve only to hurt the Agency's attempt to complete its mission.

Requested Relief

I respectfully request that Management discontinue the practice of requiring "that employees are meeting their cumulative and daily standards at desk and counter adjudication to be afforded the opportunity to work overtime".

Thank You,

Karen Proctor-Adams