



THE FEDERAL EMPLOYEE

NFFE Fights for Bigger Pay Raise for Federal Employees

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NFFE-IAM members in Washington, DC for the 2015 IAM Legislative Conference, lobbying lawmakers to support pro-federal employee legislation



In February, Rep. Gerald Connolly (D-Va.) introduced the Federal Adjustments of Income Rates (FAIR) Act, H.R. 4585, a bill that would provide a 3.9 percent pay adjustment and 1.4 locality pay adjustment (for a total of 5.3%) for all federal employees in 2017. NFFE, along with its allies in labor, worked with Congressman Connolly to introduce this much-needed legislation.

Since the beginning of the decade, federal employees have been forced to endure years of frozen pay and compensation adjustments that fell well below the rate of inflation. As a result of these woefully insufficient pay adjustments, federal employees now make 35 percent less than private sector workers doing similar work.

Contrary to numerous myths circulated by non-government sources about federal employee compensation, federal workers are significantly underpaid when compared to workers performing the same jobs in the private sector. While false reports of inflated federal compensation and a broad focus on deficit reduction have led to calls by some lawmakers to freeze or reduce federal pay, history shows that the underlying rationale for reducing federal compensation – that federal workers are overpaid – is not based in fact. In every year of the last decade, regardless of political party, the administration in office has acknowledged a double-digit pay discrepancy between federal employees and higher-paid private sector workers. In fact, even before the

effects of large federal spending cuts set in, President George W. Bush's President's Pay Agent certified a 23 percent pay gap. That's right; just a few short years ago, President Bush certified that federal workers were drastically underpaid. They were underpaid then, and the rate of underpayment continues to grow.

To keep our country on a sustainable path forward, federal agencies and departments must be able to recruit and retain a qualified and talented workforce. Providing inadequate pay adjustments year after year makes this difficult, if not impossible, to accomplish.

"NFFE is leaning on Congress hard to pass Congressman Connolly's bill to provide federal employees a well-earned and much-needed 5.3 percent pay adjustment in 2017," said NFFE National President William R. Dougan. "In the past three years, Congress and the President have enacted woefully insufficient pay adjustments that were preceded by three years of pay freezes. In the last six years, federal employees have lost a significant amount of buying power due to pay adjustments failing to keep up with basic inflation. Congressman Connolly and the long list of influential co-sponsors of the FAIR Act are working to address this significant problem. NFFE thanks Congressman Connolly, and we will work with him to provide this relief to a federal workforce that has had Congress attempt to balance the federal budget on their backs in recent years."

MESSAGE FROM THE NATIONAL PRESIDENT

Following a brief hiatus, *The Federal Employee* is back in publication at a key moment in U.S. and NFFE history. This year is one of the most important for NFFE-IAM members, federal employees and this country in recent memory. First, we elect the next President of the United States. This year's presidential contest has been unlike any other in the past century, and looks to be history in the making. There have been numerous debates on both sides of the aisle, and each candidate has outlined a unique vision for the federal government and its employees. I implore you to educate yourself on the stances of these presidential candidates – because one of them will ultimately be the decision-maker on issues relating to federal employees for at least the next four years.

The future of this country rests on those who show up on November 8, 2016. Elections are decided by those that vote, and there is too much on the line for federal employees and their Unions to sit on the sidelines. Pay, pensions, privatization attempts, at-will employment—all of these things are on the line. I am not telling you who to support in the upcoming election, but I am asking you to support the candidate that best supports you, your Union and your pocketbook. Brave men and women died for your right to cast this vote, so honor this sacred right this fall by voting for the candidate that best supports your economic well-being.

This year also marks NFFE's 50th National Convention. In addition to the election of national officers and deliberations over revisions to the Bylaws, this Convention will serve as the kick-off for celebrating NFFE's first 100 years of serving our members and our country. I look forward to seeing everyone this fall at convention to elect the future leadership of NFFE that takes us proudly into the next 100 years of dedicated service to our membership.



William R. Dougan
National President

MESSAGE FROM THE NATIONAL SECRETARY-TREASURER

It is real honor to be writing this column as your National Secretary-Treasurer. I love this Union, and I am proud to serve the membership in this role. I am also humbled to be serving in the same office as some past and present NFFE leaders for whom I have great admiration—people like John Paolino, Bill Dougan, Bill Fenaughty, and Abe Orlofsky. I learned so much from each of these Union leaders, and it is a great privilege to be given the opportunity to carry on their legacy of service to this Union, and hopefully, to add to it.

Something we are currently very focused on at NFFE Headquarters is improving the way our Union does business in several areas so that as many resources as possible are available to do the things we do best as a Union – represent our members and organize. Changes like these do not happen overnight, but over time we will be making many thoughtful improvements that we hope will eliminate the administrative burden on NFFE Locals and Councils while providing new tools to help this Union grow. We also aim to make improvements that will increase transparency and open up better lines of communication throughout NFFE.

Some of these changes are already underway. For example, in recent months we digitized most of our records at NFFE Headquarters. That allowed us to downsize our office space by about 40 percent while actually increasing the functionality of our space. This move allowed NFFE to cut spending on overhead and reallocate those savings to strategic initiatives, like training (e.g., more classes at the Winpisinger Center), communications (e.g., producing this newsletter), and organizing. We also made these new investments while maintaining a balanced budget. This is just one of many changes we are making and will continue to make to improve our Union.

I want to thank the dues-paying member of this Union. You are the ones who make this fight possible.



Randy L. Erwin
National Secretary-Treasurer

NFFE's 50th National Convention Coming this September!



NFFE is excited to announce that NFFE's 50th National Convention will be held at the beautiful Buena Vista Palace Resort in Lake Buena Vista, Florida this September. NFFE's 50th National Convention commences at 9:30 AM, Monday, September 26, 2016. The scheduled adjournment will be COB Thursday, September 29, 2016 or as otherwise determined by the Delegates in attendance.

The NFFE National Convention is an excellent opportunity for delegates from all of NFFE's Locals across the country to come together and conduct the business of our Union. Convention participants elect national officers, make changes to the Union's bylaws, and participate in discussions with some of the leading voices in labor and government.

Convention is rapidly approaching, so Locals should be making decisions about delegates and making the appropriate arrangements.

Registration will open on Sunday, September 25, 2016 from 1 P.M. to 7 P.M. Registration will reopen at 7 A.M. Monday, September 26, 2016 and close at 9:15 AM. Registration will be \$75 per delegate in attendance. Guest fees will be \$50 for guests age 12 and above attending convention events. Checks/Money Orders are to be made payable to National Federation of Federal Employees FD-1.

NFFE National has prepared numerous resources to guide Local and Council officers through the proper steps on the way to convention. Visit the 2016 Convention page on NFFE's website for all of your 50th Convention needs. Any outstanding questions may be directed to the appropriate regional Business Representative.



All NFFE Locals should be actively selecting delegates at their Local, as per election rules



The 50th National Convention will be held at the Buena Vista Palace Resort this September

IAM Ushers in a New Era of Leadership

Effective Jan. 4, 2016, former Capitol Region General Vice President Bob Martinez, Jr. was sworn in as the 14th International President (IP) of the IAM. Martinez will serve the remainder of former IP Buffenbarger's current four-year term, which concludes July 1, 2017. Martinez thanked his predecessors, pledged to safeguard the interests of the IAM members and vowed to make the tough decisions necessary to propel the IAM into a future that promises to see a continuation of attacks on working people.

"Our greatness and potential as an organization arises from our membership," said Martinez, a Texas native and 35-year IAM member who served in the U.S. Navy. "I will never forget that, nor where I came from."



IAM International President Robert Martinez, Jr. being sworn in on Jan. 4, 2016



IAM General Vice President Rickey Wallace being sworn in at the IAM Headquarters

International President Martinez has a strong record of working with NFFE to ensure all resources of the IAM are made readily-available to NFFE-IAM members, and the elevation of IP Martinez is great news for all NFFE-IAM members.

Named as IP Martinez's replacement as the Capitol Region General Vice President was Ricky Wallace, a 35-year IAM member and Education Representative hailing from the Southern Territory.

Additionally, effective Jan. 1, 2016, Jim Price, Jr. has been named the IAM's Government Employees Director. Brother Price has been a strong ally of NFFE, and NFFE-IAM members will be well-served with him at the head of the IAM Government Employees Department.

NFFE Defends Members Harassed by Oregon Extremists

As scandalous as it was that federal employees were kept from their workplaces because armed intruders overtook the Malheur National Wildlife Refuge in Oregon, those workers were also warned they might be victimized by "paper terrorism." An email sent to agency leaders warned that self-appointed judges associated with the right-wing sovereign citizen movement might "try to issue indictments, serve papers, or arrest local officials and/or federal employees." Those papers would have no legal authority, but would serve to bully workers. Federal employees in the area were also harassed while shopping, and their personal information at the refuge was breached. While there were no reports of paper or violent terrorism against federal employees, they were targets of intimidation in Burns, Ore., where some employees live. Nearby federal offices, in addition to the refuge, were closed as a precaution.

William R. Dougan, National President of the National Federation of Federal Employees, representing federal workers in Southeastern Oregon and throughout the U.S., had this to say about the threats:

"The events that have transpired in Oregon have induced a fear of violence among federal employees throughout Southeastern

Oregon. We have reports of employees of the U.S. Forest Service on the Malheur National Forest receiving threats and being stalked by sympathizers of the militants. The situation has gotten bad enough that nearby federal installations remain closed out of fear of an attack. Allowing this lawlessness to continue jeopardizes the health and safety of hard-working federal employees and calls into question the federal government's commitment to protecting its own workers."

The intruders had been allowed to come and go as they pleased, while law enforcement made no attempt to evict them, not even make them uncomfortable by cutting utilities. This led to a standoff, with law enforcement officers waiting weeks before taking action.

"This hostile occupation is a clear act of sedition," said National Federation of Federal Employees President William R. Dougan. "Federal authorities have enabled lawlessness to go unchecked in the eyes of the nation and emboldened additional militia sympathizers to descend on the area. Enough is enough. The militants occupying the Malheur National Wildlife Refuge must be arrested."

NFFE Local 2035 Grows Membership by 180 Percent in 2015

In 2014, NFFE Local 2035 at Fort Irwin National Training Center in Southern California was faced with stagnating new-member organizing. Local 2035 President Tony Hernandez realized the Local had a choice to make about its future – succumb to apathy towards new-member organizing, or chart a new path to success for the 700-person bargaining unit Local.

Under the guidance of President Hernandez, Local 2035 accepted the realities of weak recruitment efforts and sought to change the direction of the Local. Rather than fold in the wake of the difficulties of maintaining a Local Lodge, the executive board shouldered the challenge of taking a decidedly different path than the current trajectory. What followed was the emergence of a dedicated leader to spearhead the Local's new-found focus on organizing.

Vice President Rosie Camacho arrived at Local 2035 after a series of toxic fights with abusive local managers. Following a string of unfair treatment, Vice President Camacho recognized that membership density (the number of dues-paying members compared to the total bargaining unit) was the key to being treated with respect by managers. So Vice President Camacho set out to change the culture of organizing at the Local.

Vice President Camacho took this challenge to heart and put in place a new recruitment system that relied on various Local members and officers that worked throughout the installation. In the weeks



Members of Local 2035 at Fort Irwin in Southern California celebrate a year of tremendous membership growth in 2015

and months following the implementation of Camacho's new system, the Local experienced tremendous growth in membership. To be exact, Local 2035 grew by 180 percent in 2015.

While it did not happen overnight, what was once a Local that appeared to be heading for complete stagnation is now a shining star. Change for Local 2035 came as a result of hard work every single day by Union officers, members, and the vision of one gifted organizer. Encouraged by the tremendous success of 2015, Local 2035 has set its goals higher for 2016 and looks to continue their rapid growth.

“Local 2035 experienced tremendous growth in 2015, and our team is excited to tackle 2016 with the same vigor,” said NFFE Local 2035 President Tony Hernandez. “Our employees have been subjected to abusive management practices. But we know supervisors have taken notice of our increased presence at the National Training Center and have responded accordingly. We are translating our explosive membership growth into strength at the bargaining table. We will demand justice on the job.”

NFFE Scores Major Pay Boost for Letterkenny Army Depot Workers

After years of advocacy by NFFE, the IAM, and our Union allies pushing for a much-needed expansion to the locality pay system, 13 new General Schedule (GS) pay localities were announced in June of 2015. In addition to the new localities, 21 existing locality pay areas were expanded to include counties previously assigned to the lower-paid “Rest of U.S.” locality pay area. The new and expanded localities went into effect Jan. 1, 2016, amounting to a significant pay increase for all the GS federal workers located in the designated areas. It was a huge win for the employees and the Union that fought for these positive changes.

Employees around the country benefited from the new and expanded pay localities, and NFFE-IAM members at Letterkenny Army Depot in Chambersburg, PA in particular saw major benefits from the new localities. Letterkenny Army Depot is home to two NFFE Locals – Local 1442 for GS employees and Local 1429 for Wage Grade (WG) employees. One of the locality changes that went into effect on Jan. 1 was the GS employees in Franklin County, Pa. (the county in which Letterkenny resides) were reassigned from the “Rest of U.S.” pay locality to the higher-paid Washington-Baltimore locality pay area – resulting in a significant pay boost to GS employees.

While the pay locality reassignment was a significant victory following years of fighting for members of Local 1442, that win also resulted in a shared prosperity with Local 1429’s WG employees. As it stands, the Federal Wage Survey Wage Area (the regional pay boundaries for WG employees) covering Letterkenny overlaps two separate GS locality pay areas, “Rest of U.S.” and the Washington-Baltimore locality. As a result, this necessitates a two-tier wage schedule for the Hagerstown-Martinsburg-Chambersburg wage area. The WG employees working within the counties that compose the “Rest of U.S.” GS pay locality receive significantly less pay than the WG employees working in regions covered by the Washington-Baltimore locality.

But now, following NFFE’s victory for new and expanded pay localities, Local 1442 NFFE-IAM members at Letterkenny have been placed in the Washington-Baltimore locality pay area, resulting in a sizable pay bump. And with the same victory, the WG employees of Local 1429 also recognized a significant pay boost in March 2016 (when their regional wage survey was completed). All told, hundreds of NFFE-IAM members will be earning higher wages in 2016 because of the hard work of Local officers, NFFE, the IAM and our Union allies.



NFFE-IAM Local 1429 member Bruce Byers shows his Union pride

“This is a huge win for the WG workers at Letterkenny,” said NFFE Local 1429 President Chris Barlow. “In recent years, the increased cost of living was greatly outpacing the minor pay adjustments our members had been receiving. Employees were ecstatic to hear the news of this pay raise, and it was delivered by NFFE and our allies. Being a dues-paying NFFE-IAM member really does pay, and this pay bump is the clearest example of that.”



NFFE Local 1429 Officers and NFFE staff celebrate a successful organizing campaign in July of 2015

Forest Service Council Master CBA Negotiations Near Completion

It has been said that the Forest Service Master Agreement is the gold standard of federal Collective Bargaining Agreements. But turning the lead of the Agency's initial proposals into golden contract language has been a long and arduous journey for the eight members of the Forest Service Master Agreement negotiating team.

The Union negotiators embarked on the journey to negotiate their nationwide contract more than a year ago, starting with a bargaining preparation class in January, 2015 at the Winpisinger Center. Although the parties only opened 11 of the 45 articles in the agreement, they have been at the table 11 weeks during the intervening 13 months. Their work is still not done.

One article, Promotions and Details, remains for the parties to reach agreement. Nearly three weeks of negotiations have already been devoted to this topic, which has been a point of contention almost since the current contract was signed over five years ago.

USDA's Cultural Transformation focus on hiring diversity has led to the increased use of noncompetitive hiring authorities to increase diversity, while leaving current workers feeling that they will never get a fair chance to compete for promotion. The Union applauds agency efforts to increase diversity, but the use of hiring authorities that bring outsiders in over the heads of current workers has only served to create distrust and resentment towards these new hires. Furthermore, once these special hires join the bargaining unit, they quickly learn that they, too, can be passed over for promotion in favor of the next non-competitive hire candidate.

"The biggest problems we are facing are rooted in USDA Secretary Tom Vilsack's Cultural Transformation and Hiring Reform initiatives," said Chief Negotiator for the Union, Melissa Baumann. "These initiatives may work well and look good back in Washington, DC, but in a field-going organization with very small, rural workplaces, they fall flat and hurt the workers we represent."

Similarly, USDA-mandated reforms related to time-to-hire are a serious sticking point for the parties. USDA's direction that vacancy announcements only be open for five days, and never more than 10 may work well with an office-based workforce, but it does not work for a field-going organization where employees are spending consecutive weeks in the woods or fighting fire without the access to the USAJobs website needed to apply to vacancies that are open for only a few days.

Despite these challenges, earlier this month, the parties returned to working in an interest-based mode to see if putting positions aside would allow them to come closer to a resolution. While no language was drafted or exchanged during the discussions, the parties worked towards understanding the most important interests that need to be resolved to reach a workable agreement. The parties have scheduled one last negotiation session with a mediator to continue to either reach such an agreement or move on to impasse proceedings.

The NFFE Forest Service Council Master Agreement negotiating team pauses for a picture during contract negotiations





U.S. Army White Sands Missile Range and NFFE Local 2049, 67 FLRA 619 (2014).

Summary: NFFE Local 2049 filed a grievance alleging various violations under the FLSA. The Agency alleged that the Union did not follow its grievance procedure in filing the grievance. The Arbitrator rejected the Agency's contention and the Agency filed exceptions to the FLRA. The FLRA denied the Agency's exceptions.

Comment: This case deals with Agency attempts to make every argument under the sun to get rid of a Union grievance on technicalities rather than the merits. This case is useful because it makes clear that the law allows the Union to file grievances on behalf of employees and any grievance procedure must be interpreted as such.

U.S. Forest Service and NFFE Local 5300, 67 FLRA 558 (2014).

Summary: The FLRA reviewed an arbitration award finding that the Forest Service improperly paid law enforcement officers "AUO" pay instead of FLSA time-and-a-half overtime. The FLRA upheld the Arbitrator's decision.

Comment: This case is important for an LEO where an agency is attempting to pay AUO pay even though the Agency knows that the employees will be working overtime. AUO is supposed to be used only for law enforcement work that is "uncontrollable" not work that is scheduled and planned in advance.

Watt v. Mabus, 2014 U.S. Dist. LEXIS 78215 (E.D. Va. 2014).

Summary: A Navy employee sued the U.S. Navy under Title VII of the 1964 Civil Rights Act on the basis that he resigned due to a hostile work environment (HWE). The District Court granted the Navy's motion for summary judgement and dismissed the case against the employee. The Court found that the employee did not make his claims in the EEO process before filing the lawsuit.

Comment: This case is useful to discuss for two reasons. First, many employees use the term "hostile work environment." This case presents the elements that an employee must actually show to establish a HWE claim. Specifically, the hostility must be tied to someone's race, national origin, sex, disability, or other protected status under Title VII. Having a manager who is incredibly difficult to work with, by itself, is not enough to establish a HWE claim. Second, it is important that employees seek relief on any valid claim when they begin the EEO process. In this case, the employee had evidence of a HWE claim but lost because he did not raise that claim in the EEO process.

Social Security Administration and AFGE Local 1923, 67 FLRA 534 (2014).

Summary: The FLRA upheld an arbitration award finding that the Agency improperly withheld information.

Comment: While Unions normally filed ULP charges with the FLRA regarding information requests, this case reminds that the issue can also be addressed through the grievance procedure. This case is helpful to see what the FLRA looks at in deciding whether the Union met its burden in establishing the particularized need requirement.

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