



AFGE Local 3313 Spotlight



*American Federation of Government Employees
Newsletter, Volume III, Issue 6, March 2018*

Is It True That The Sky Is Falling?

Hello, my brothers and sisters. I'd like to address the "sky is falling" rhetoric that appears to be gaining momentum throughout the Federal Government. It is true that there has been, and continues to be, attacks made against the union and the Federal work force. It is true that attempts to remove employees without due-process has been presented in Congress, but not affirmed. It is true that attempts to take away official time, the tool the Union needs to represent employees, has been presented to Congress, but not approved. It is true that a proposal to extend the probationary period of new employees from one year to two years, was presented to Congress, but not upheld. It is true that attempts to eliminate pay raises, cut salaries, reduce pensions, increase health insurance costs, reduce employer contribution to retirement, and eliminate jobs have all been stymied, but comparable proposals are likely to reemerge in future budgets. Only Unions stand between initiatives that would result in Feds receiving less pay, and benefits, and job security.

One peculiar take-away, was the elimination of Labor Management Forums (LMFs); which provided employees with a pre-decisional voice in the policies that impact them. The rationale for the take-away was that agency LMFs consume considerable taxpayer resources without promoting collaboration in the Federal workforce. This characterization is patently untrue in the DOT. The DOT has risen in the ranks of the "Best Places to Work" because the LMF promoted collaboration which motivated managers to "take better care of their employees." The "considerable resources" largely represent time spent on human resource matters necessary to ensure fair and equitable treatment under the law. The revocation of [Executive Order 13522¹](https://www.federalregister.gov/documents/2009/12/14/E9-29781/creating-labor-management-forums-to-improve-delivery-of-government-services) of December 9, 2009 (Creating Labor-Management Forums to Improve Delivery of Government Services), eliminated the vehicle that produced telework, improved working hour schedules, increased remote working, and promoted the transparency of proposals that affect employee morale, development, and welfare. LMF's proactively saved time and money by avoiding litigation, increasing retention, reducing misconduct/discipline, and improving communication which helps address issues before they become problems.



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

LOCAL 3313 OFFICERS

PRESIDENT

Eugene Johnson

VICE PRESIDENTS (VP)

Gary Shoemaker (Executive VP)

Jennifer Rodes (VP for OST)

Kay McIver (VP for PHMSA)

Sheila Wilson* (VP for FMCSA)

Derrell Lyles (VP for NHTSA)

Cynthia Cox-Grollman (VP for FTA)

TREASURER

Oranous Tavoosi

SECRETARY

Nicki Bell

SEARGENT AT ARMS

Eugene Kinard

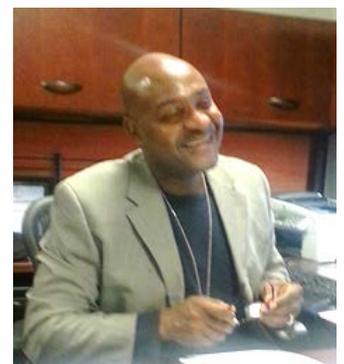
**Denotes Past President*

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*In Solidarity,
Eugene Johnson,
President, AFGE Local 3313*

¹ <https://www.federalregister.gov/documents/2009/12/14/E9-29781/creating-labor-management-forums-to-improve-delivery-of-government-services>



It Pays to be a Member

Self Service	Or	Full Service
Self-Service (Non-member) Representation		Full-Service (Union Member) Representation
\$12,800 (assumes 3-day hearing and 8 hours' preparation)	Merit System Protection Board (MSPB) review of suspensions of more than 14 days	Paid for by dues
\$16,000 (assumes 3-day hearing and 16 hours to cover preparation and depositions)	Merit System Protection Board review of removals	Paid for by dues
\$16,000 (assumes 3-day hearing and 16 hours to cover preparation and depositions)	EEOC cases	Paid for by dues
\$6,400 (assumes and 16 hours' preparation)	OPM classification case	Paid for by dues
\$6,400 (assumes and 16 hours' preparation)	Workers Compensation	Paid for by dues
<i>The normal cost Lawyer is about \$400 per hour for non-members. Note that a single case could cost upwards of \$75,000</i>		

Members have access to college scholarships, college test preparation discounts, insurance savings, free budget and credit counseling and more. Contact your local AFGE representative, visit www.afge.org or call 1-888-844-2343 to learn more. Benefits include 10-15% discounts on almost everything. Check the AFGE website - <https://www.afge.org/globalassets/documents/flyers/afge-membership-flyer.pdf>



AFGE D14 SPRING METRO
\$100 REBATE TO ELIGIBLE MEMBERS AND RECRUITERS

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO



AFGE Local 3313 to Hold Union Fair

AFGE Local 3313 will be hosting two events in the DOT Conference Center to enlighten our Bargaining Unit Employees. Join us for food, fun and information, and let's discuss your concerns and the current state of labor, employee affairs, and why its so important to present a united front in confronting the current political climate. Bring a new member, and if he/she signs-up, both the new member and the recruiter will get \$100 for every new member that signs-up! AFGE is only as strong and successful as its membership—our success depends upon each of you! The events will be catered by Red Robin, and new members will receive a goodie bag.

- DOT Conference Center - Tuesday, 4/17/2018 12:00 to 2:00pm (Rooms 8-9-10)
- DOT Conference Center - Thursday 4/19/2018 12:00 to 2:00pm (Room 3)



NHTSA 2018 Town Hall

The men and women of NHTSA's AFGE Local 3313 held a Town Hall meeting on Wednesday, March 14 from 12:00 to 1:00pm in the DOT Conference Center, room 6. Derrell Lyles (NHTSA Vice President) led a discussion on NHTSA's issues. Derrell was supported by Eugene Johnson (President), Gary Shoemaker (Executive VP), and Jennifer Rodes (OST Vice President).

The group discussed the: (1) Current status of the NHTSA-AFGE Collective Bargaining Agreement negotiations; (2) Results of recent meetings with senior DOT leadership which included discussions on shared services and DOT consolidation of certain offices (physical and administrative); and (3) DOT Space Management plans. We concluded the meeting by taking questions from the floor on issues like: the recent increase in conduct charges, self-assessing performance, manager and employee responsibilities in career development, performance improvement plans, and sick leave restrictions.

After much spirited discussion, the following action items arose: (1) Hold a follow-up session on Collective Bargaining; (2) Identify and share key collective bargaining agreement desired changes, and (3) Arrange a region-specific session.





"Injustice anywhere is a threat to justice everywhere."
—Dr. Martin Luther King, Jr.
from "Letter from Birmingham Jail," April 16, 1963

AFGE stands Up for Education

Members from 14th District, led by National Vice President, Eric Bunn, made stirring speeches and voiced their displeasure with the Department of Education (DoEd) on the grounds that they violated federal labor law by throwing out the collective bargaining contract covering 3,900 Federal

employees and denying workers their legal right to representation. AFGE Council 252 represents 3,900 DoEd employees, all of whom will be adversely impacted by a recent anti-union decree.

After months of anti-union proposals and hostile behavior at the bargaining table, DoEd management told AFGE on March 9th that it would not negotiate and would instead implement its own terms. The terms provided by DoEd are an illegal management edict that guts employee rights, including those addressing workplace health and safety, telework, and alternative work schedules.

Specifically, this edict changes the way union officials can take leave from their jobs to represent employees in grievances against the agency, resulting in stewards being forced to take "leave without pay" in order to represent their members. It also changes the way dues can be deducted in order to fund the work of the union, making collecting dues time consuming and harder to achieve. Both changes are clearly done with an eye toward weakening the union's ability to protect whistleblowers and employees who are being retaliated against by managers.

AFGE filed an unfair labor practice charge with the Federal Labor Relations Authority on March 12, stating that the Education Department failed to negotiate and bargain in good faith over a new contract.



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Spring Membership Drive***AFGE Local 3313
Spring Membership Drive*****\$100/\$100**

The District Office is offering a \$100 bonus for new members, and \$100 to the recruiter for each new member they sponsor between now and April 20th.

Why do this? Well, the Union is only as strong as its membership. The more members we have; the more we can do, the lower the dues will ultimately be, the better the quality of representation. A stronger Union will have a greater effect on management's willingness to bargain.

The DOT has improved its standing when compared to other agencies in the employee viewpoint survey. To a great extent it's because of the Union. Often, issues are resolved quickly once: (1) the manager discovers that they violated the collective bargaining agreement or (2) the Union can bridge the communication gap sufficiently enough to arrive at a positive outcome for all parties. On the other hand, there are times where your Union invokes its authority as your exclusive representative and counters the Agency's proposal to remove, suspend or otherwise change the working conditions of an employee. In such cases, this local is proud to say that it has access to top-flight legal assistance. Whether we are paying for training or legal consultation/defense, this support comes at a cost. Visit our webpage to sign-up: http://www.afge-local3313.org/docs/Membership_Dues_Sheet.pdf

A promotional banner for the AFGE District 14 Spring Metro event. The background is a photograph of a group of people at a demonstration, with a large blue banner featuring the AFGE logo. The text is overlaid on the image.

**AFGE DISTRICT 14
SPRING METRO**

April 9th through April 20th, 2018

LET'S ORGANIZE!

LET'S BUILD OUR UNION AND INCREASE OUR STRENGTH

MSPB Reports on Recent Employee Relations Legislation

- **National Defense Authorization Act (NDAA) of 2017** grants MSPB² appeal rights to a former employee to challenge an agency's decision to place a notation of an adverse investigative or administrative finding in his or her official personnel file. The NDAA also made changes to the definitions and limits of administrative leave applicable to all federal employees. The law also repeals the waiver of the 180-day waiting period after retirement before retired members of the armed forces may be appointed to DoD civilian positions.
- **Follow the Rules Act.** (5 U.S.C. & 2302(b)(9)(D) (the so-called "right to disobey" provision) now includes the right to disobey orders that violate rules and regulations (as opposed to only statutes). This effectively overrules *Rainey v. MSPB*, 824 F.3d 1359 (Fed. Cir. 2016), which held, that a federal employee has no right to disobey an order he or she believes violates a federal regulation.
- **Department of Veterans Affairs Accountability and Whistleblower Protection Act** of 2017. The bill retains MSPB appeal rights for non-SES employees under an expedited review process. MSPB Administrative Judges are required to issue decisions within 180 days after the appeal is filed. The Board's decision may be appealed to the U.S. Court of Appeals for the Federal Circuit.
- **The Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017** (1) creates a 14th PPP [prohibited personnel practice] prohibiting access to medical records of another employee or an applicant for employment (2) requires agency heads to propose disciplinary action against supervisors who have engaged in whistleblower retaliation, (3) provides certain whistleblower protections to probationary federal employees, (4) provides guidelines to enhance federal employee awareness of federal whistleblower protections, and (4) enhances access of information by the Office of Special Counsel.



1. ² Merit System Promotion Board -- An independent quasi-judicial agency established to ensure adequate protection for federal employees against abuses by agency management.

Union Meets with Senior DOT Officials

Gene Johnson, Gary Shoemaker, Jennifer Rodes, Derrell Lyles, and Tanya Hicks represented the Union in a meeting that discussed the impact that the current political climate was having on the labor force. The team met with the Assistant Secretary for Administration (Keith Nelson), and the Secretary's Director of Operations (Todd Inman) as an initial "meet and greet". During the session, we discussed the plausibility of inviting Union representatives to future shared services deliberations, space-related moves, and Presidentially driven initiatives that impact morale, promotion opportunity, and employee retention. The results have been promising – the DOT Chief Information Officer, Vicki Hildebrand, and her Chief Information Security Officer met with the Union to discuss information technology (IT) shared services, and the CIO's concern with information security vulnerabilities. The CIO agreed to: (1) Make the (IT) shared services "details" voluntary, (2) Consider more telework where prudent, and (3) Prudently reduce the contractor footprint, and develop the Federal workforce to assume higher-graded duties vacated by contractors.

Secretary's Announcement of Best Places to Work

The [Department of Transportation](#), once at the bottom of the *Best Places to Work in the Federal Government* rankings, climbed to fourth place in 2017 among large federal agencies. The department registered a 2017 Best Places to Work employee engagement score of 67.6 out of 100, a 4.2-point increase from 2016 when it was in eighth place, and a 15.4-point improvement from 2009 **when it ranked last among large agencies. AFGE 3313 resurfaced in DOT in 2009.**



The National Highway Traffic Safety Administration (+10.2 points), and the Federal Transit Administration (+6.7 points) showed significant improvements in their employee engagement scores in 2017.

Gene Johnson acknowledged that some employees expressed skepticism by the Secretary's pronouncement that the DOT had risen to one of the top places to work in the Federal Government. He took the opportunity to proclaim that the DOT improvement is relative to other organizations that may not have an effective Union. Far from perfect, improvement is a function of Union and management's efforts to bring about telework, maxi-flex, compressed work schedules and a better educated management staff that refrained from previously overtly negative behavior. The Union is combating adverse managerial behavior through its efforts to improve management's dealings with employees by revamping four of five collective bargaining agreements, which constrains aggressive behavior against employees.

The Union's willingness to arbitrate, is an indication to management that infractions should be handled with the appropriate level of corrective action, and employees should not suffer unfairly weighty penalties. Through positive engagement, we expect that management will see employee development as a joint responsibility which thrives from communication and consistent recognition/punishment. Managers will become acquainted with the collective bargaining agreements and the Union's resolve to enforce it. Employees will have increased awareness of the rules and refrain from inadvertently breaking them. Ultimately, incidents requiring legal action will be reduced, and the employee viewpoint will improve. This is progress that we can all build upon. Far from perfect, we have the tools to improve fairness and equal opportunity.

Dear FTA AFGE Local 3313 Member. FTA's Union needs your help... we need stewards!!!!

- Be a leader and advocate for the fair and equitable treatment for all FTA Bargaining Unit Employees—including you!!
- Be a voice for the improvement of our work place and work conditions here in FTA.
- Receive free training in various Federal labor laws and union representational duties.
- Be an expert in Federal employee rights and assist others in understanding their rights!
- Become a well-respected and valuable member of a strong union team that is making a difference across FTA...and beyond!
- Help make FTA one of the best places to work now and in the future!!



We need leaders committed to making a difference and willing to dedicate time and effort to effect change. In short, we want you as part of our union team! Get on board and join the team and help us make positive change!

Please contact Cynthia Cox-Grollman - she's waiting to talk to you!



In Solidarity!

C. Cox-Grollman
 AFGE Local 3313
 Vice President for FTA
 "Be the Change You Want to See in the World"
 -Gandhi

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concourse level of the West Building.
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