

PPQ and NAAE Green Book Agreement Part IV of V

Webinar Recording Transcript

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Hello, everyone. This is the PPQ and NAAE Green Book Agreement part four of five webinar. Today we are going to have Pete Brownell and Sarah Rehberg here to present the information for you. Pete Brownell is from APHIS Labor Relations, and Sarah Rehberg is the NAAE President. I will turn it over to them. This is part four of the five webinar.

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Okay. Thank you, Shanna. This is Pete Brownell. We mutually decided that we would talk about TDY in the order in which we negotiated the items. The first thing negotiated was the TDY MOU. Several months later, we completed negotiations on the actual article. I think it is article 32 that is in the Green Book. So in red on the slide, you have a link. Again, the Labor Relations website has a copy of the TDY MOU. It has a copy of the Green Book; you can look in there at Article 32 to see what it was we were talking about it. Okay. So the introduction. The first section was the purpose of the TDY MOU. The purpose was to set forth procedures for assigning bargaining unit employees to domestic temporary duty assignment. It called for a volunteer process followed by a mandatory system. If that sounds familiar, it's because that is the same way we laid out overtime, is for a voluntary system followed by mandatory system for temporary duty assignments. Now, the only exceptions to these procedures will be for regional incident management teams and emergency support function or ESF-11 collateral duty employees. I guess, Sarah, before I go any further, we need to tell the audience that this TDY MOU has not been implemented. We continue to get very close to implementation, but there has been some technical problems that have prevented implementation. Everything we are talking about with the MOU is contingent upon implementation.

Which, hopefully, it'll be in place by the time this makes it to AgLearn. My fingers are crossed on that point.

The TDY MOU applies to all emergencies requiring domestic TDY deployment. It does not apply to foreign TDY. Foreign TDYs are covered under a separate Article in the new Green Book. It is not meant to be covered by this MOU. Upon implementation of this agreement, this will supersede all previously negotiated procedures for TDY. It is entirely likely that if you have an MOU that deals locally with TDY, it's going to be rendered obsolete with this MOU and the new TDY article. So this will supersede everything that is out there at the local level. And what we are talking about here with this TDY MOU is a national system where employees are going

to be tracked by the date that they last returned from a TDY assignment. That is either a voluntary or mandatory system. So we are going to compile lists for TDY. We will talk about those a little bit later in the presentation.

Essentially, you will have a national mandatory TDY list. Initially, employees will be listed by reverse service comp dates. When I say first, that means simply that the oldest service comp dates will be at the bottom and the youngest service comp dates will be at the top. Your junior employees will be at the top of the mandatory list. The senior employees will be at the bottom of the mandatory list. When we start calling people out on TDYs, when they go out for 28 day deployment, when they return to their official duty station, that date that they return, that is the date that they will be tracked by. They will be moved on the mandatory list and any other list to the bottom and listed by that return date. Now, if we had 10 employees with the same return date, then they will be sorted by service comp date. On the mandatory list, that will put you at the bottom of those 10 people with the same return date. So everyone will be getting credit when they go out on these TDY once we implement this new MOU.

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We needed to define a TDY. In this MOU, we defined it as an assignment of more than 10 working days, including travel time, to a work location outside the employee's regular duty station. Now, normally, a TDY assignment is not going to exceed 28 calendar days, 21 calendar days when it is administered above the PPQ level. We started negotiations on this MOU in response to the APHIS Mobilization Guide. Under an all hazards TDY within the APHIS Mobilization Guide, those TDYs are only 21 days long. Of course, PPQ can extend or shorten the assignment based on the nature of the emergency. If that happens, PPQ will do everything they can to provide the employee with 10 working days advance notice of those changes. We have agreed that throughout this process is going to be transparent, and PPQ can make TDY assignments by state or local level based on the circumstances of the emergency and the qualified employees would be from the state or local level. I am sure many of you realize that normally when we first have the outbreak of something; it's the employees in that state that usually go first in addition to the incident management teams. So PPQ will have the discretion to determine the level and when it gets expanded to nationwide.

Sarah, I know there has been some confusion in some of the webinars we did up out the 10 working days. It's my understanding, if you are called out for deployment of 28 days and you actually report to that location and they tell you, sorry, we don't need you. Go home. That will continue to count and you will be assigned a return date when he returned back to your duty station.

Right. Even if it is fewer than 10 days.

You could be there for one day and they send you back. With the distinction being that if I am TDY to assignment for seven days, including travel, that TDY assignment would not come for purposes of the MOU, and, of course, for the article also.

That is the distinction we were trying to come up with. We talked about what was fair. We spent a lot of time talking about, how do we define the TDY? Where we drew the line was at 10 days. So if you leave your duty station for more than 10 days or send out for deployment for more than 10 days, even if you just report there, you are going to be credited with a TDY assignment. I just wanted to clear that up now so it is clear later on.

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Now we talk about volunteers. We talk about volunteers as being bargaining unit employees. We are talking about NAAE representative employees who have identified himself or herself as being available for a TDY assignment as an act of free will. And the MOU says that volunteering signifies that the employee is willing to voluntarily begin deployment 24 hours from the date for volunteering closes. If there is an electronic solicitation for volunteers that goes out, let's just say it is open for 14 days. On that 14th day, if that volunteer is saying, I will be ready to deploy within 24 hours of that 14th day, so on the 15th day they would start the deployment. Now, volunteers are going to be solicited by an electronic solicitation and will normally have at least 24 hours to respond. As a matter of fact, we are thinking that they are going to have much longer than 24 hours to respond, but the minimum was 24. Now, when that electronic solicitation goes out, we have identified specific information that will be included in those announcements. First of all, it is going to have a closing date and time of the announcement. It is going to include the specific dates of the TDY assignment, when those dates are actually known. So you may be deployed from September 1st to September 28th. It is going to include the location and nature of the emergency, the expected work hours and also any physical demand of that assignment.

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It's also going to contain the specific qualifications and any specialties positions that are needed. As always, the information may be subject to change. Now, in order to be eligible to volunteer, that employee needs to have a valid state driver's license, they need to be a permanent employee, and they need to have been fully successful on their last evaluation of record. Now, in this case, it will probably be a self certification. The employee is going to say, I was fully successful. Keeping in mind that you have to have supervisory approval, so they will know if you are not. We are also using ICS form 225. Basically, that is an evaluation you get from your last TDY. If you have one of those on record, they are also going to look at that. Depending on the circumstances, specific positions can be exempt at the discretion of PPQ. They might send this out and they say no canine officers can go volunteer for this TDY or identifiers or SITC Officers. If that is going to happen, then the union will be given notice of that.

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We will talk a little bit about the volunteer process. Sarah mentioned the ICS 225 form. I just want to emphasize that the parties saw a need to include that as part of the requirements that you be fully successful, either on your midyear or end of year or on that evaluation you got on your previous TDY. We want to make sure that we get the right employees for these domestic emergency assignments. So you have to perform fully successfully in order to be eligible to volunteer.

Upon completion of the period of time to respond to a solicitation for volunteers, the employer is going to take all of the people that volunteered for that appointment and put them on a list. Just like with the mandatory TDY list, these people will be put in order by service comp date. Initially. However on the volunteer list senior employees with the oldest service comp date will be at the top with the junior employees at the bottom.

If there is a return date, the return date employees will be at the bottom of the list but in order of their return date with the oldest return date employees above the most recent return date employees. So we put all of these employees on the list. What is going to happen is we will go down the list in order in an attempt to identify the first qualified and available employee. So if there is not an available qualified employee on that volunteer list, and hopefully there would be since we are going to request volunteers according to specific qualifications, skills, and abilities. But if there is not, then PPQ will be able to go to the mandatory list. Starting at the top of the list, they will go down that list looking for the first available qualified PPQ bargaining unit employee. So that is how we are going to fill TDY assignments for domestic emergencies.

We think that this is a really good system. It's going to be nationwide. It will allow PPQ to populate these TDY assignments quickly and efficiently. Now, we have also said that specific states may be identified as available for a TDY. If Texas has had its hands full with fruit fly infestation, Texas would tell the regional office, look, we cannot afford to populate to let volunteers go for out-of-state domestic emergencies. We are going to temporarily make all Texas employees unavailable for TDY as volunteers. In addition to that, the supervisors can identify an employee as unavailable. For example, if you got a large work unit and you've only got one identifier, he volunteers to go, and you need those identifications otherwise, you would have to backfill for that employee. The supervisor could designate him as exempt from volunteering for TDY with regional concurrence. What we look at when we are looking at identifying specific employees as unavailable is when letting them go on TDY would result in the inability to accomplish required program activities. So that is what is going to be looked at when people volunteer. Now, after exhausting all of the volunteers, if we still need people for that deployment, then we will go to the mandatory list to get additional personal.

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So normally a volunteer would have 14 calendar days notice before they are deployed. Sometimes it may be just short as 48 hours. It is going to depend on whether you are in the first

round of an emergency or whether they are planning ahead several TDY groups, how much notice you are going to get. But when you are notified, you are going to get similar information to what you had when he volunteered, but with a few more specific. You are going to get a specific reporting date and anticipated length of assignment. It you are going to know where the project intake duty station is. You are going to have an idea about what is going to go on with the project, whether you're in primitive conditions, what the physical requirements are that sort of thing so you can be prepared.

You are going to know what the uniform requirement is. You are going to have contact person and telephone number for someone there when you get there. And you are also going to know who the union representative is for you at that TDY assignment and any other pertinent information that they feel you need to know before going on the TDY.

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Here we are going to talk about some general TDY information that is in the MOU. I just want to make sure everyone understands that when we talk about this mandatory TDY list, this is a list that is going to be kept electronically. The plan is for it to be on a shared drive in at least the Eastern Region Office and the Western Region, so that employees can go in there, and they will know what their position is at any given time on that mandatory TDY list. The expectation or the hope is that employees will see that if they are in the top 20 on that mandatory TDY list, they may want to exert some influence over their own fate, if you will. They will be able to take the option and volunteer for TDY assignment rather than wait until they are mandatory. Each deployment will have a volunteer list, and those lists will also be posted on the shared drive. What we want is a completely transparent system for TDYs just like with overtime. Now, all TDY eligible bargaining unit employees may be required to participate in the government travel charge card program. I believe the way that is currently being handled is that in that electronic solicitation, it will say whether or not you have to have a government travel charge card to volunteer.

Now, when we talk about the national mandatory TDY list, again, we are talking about NAAE represented employees. There is a separate MOU for office support employees, and the process is a little bit different. On the national mandatory list, you are going to have all bargaining unit employees in reverse service comp order. Employees will be selected from the mandatory list. They will be removed from the bottom of the list and be assigned that returned date. That is how they are going to be tracked from that point forward.

Now, as always, management retains the option to offer extensions. In section D, employees on annual leave are not to be contacted concerning TDY deployment, except in the case of an emergency. It's only at the number that the employee provided as a contact number. Now, the employer may also authorize rest stops when traveling to a TDY assignment. I think this mostly comes into play for employees in Honolulu or Hawaii and Puerto Rico that have to travel great distances to the emergency location. Finally, there is a provision for volunteers to be

reconsidered at the local level. So what this means is, if an employee has been mandated to go on a TDY assignment, they can take it upon themselves to find someone within their own duty station to take their place. Now, it is completely the employee's responsibility to attempt to find a volunteer for his or her mandatory TDY assignment. All of the efforts to secure management approval for a substitute on a mandatory assignment must take place without any delay in the deployment. Okay. So a qualified and available employee that is going to take someone else's place on the TDY assignment will receive credit for that mandatory TDY assignment. So if I am mandatory to go on TDY deployment, and I go to Sarah and I say, Sarah, I've got a problem with this. Can you take my place on this and I will forever be your friend? Sarah agrees to do that. She will be credited and will get the return date when she comes back. I, on the other hand, will maintain my position on that mandatory list. It is entirely possible that in the next deployment or the next series of mandatory assignments, they are going to reach my name again. So the way the system works is if I find a replacement for myself, I do not go to the bottom of the list. I stay where I am. The replacement, upon return, they go to the bottom of the list and get a return date.

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In the MOU, I would encourage everybody to take a look at Section 8. That is our safety and health section. We actually have nine items under there. We cover a pretty wide range of topics including PPE, medical clearance, security, supplemental gear, and vaccinations, medical monitoring, and there is even guidance on if you get there and feel like the duties are beyond your physical capabilities. Rather than read those, I just encourage everybody to take a look at that. Like Peter said in the beginning, this MOU is listed on the LR website. We also have it on the NAAE website.

We have quite a few exemptions that are reasons why you would get out of being mandated to go on TDY. Medical conditions, we have actually included a form for an exemption. We're not asking people to just submit a whole bunch of personal health information, but we've got an actual form. It is at the end of this MOU. It's posted on the website. Serious personal obligations or hardships, jury or court obligations, military duty, annual leave, which we will go into that in much more detail later in the presentation because we have a procedure we have created. Union activity, returned assignments, and other exemptions. Now, these exemptions are not automatic. They have to be dealt with on a case-by-case basis. Somebody is going to have to make a judgment call. Depending on the nature of the emergency, these might put you at the get you past on the first go-round for the mandatory assignments but not on the second. Now, if someone is denied their exemption, then, as always, you can file a grievance. Because there is usually a pretty short time frame before you have to go on TDY, we created a process so that if you are denied, your exemption -- the employee is entitled to a written letter of denial. That is going to explain the justification for the denial and the alternative options that the employer may be able to give the employee. If you are still not happy with this, we created an expedited grievance procedure so you don't have to go through all four steps. Basically, if you are denied, you would file your grievance directly with the regional director. You don't need to do an informal

grievance. It goes to the regional director for hopefully a fairly fast decision and resolution of the grievance.

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Now we will talk about the actual article, Article 32, in the Green Book, some of this will be a little repetitive. Again, keep in mind that the TDY MOU was negotiated first, and then we came back to address the article in the contract. Again, when we talk about TDY, we are talking about volunteer process augmented by a mandatory system. Again, in article we have the same to exemptions. That would be regional incident management teams and ESF-11 collateral duty employees. Now, when they started talking about TDY assignments in the contract as opposed to the MOU -- because the MOU really were setup to do handle domestic emergencies. When we started delving into the topic of TDY, we realized that it is not quite so simple. So now when we talk about TDYs or domestic temporary duty assignments, we are talking about all emergencies, all hazard TDYs, and all other TDYs not covered by Article 43, details, special assignments, and temporary promotions. Everything else is going to be handled pursuant to the TDY MOU.

The parties agree that training, conferences, meetings, seminars these will not be considered TDY assignments as assignments for the purpose of applying the TDY MOU. Under the definition, again, we have the same definition. When we talk about a TDY assignment in the agreement, we are talking about a domestic TDY assignment defined as an assignment of more than 10 working days, including travel, to a work location outside the employee's regular duty station. It also has the same specifications that normally a TDY assignment for PPQ will not exceed 28 calendar days or 21 calendar days when the assignment is administered above the PPQ level. However, the employer retains the discretion to extend or shorten a TDY assignment based on the nature of the emergency. What we have agreed is that, normally, the employees will be given 10 working days advance notification of any mandated changes to the length of the deployment.

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So we have already kind of gone over the process, but to add in extra details. The volunteers for TDY will be solicited in electronically. Basically, an e-mail is going to go out to everyone asking for volunteers. This is what the Eastern Region has been doing for several years now and it works pretty well. Again volunteers, have to be qualified and available. And then we have a clause on priority selections. This is at management's request. A single pest eradication or control program can be deemed priority due to seasonal workloads. This is only going to apply to volunteers, and it is not going to force any employees to go if they don't want to volunteer. But a program that doesn't have a whole lot of work during the winter is going to get priority for sending people elsewhere when there is work that needs doing. Also, on a case-by-case basis, management can ask the national Union about giving a geographic area priority selection on certain TDYs. If an employee is deemed not qualified, we would encourage them to discuss it with their supervisor. If they are not happy with that answer, then again they can file a grievance.

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A little bit more about availability exemptions. Sarah went over these briefly. Medical condition obviously, that could be an exemption. We have actually included a form to request temporary light duty that can be used for exemptions from TDY. It is very basic information. It's all information of the supervisor would be entitled to. We strongly urge employees to utilize this form, because it will greatly expedite the processing of the request. It just asks for very general information; identify the general nature of the condition. We don't need a diagnosis, prognosis. It talks about identifying the anticipated duration, and then it goes on to request the physician to identify any work restrictions. Once we get that request, the supervisor can act on that medical request for an exemption. The other exemptions would be serious personal obligation or hardship. If you get that invitation to your daughter's wedding or your mother or father are sick in hospital, those are the kind of things we are talking about for serious personal obligation or hardship. Jury or court leave, pretty straightforward; the same with military duty. Sarah is going to talk about the process for annual leave. Union activity. The union rep can request an exemption, because they have negotiations, or they got a meeting or they will be on TDY. Those are not mandatory, but we will make a determination on the case-by-case basis for union activity.

In addition, there are procedures to grant availability exemptions upon return from TDY assignment. Just like if you come back from a foreign TDY, you will be exempted for 21 calendar days after your return to your duty station. The same will be true to the extent possible with normal domestic TDY assignments. When you return to your work unit, you will be identified in the system as unavailable for 21 calendar days.

The last point I guess it is about promotions, special assignments, and details. If you are a NAAE bargaining unit employees and you are in a temporary promotion or you are on a special assignment or you are on a detail, then you must get permission in advance to volunteer for domestic emergency TDY. So you could go to whoever selected you for that temporary promotion or special assignment or detail and get advanced approval, and then you can volunteer under these procedures. I think that is it.

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We have some pretty comprehensive annual leave, miscellaneous divisions. Prior to the start of the calendar year, each employee can apply for six weeks of annual leave, the minimum being one full week at a time or 32 hours of leave if there is a holiday. For those six weeks, that employee is identified as unavailable for a TDY. If the work unit doesn't have some kind of annual bidding process for their leave, that's okay. The employees are still entitled to those six weeks of unavailability; they just have to have the leave approved at least 30 days prior to notification of the TDY to get that unavailable status. Unavailable employees under this provision are going to also have the weekend before and the weekend after their leave noted as unavailable. Some employees are going to have more than six weeks of annual leave. If they have just a few days of leave, it doesn't fall under the six-week category, they have something

planned and they are notified of a TDY deployment, they can request to be considered for the next one and passed over. Management is going to make a decision based on the individual circumstances and the nature of the emergency. Obviously, if you have just taken three days off for your daughter's wedding that is a good reason to be skipped. I am not going to list not good reasons, but there is a provision for less than the six weeks annual leave. As always, management still has the right to cancel an employee's leave during an emergency. If this is going to happen the employee will be notified of the cancellation in writing and the union is also going to get a copy of that cancellation. If the cancellation results in use or lose, but the standard rules apply. Try to reschedule. If that's not possible, you follow the regulations for restoration of forfeited leave.

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That concludes the webinar four of five. If you have any questions, the next two slides will go over contact information for Labor Relations and for NAAE.

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It listed on this slide the contact information for APHIS Labor Relations. Ron Dale, and myself work in the Western Region. There is our contact information. You've also got Frank King and Robi Maple in the Eastern Region and their contact information. There is also a link to the Labor Relations website. You can go there and find a copy of the TDY MOU or a copy of the new Green Book. For our reading pleasure.

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And this is a list of the NAAE National Executive Committee and our phone numbers. At the bottom is the union website. We also have the MOU posted there along with other information, including the same contact information.

I thank everyone for joining. Once again, if you have any more questions about the Green Book, anything covered in this webinar or in the Green Book in general, please contact either Labor Relations at the number provided or NAAE at the numbers provided. Or if you have issues with this webinar in AgLearn, please contact PPQ AgLearn Administrator. This concludes the webinar. Thank you.