

NTEU-CBP Contract



STRONGER THAN EVER

For the first time in the history of Customs and Border Protection (CBP), all bargaining unit employees now are covered by the same contract, regulations and laws. The agreement, which became effective May 11, is packed with hundreds of new rights and benefits for employees.

To help you understand these new rights and how the contract relates to regulation and law, NTEU is beginning a series of quizzes highlighting the most important parts of the contract and how they work. The first quiz focuses on the contract's most fundamental changes to your work life. The quizzes will also be available on www.DHSunion.org/contractquizzes.

FUNDAMENTAL CHANGES TO YOUR WORK LIFE

Answer TRUE/FALSE

- 1 If your port has a local past practice that is not addressed in the new agreement, that local practice is ended by the new agreement.
- 2 The new agreement gives you the right to grieve virtually any decision management makes that harms you.
- 3 If you charge management with violating a contract provision, you cannot also charge it with violating a related law because the contract requires that you pick one right or the other to enforce.
- 4 The new agreement gives you the right to take paid time off to speak with a union representative about a work-related problem you personally are having or that you have witnessed.
- 5 With the new agreement in effect, management is prohibited from making any changes in your working conditions until the contract is renegotiated in three years.
- 6 NTEU can get information about some management decision that impacted you that employees cannot get.
- 7 The new contract prevents management from ever violating your rights again.
- 8 If there is some work-related problem that you think should have been addressed in the contract but was not, you have to wait until the contract is renegotiated in three years to do anything about it.
- 9 The only way you can help NTEU is to become a member.
- 10 The new agreement addresses all of the following issues: how to get reassigned to another port, how to be excused from working on your regular day off, bid and rotation rules, how to swap assignments and work locations, your rights when under investigation, grooming and uniform rules, when shift changes can be made, hours of work, leave and promotion procedures.

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Answers to Fundamental Changes

- 1 **FALSE** If a local practice gave you a right that the NTEU contract does not even address—such as certain parking privileges—you continue to have that right. (See *Article 3, Sec. 3 and Article 26, Sections. 4.A. and 10.*) Only those local past practices that specifically conflict with language in the new agreement are superseded.
- 2 **TRUE** Perhaps the most valuable right in any collective bargaining agreement is the right to file a grievance and take the matter before an outside neutral arbitrator for a legally-binding decision. If you believe that you have a right under the contract, law, regulation, management policies or past practice that CBP violated, the contract permits you to get that corrected virtually every time it happens. (See *Article 27, Section 2.*) There are very few exceptions to what work-related decisions can be grieved and arbitrated, and even when something cannot be grieved it can often be challenged through another appeal process.
- 3 **FALSE** For example, if you are denied a desirable overtime assignment in violation of the contract and you suspect that management did it deliberately in violation of the civil rights laws or even the Code of Federal Regulations overtime requirements, you can charge management with violating all those requirements. If the case does not settle, NTEU can force the manager to appear before an arbitrator who will judge the matter.
- 4 **TRUE** You are entitled to take a reasonable amount of time during the work day to meet with an NTEU representative to discuss any work-related problem. The procedure for doing so is outlined in Article 30, Sections 3, 11 and 12.
- 5 **FALSE** Law gives NTEU and management the right to propose changes to any matter not specifically addressed in the contract. Often, management will use this right to propose changes in work procedures. However, none of CBP's proposed changes can be made until management notifies NTEU, gives NTEU background information and finishes bargaining with the union. If CBP does jump the gun, NTEU can force management to undo the change and make the employees whole for anything they lost as a result of the change (i.e., give employee retroactive overtime payments). (See *Article 26, Section 4.A.*)
- 6 **TRUE** The contract as well as law and federal regulations give NTEU the right to get information that you cannot get. That is established in Article 26, Section 12. For example, NTEU can get a copy of the complete promotion file for some job you may have wanted. NTEU can also get detailed records on how overtime assignments were made, why employees did not get awards and many other important employee issues. NTEU's right to information in the contract and under law are invaluable to employees who want to know what really happened behind the scenes.
- 7 **FALSE** Nothing can ever stop a manager from intentionally or unintentionally violating your rights. However, the contract does spell out in great detail what your rights are and it gives you time off to consult with a trained NTEU local or national representative about what to do. Also, the contract gives NTEU the right to get most official background documents management has about the problem and it permits the union to put the matter before an outside neutral arbitrator who can give you what you should have had and impose penalties on management.
- 8 **FALSE** The contract gives NTEU several ways to address such problems. The union has the right to open negotiations on anything not specifically covered in the contract. NTEU can put the issue on the agenda for a national or local labor-management meeting, or the union simply can use its day-to-day problem-solving relationships to get the issue informally addressed.
- 9 **FALSE** There are many ways to support NTEU in addition to joining the union, For example, if you see something wrong, tell your NTEU representative. Or contact your chapter president to learn about volunteering as an NTEU representative, helping in the union office or participating in legislative outreach.
- 10 **TRUE** The contract addresses each of these issues and many other subject matters.