

AFGE Local 1263 Newsletter

(Vol. 2, Issue 1)

Monday, 2 September 2024



What is Labor Day?

https://www.youtube.com/watch?v=aiE4sM_RKO4&t=17s

(2-minute video)



In this Issue

1. Presidio Police receive "Pay-bump":

Starting in June, but retro-active to April

2. Associate Provost Rank Advancement:

Union Opens Investigation into APRA Protocols

3. Pregnant Workers Fairness Act:

What it covers for federal employees

Presidio Police Officers Receive "pay-bump" retroactive to April

In June the Union notified the Presidio Garrison that the Police Officers were still anxiously awaiting their newly authorized pay increase (IAW Special Rate Table 983U). Apparently, the notification of this unexpected pay increase had gotten delayed at higher command levels, but once confirmed it was expeditiously implemented, retroactive to April 2024.

The mid-year increase affected not only our Presidio Police, but also the police personnel at NPS, Fort Hunter Liggett, Camp Roberts and several other federal police forces up and down the Central California Coast.

Union Opens Investigation into APRA Protocols

After waiting nearly a year for the Associate Professor Rank Advancement Board's results to be issued, the outcome for many of the candidates was both confusing and frustrating.

From Evaluator ratings which were "all over the board" - to an unsuccessful 10-minute interview -- worth a maximum of zero (0) points -- subsequently disqualifying several of the highest-scoring candidates, it was clear that the APRA Appeals Board would be very busy.

In order to better appreciate the disparity between the six APRA Board Evaluators, the Union developed an "APRA Scores Translation and Analysis Tool", which allowed each candidate to enter the scores from the 7-page "APRA Category Scores (2024) report", which they could request from the APRA Board (associate.professor.advancement@dliflc.edu).

After transferring these scores to the grid in the 1st "Tab" of the tool, Excel could calculate the candidate's categorical point totals, making pertinent comparisons between the points awarded to their portfolio -- and the maximum points possible, category-by-category. Then, on the 5th Tab score-levels (low-to-high) were color-coded for easier comparison between the scores awarded by the six Evaluators.

Example of the APRA Translation and Analysis Tool's "5th Tab"

Rank Advancement Score: **Final Analysis**

PAES Score	174	(out of 180)	
(Performance + Education + Supervisor)	97%	===== Does this surprise you? (Then link below.)	
Portfolio Score	70.8	(out of 180)	
(Core Area + Additional Area + Service)	39%	===== Does this surprise you? (Then link below.)	
TOTAL SCORE	244.8		
(PAES Score + Portfolio Score)	68%	===== Does this surprise you? (It's the average of the two percentages, above.)	

Point values assigned >>									
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Needless to say, there was a noticeable “Inter-rater Reliability” problem, which reflects directly on the validity of these scores.



Local 1263

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO
Defense Language Institute and Presidio of Monterey

26 August 2024

To: FPS Employment Office,
Deputy Chief of Staff for Personnel and Logistics (DCSPL)

Based on numerous complaints by our FPS Bargaining-unit employees, the Union is undertaking an investigation of the most-recent Associate Professor Rank Advancement competition's protocols to determine whether they comply with the standards set by the U.S. Civil Service Merit System Principles (5 USC 2301).

Among the questions which we are now raising:

- 1.) What was the exact purpose of conducting a “pass/fail” interview, once the candidate’s portfolio had already met the APRA Board’s standards (i.e., reached the “cut-off score”) for rank advancement?
- 2.) How is it possible to conduct such an important competition without first providing the evaluators with:
 - a. A defined “rubric” to enhance their consistent scoring of the portfolios?
 - b. A defined “rubric” (and rationale) to enhance their consistent scoring of the oral interviews?
 - c. Any group norming sessions to ensure the evaluators’ common understanding of the qualities on which they would be scoring the candidates?
- 3.) Were evaluators allowed to see the candidates’ supervisor’s recommendations?
- 4.) Were evaluators allowed to score the portfolios of – or to interview – any candidates who were within their own supervisory chain?
- 5.) Did supervisors and non-supervisors compete against each other for the same limited pool of rank advancement slots?
- 6.) Did any bargaining-unit employees (BUEs) compete against their own supervisors for rank advancement – and were any the same supervisors who provided the APRA rank advancement recommendations (referred to in item #3, above)?

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis Hickman".

Dennis Hickman
Local President
AFGE Local 1263
831-601-7914 (Union Cell)
AFGE1263@gmail.com

CC: DLIFLC Academic Senators and Officers
Individual BUE-complainants

Merit System Principles (5 USC § 2301)

1. Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity.
2. All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.
3. Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.
4. All employees should maintain high standards of integrity, conduct, and concern for the public interest.
5. The Federal work force should be used efficiently and effectively.
6. Employees should be retained on the basis of adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.
7. Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.
8. Employees should be--
 - A. protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and
 - B. prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

(MORE TO FOLLOW ON THIS ISSUE IN THE NEXT UNION NEWSLETTER.)



PREGNANT WORKERS FAIRNESS ACT (PWFA)

WHAT IS PWFA?

The Pregnant Workers Fairness Act (PWFA) is a federal law that requires covered employers to provide “reasonable accommodations” to a qualified worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.” An undue hardship is defined as causing significant difficulty or expense.

A “**reasonable accommodation**” means a change in the work environment or how things are usually done in order to remove work-related barriers.

WHAT ARE SOME POSSIBLE ACCOMMODATIONS FOR PREGNANT WORKERS?

- Schedule changes or time off to go to health care appointments
- Extra bathroom breaks
- A chair or stool to sit on while working
- The ability to telework full or part-time
- A private place to pump breast milk
- Leave to recover from childbirth
- Breaks to eat and drink
- Light duty



WHAT OTHER FEDERAL EMPLOYMENT LAWS MAY APPLY TO PREGNANT WORKERS?

Other laws that apply to workers affected by pregnancy, childbirth, or related medical conditions, include:

- Title VII of the Civil Rights Act of 1964 which prohibits employment discrimination based on sex, pregnancy, or other protected categories (enforced by the U.S. Equal Employment Opportunity Commission (EEOC))
- The Americans with Disabilities Act (ADA) which prohibits employment discrimination based on disability (enforced by the EEOC)
- The Family and Medical Leave Act which provides unpaid leave for certain workers for pregnancy and to bond with a new child (enforced by the U.S. Department of Labor)
- The PUMP Act which provides nursing mothers a time and private place to pump at work (enforced by the U.S. Department of Labor)



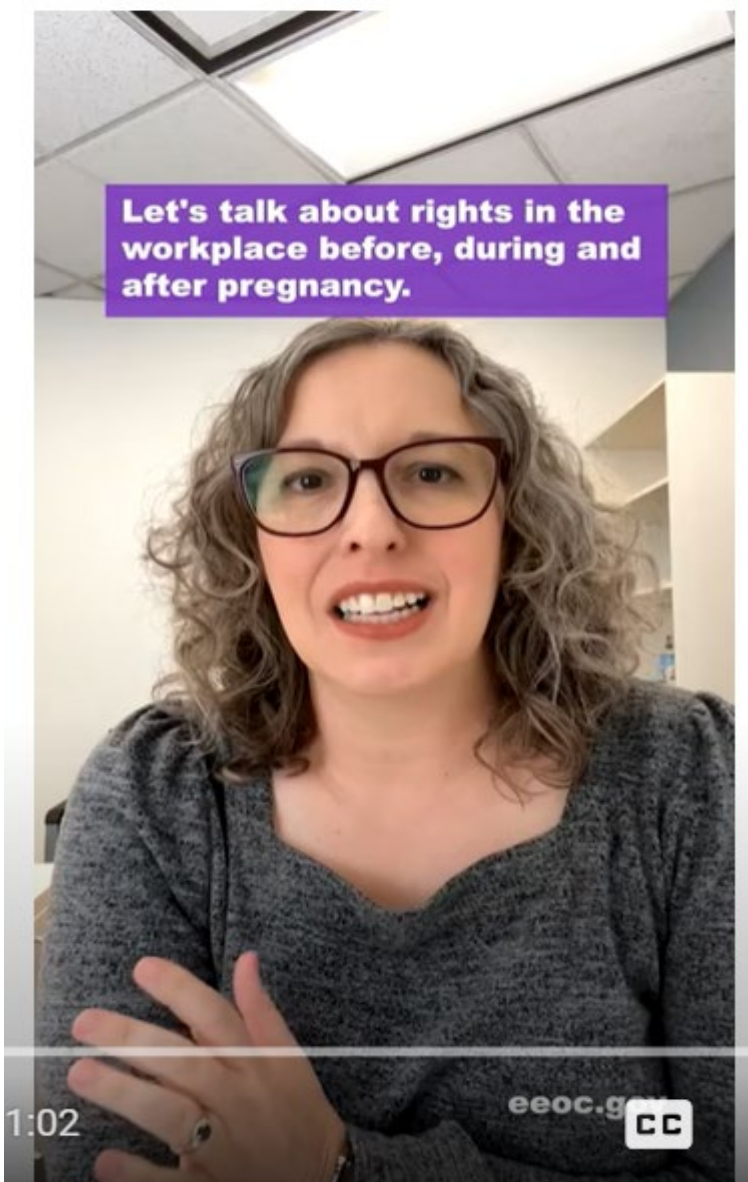
Learn more at www.EEOC.gov/Pregnancy-Discrimination

What You Should Know About the [Pregnant Workers Fairness Act](https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act)

<https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act>

Although the PWFA went into effect on June 27, 2023, it was not until April 15, 2024 that the EEOC issued its final regulation to enforce the law.

The final regulation went into effect on June 18, 2024.



TIPS FOR ASKING FOR A REASONABLE ACCOMMODATION

IF YOUR PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION MAKES IT HARDER FOR YOU TO PERFORM YOUR JOB, YOU CAN ASK FOR A CHANGE CALLED A REASONABLE ACCOMMODATION:

- 1 TALK** to your employer. Your manager, human resources, or person designated in the company policy is a good place to start.
Covered employer must provide a reasonable accommodation unless it will cause them an undue hardship.
- 2 EXPLAIN** that because of a physical or mental condition related to your pregnancy, childbirth, or related medical condition, you need a change.
- 3 SHARE** with your employer what barriers you are facing. Give ideas, if you have them, for what could help you do your job.
For example, you may need to do your job differently, a piece of equipment, additional breaks, leave, or a different schedule.
- 4 IF YOUR EMPLOYER SAYS "NO" PROVIDE** Information. Tell your employer about the EEOC's webpage: [What You Should Know About the Pregnant Workers Fairness Act](https://www.eeoc.gov/wysk/what-you-should-know-about-the-pregnant-workers-fairness-act).

REACH OUT to the EEOC. The EEOC can help you decide on next steps.

CONTACT US:
1-800-669-4000
[WWW.EEOC.GOV](https://www.eeoc.gov)



https://www.youtube.com/watch?v=5C1wyqLJUF0&list=PL65EFmHB_s4BYvk6Qff0cqCSZFCcINfnr

(1-minute video from EEOC >>> It's faster to cut-and-paste the above address into your Browser !!)

The next issue of our Newsletter will go deeper into the Union's Investigation of the APRA protocols and other issues of special interest to Union members.

Until then,

Have a GREAT LABOR DAY !!

AFGE Local 1263

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831-601-8119 (Chief Steward)

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And Remember:

"Together we are Stronger"

Additional Information about the History of Labor Day:

(It's faster to cut-and-paste these addresses into your browser !!!)

<https://www.youtube.com/watch?v=gVZ2wX49Al8>

<https://www.youtube.com/watch?v=6ZBEIBEAEp8>

<https://youtu.be/YqmPE2HtkyU?t=1>