



NATIONAL BORDER PATROL COUNCIL

of the

American Federation of Government Employees

Affiliated with AFL-CIO



September 16, 2006

Mr. David V. Aguilar
Chief Patrol Agent
United States Border Patrol
Bureau of Customs and Border Protection
Department of Homeland Security
1300 Pennsylvania Avenue, N.W. Room 6.5-E
Washington, D.C. 20229

CERTIFIED MAIL # 7001 0320 0000 7353 1820

Dear Mr. Aguilar,

The following constitutes a Union-initiated grievance pursuant to Article 33.F. of the Negotiated Agreement:¹

On August 20, 2006, all Border Patrol Sectors were required to implement standardized shifts pursuant to direction from your office.² The Union was never provided notice nor an opportunity to bargain concerning such matter. On September 7, 2006, the Union demanded to bargain over the aforementioned changes in conditions of employment and submitted a number of negotiable proposals. To date, no response has been received from the Bureau.

By the aforementioned actions and omissions, the Bureau has violated the law and the Negotiated Agreement. By way of remedy, the Union seeks the following:

- A. Immediate rescission of all standardized shifts that have been unilaterally implemented and a return to the *status quo ante*.
- B. Prompt and full payment of all lost wages, including interest, to every employee who loses any form of pay as a result of the unilaterally implemented standardized shifts.

¹ Although the Union disagrees with the unilateral decision of the Labor Relations Office to designate itself to receive national Union-initiated grievances, it is also filing a copy of this grievance with that office as a protective measure. The Union has filed a grievance concerning that matter that will resolve this disagreement. It is therefore suggested that your office coordinate its response with that office.

² The standardized shifts are 12:00 a.m. to 8:00 a.m., 8:00 a.m. to 4:00 p.m., and 4:00 p.m. to 12:00 a.m.

- C. Prompt granting of administrative leave, in an amount equal to the extra time spent commuting, to every employee who does so as a result of the unilaterally implemented standardized shifts.
- D. Prompt reimbursement to every affected employee for all additional expenses incurred as a result of the unilaterally implemented standardized shifts. Such additional expenses include, but are not limited to, childcare costs, extra commuting costs, etc.
- E. Immediate and full adherence to all laws, government-wide regulations and collective bargaining agreement provisions concerning all aspects of the instant matter.
- F. Immediate and full adherence to all laws, government-wide regulations and collective bargaining agreement provisions concerning the process of changing any conditions of employment.
- G. Notification to all employees, signed by the Commissioner of the Bureau of Customs and Border Protection, that:
 - 1. The aforementioned actions and omissions violated the law and the Negotiated Agreement.
 - 2. The Bureau will fully adhere to all laws, government-wide regulations and collective bargaining agreement provisions concerning all aspects of changes in conditions of employment.

Sincerely,

T.J. Bonner
President
National Border Patrol Council
AFGE, AFL-CIO
P.O. Box 678
Campo, CA 91906