



Settlement Agreement

The parties to this Agreement are the National Federation of Federal Employees, Local 1998 (“the Union”) and the U.S. Department of State, Bureau of Consular Affairs, Passport Services (“the Agency”) (collectively, the “Parties”). On November 20, 2015, the Union filed a grievance against the Agency entitled “PMO Conduct.” Wishing to settle the grievance in full, the parties agree as follows:

1. On June 12, 2015, the Parties executed Ground Rules for 7 FAM 1300 (the “Ground Rules”). The Parties agree to resume the bargaining negotiated in the Ground Rules until completion of bargaining pursuant to the ground rules. The parties have agreed to discuss the 1340 proposals which are included as Appendix A to this Agreement. The parties will resume face-to-face bargaining on the proposals in Appendix A on January 24-25, 2017. The parties may conduct phone bargaining prior to January, as mutually agreed.

2. The parties agree to resume begin face-to-face bargaining on Appendix H under the ground rules on January 26, 2017.

As per the Ground Rules, paragraph 28, at the conclusion of any unsuccessful face-to-face bargaining session, the Union will send their last set of proposals following the conclusion within 15 business days, and the Agency will make its declarations of non-negotiability or outside the duty to bargain within five business days of receiving those proposals; provided that timeliness will not be a valid basis for declaring the proposals set forth in Appendix A outside the duty to bargain.

3. The Parties agree to comply with Article 22, Section 5(f) of the Master Agreement and raise all claims of arbitrability as early as practicable during the grievance process.

4. The Agency agrees to pay for travel and per diem to the District of Columbia for one Union rebuttal witness to attend the next scheduled hearing days of the OT/Comp Time arbitration. This provision is not meant to and does not set a precedent related to witness travel for future arbitrations.

5. The Parties agree to amend the August 27, 2015 settlement agreement concerning Articles 21 and 22 of the Master Agreement to address the exchange of witness lists beyond the

20-day time frame provided for in that settlement agreement as follows: (a) if subsequent to the initial exchange of witness lists, the arbitrator issues a relevant decision in advance of the arbitration at issue, which has a bearing on the issues to be addressed at hearing, the Parties have three days to exchange a supplemental witness list; and (b) given that rebuttal testimony is by its very nature unanticipated, the Parties acknowledge and agree that rebuttal or sur-rebuttal witnesses may be called to testify regardless of whether they have been placed on the initial or supplemental witness list.

One week prior to a scheduled arbitration, the NFFE President will send an email to the PMO labor relations mailbox copying the Division Chief, designating one NFFE officer to be the individual who will coordinate witnesses for rebuttal testimony. This individual will generally be made available for this task; if not, the Union will be notified at least 48 hours prior to the hearing, and a substitute officer will be appointed for the same purpose. The designated officer will only use the amount of time necessary within that allotment. The Agency will make reasonable efforts to secure the timely release of rebuttal witnesses once notified.

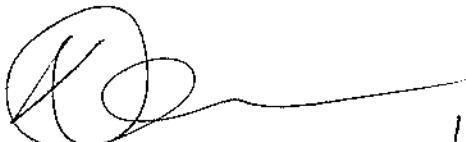
6. The parties further agree to amend the August 27, 2015 settlement agreement to include the following language: The parties are urged to resolve any dispute concerning the exchange of witnesses or number of witnesses between themselves, but, if a resolution is not possible, the disagreement should be presented to the arbitrator promptly.

7. This agreement is not an admission of fault or wrongdoing by either party.

8. The Parties agree that this settlement resolves the Union's November 20, 2015 grievance and such grievance is hereby withdrawn as resolved.

For the Agency:

For the Union:


10/17/16
Daniel Alessandri
Acting PMO Director


10/17/16
President NFFE 1998

Appendix A

1. Propose additional time (5 minutes per each case) for employees to fully adjudicate applications with CSM issues that previously would have been routed immediately to the CSM office upon discovery of the issue

1341.1

2. Propose that "...using the tools and resources available" be clarified as not intended to require every resource to be consulted on any given case unless the exact circumstance would require that every online resource or database be checked

1342

3. We propose that the necessary references be collected in one centralized location if Specialists are expected to locate them in a timely manner
4. Propose that "other guidance" (1342 a) be clarified with sufficient specifics for Specialists to follow it (if the FAM is to be definitive, then all of the information needs to be included in it - specialists should not be expected to search piecemeal through unsorted mountains of data coming in from various sources.

1343

Compare the submitted passport, American Citizen Record Query (ACRQ) images, and the applicant's photo to determine whether the applicant is depicted in all the photos. If the images do not match, refer suspect passports and applications to the FPM (see 7 FAM 1341); Dan doesn't have record

5. Propose that the PIERS references stay, as that system will often work at times that other database are down
 6. We propose that the term "inexplicable" be rewritten/clarified sufficiently for Specialists be able to comply with it (perhaps refers to features that have frequently appeared on previous applications that have proven to be fraudulent?)
 7. We propose that the guidance referenced in " 7 FAM 1341 paragraph h (1) c" be available for Specialists to consult as necessary
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8. We propose Passport Specialists once again receive criminal background information in viewable Lexis Nexis results
9. We propose an additional 15 minutes per day for Passport Specialists to refer to the list of stolen certificates on every case
10. Re: the "Note" on ID witness co-signing application: We propose ID witness sign either the DS-71 or the application.

1343.2-1

11. Propose the Agency clarify the difference between guardianship orders and letters of guardianship and which are sufficient and are not sufficient in terms of passport issuance.
 12. Propose that Training/guidance be provided and exemplars given on court orders, powers of attorney, and other guardianship orders in reference to what language is acceptable/not acceptable for passport issuance .
 13. Agency will provide training on the difference between guardianship orders and letters of guardianship and which are sufficient and are not sufficient in terms of passport issuance
 14. Agency will provide training and exemplars on court orders, powers of attorney, and other guardianship orders in reference to what language is acceptable/not acceptable for passport issuance
 15. Hyperlinks will be provided for the online portions of this section that refer to other sections of the FAM
 16. Propose that the oath given to passport applicants substitute the phrase "true likeness" for "good likeness "
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17. Agency will clarify that ID witnesses for "signature by mark" cases do not require more signatures of the ID witness than the applicant
18. IRL will be created to address the issue of signatures on applications not matching the signature on the ID ft
19. Where notations are now required to show manner of signature comparison, "visual comparison" will be pre-printed on the passport application
20. Propose that the Agency annually provide Passport Specialists with their sample signature on file and allow them the opportunity to update it
21. Propose that standard practice is that the photo is fully stapled to the application by the time it reaches the Passport Specialist adjudicating the case

You must ensure that all Personally Identifiable Information (PII) is out of view of the public before calling the applicant to the window.

22. PROPOSE eliminating the conflict between this instruction and instructions regarding displaying of employee names/badges

13443-1

23. Propose that all applicants claiming some or all their documents were sent to the Agency already be classified as suspense cases for purposes of which BUE is rounding the documents submitted

The check-in/information window employee briefly verifies that the applicant has the required documentation to complete the application process

24. PROPOSE adding a completed application, as this just requires looking at fields to see whether blank or not

25. Propose that standard practice is that the application is free of notations in the acceptance agent boxes by the time it reaches the Passport Specialist adjudicating the case, except where the applicant was identified at an acceptance facility and now having the application hand-delivered.

1344.3-2 (a)(4)(c)

26. Propose the Agency keep posted at each counter window a list of nations requiring extensive time for visa (the countries this section is referring to)
27. Propose the Agency perform due diligence in making public aware which countries are in this category to minimize unnecessary arguments BUE must have at the counter over whether the applicant's visa needs mandate same day service

You must review the submitted citizenship evidence to determine if it is valid (see also 7 FAM 1330 Appendix I regarding verifying the applicant's citizenship via ACRO; 7 FAM 1300 Appendix B, "Endorsement Codes" and 7 FAM 1345.3-1 regarding limited passports and endorsements). Exercise caution if the format is unfamiliar or unusual. If the record has indications of alterations or counterfeiting, refer the application to the FPM (see 7 FAM 1341).

28. PROPOSE 3 hours reading time for this revised FAM section, given the number of other FAM sections that must be read to understand it
29. Provide training and references on which states encode creation dates and where they are found for each type of acceptable ID

1344.3-2 (f)(6)

When the applicant provides a primary ID from out of state, you must request a second ID, annotate the ID on the Form DS-11, and attach a photocopy of the ID to the Form DS-11. "Out-of-state" does not apply to contiguous states to the agency/center or multi-state metropolitan areas.

30. PROPOSE that the Passport Specialists be able to exercise sensible discretion here (e.g. able to decide that a WV renewal DL is sufficient for an application received at PT/WN)

1344.3-2 (f)(8)

If the Reveal-ID software returns "Suspect," you must review the application for fraud indicators. If there are no other fraud indicators, you must request that the applicant provide additional ID. If there are other fraud indicators, you must refer the application to the FPM (see 7 FAM 1341). You must annotate the AssureTec result in or near the "Identifying Documents" block of the application (do not make this notation in the presence of the applicant), for example:

31. PROPOSE that a previous ppt in the system containing a good likeness negate the need for additional ID

32. PROPOSE a more cryptic notation than "suspect" that the specialist can do in front of the customer—some abbreviation that could mean something else and can be filled out in front of the applicant. Otherwise, specialists will likely forget to do the notation or forget whether the return was "caution" or "suspect" in the minutes of dealing with the application on other matters. Also, the Specialist will not be able to present the application to be signed/executed if the applicant must not see the notation

33. Propose additional 15 minutes non-productive time per day if assigned to Counter Adjudication for more than 4 hours to complete the added steps, additional notations, and additional research required by this two-page section. Further propose that one set of procedures govern Assurtec Returns that are neither automatic fraud referrals and also not the "OK" situation.

34. Propose that Agency annually provide Union with the percentage of "suspect" cases according the Reveal-ID that required referral to the FPM

1344.3-2 (f)(10)

Verify with the applicant that the submitted passport is the most recent passport (book and/or card) and it meets all the eligibility requirements to apply for a renewal using the Form DS-82 (see 7 FAM 1345.4.)

35. Propose these few requirements be listed here, even if redundant

1344.3-7

36. Propose additional 15 minutes per day non-measurable time for each full day assigned to Counter Inspection to allow completion of the additional responsibilities contained here
37. Propose that the Counter Inspection station be continually stocked with materials to obscure stamps.

None of the above mentioned possible returns can be ignored as they may affect the possible denial of the passport.

38. PROPOSE adding "Barring system failures" to beginning, or explaining procedure in the event of system failures

The applicant submits recently issued ID (see 7 FAM 1320); or

39. PROPOSE that commercial database checks are necessary if SSA has not returned information, but otherwise not necessary

1344.3

40. Propose each Passport Specialist be provided with a functioning black light
41. We propose the phrase "andgood likeness of you/your child?" be removed from oath, since a lookalike could honestly state the photo is a "good likeness" (and therefore the phrase takes up time, but provides no additional enforcement)
42. Re: 5 h and i: Propose that reference to 2D-VFD be removed as an obsolete instruction

7 FAM 1345.1, 1345.2, 1345.3, 1345.3-1

43. Propose the word "legible" throughout these sections be defined as "legible enough that upon request the specialist is readily able to explain what they wrote"
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7 FAM 1345.1 (U) Summary of Examination and Adjudication of a Passport Application

44. Sections C: Include step "Refer to Holds Desk", for namecheck holds

7 FAM 1345.2 (U) Annotating the Paper Passport Application

45. Section D(4): Propose "Notation 'REL per ACRQ' is an example of a notation indicating parental relationship. Other notations may be used to indicate parental relationship"
46. Section D(5): Specialist should be allowed to annotate "ID-OK" in the ID section or the Issuing Office Only box on page 2.
47. Section E(1): Clarification on "dark color other than red". Dark purple, dark green, dark orange, dark brown, are all acceptable as long as they are dark?
48. Section E(3): A quick, easy way to notify the CSM must be developed, or additional time must be given to complete this task.

7 FAM 1345.3 (U) Form DS-11, Application for a U.S. Passport

49. Section C: Conflicts with MOU between NFFE and PPT/A signed on 12/3/2014.

7 FAM 1345.3-1 (U) Upper (Un-numbered) Sections - Page One of the Form DS-11

50. Section A(1) and (2): Propose change of "check" to "indicated" throughout these sections. "The appropriate "U.S. Passport Book," "U.S. Passport Card," or "Both" must be indicated" The way it is currently written seems to indicate that that if a box was "X'd", darkened in, or circled, it would not be acceptable. This does is not reasonable.
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51. Section E (1): Propose language, "It is not necessary to complete this line..." Specialists have been trained at NPC to write FV for Fully Validity. As long as the information correctly represents the passport being issued, a specialist should not be charged an error for writing "FV"

7 FAM 1345.3-6

52. Specialists have been trained to look at the name at the top of page 2 if a minor applicant is dropping a name (middle name or matronymic last name). Page 2 may indicate that the parents merely forgot to include the name on page 1, and if the full name is on page 2, then Page 1 is corrected to reflect what was indicated on Page 2. Propose discretionary language, "You may correct/complete this block if the name and/or date of birth are incorrect/incomplete, or you may correct Page 1 blocks one and two if you believe that Page 2 accurately reflects the name the applicant wants."

1345.3-7

53. (re: #17 perm address) Propose that procedure for counter specialists on what is listed for permanent address be no more strict than requirements for those adjudicated at desk OR that counter specialists be provided an additional 15 minutes non-productive time to accomplish the extra task any day they are assigned to the counter over 3 hours

1345.3-8

54. Re: 5d – notating law: We propose that the requirements of the "supplemental worksheet notations" memo of 1/25/13 prevail as the proper guidance here (doing away with requirement of recording the law on page 2, since the same information goes on the worksheet)
55. We Propose Specialists not list the letter prefix on citizenship certificates (a redundant step for information that can be checked in PCQS)
56. Propose deleting passage that reads "Applicant derivative claim to U.S. citizenship and does not have a CRBA, Certificate of Citizenship, or previous passport, record the law under which the applicant acquires citizenship/nationality(e.g., "Section 301(g) INA") and the citizenship
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documents on the attached "Citizenship Worksheet." " (redundant – info already being recorded on the attached citizenship worksheet)

RE: 7 FAM 1345.3-8(B)(1) (first paragraph)

57. We propose that all Specialists will be provided with jurats that contain their name, location, date
 58. Propose extra 15 minutes per full day of the Counter Inspection assignment
 59. Propose that the employees responsible for making the ID witness' identification photocopies be assigned to non-measurable tasks (which is possibly what is intended, but is not apparent)
 60. We propose 15 minutes of additional non-productive time for each DS-71 case...to account for a) the additional oath given, b) satisfying the new requirement of looking up the ID witness passport file, and c) performing the comparisons of the DS-71 to the Identification and DS-11 in search of inconsistencies.
 61. We propose that occasional failures to follow the changed procedures be treated as outside the SPA procedures, and not rising to the level of Significant Knowledge Errors
- 1346.4 - 1348
62. We propose that Training/guidance will be provided on what a C/O has to contain to be acceptable.
 63. We propose that The Office of Civil Rights will be contacted and asked to clarify that all foreign language/translation policies in the FAM are in line with Executive Order 13166 regarding "Limited English Proficiency." Training will be given to all Passport staff on LEP and how it impacts Adjudication and Customer Service.
 64. We propose that Agency clarify when keeping a copy of a document or court order establishing custody/guardianship is required, and communicate this to the field.
 65. We propose that the Agency re-affirm that all DS-5525 review and research is done on non-productive time.
 66. The terms "urgent travel" and "emergency travel" will be defined and consistently used through the FAM.
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67. propose a one-year trial period to evaluate how sections 1346.7, 1346.8, and 1346.9 are actually implemented in the field, with a Union/Management meeting at the end of the year to evaluate the impact to employees (also, that the agency provide data requested by the Union necessary to evaluate that impact).

7 FAM 1349

68. Requirements from this FAM section be no more stringently applied for BUE than non-BUE

69. Notations of information already plainly displayed elsewhere within the same passport file will be not required of BUEs

70. Agency will clarify that the requirement for "thoroughly-notated" documents is not intended to increase the level of detail than is currently required

71. Additional non-measurable time will be allowed to perform such duties in this section as notating the application number/notating retained PRC card/checking Evidence of Residing/Marriage Certificate checkbox, etc. at a rate of 15 minutes for each two occurrences of procedures not previously communicated to the Union.

72. 7 FAM 1349 c will be modified to include other situations where the worksheet might be used (to incorporate the instances listed later in 1349.1 d)

73. Regarding 1349.2 d: Agency will either require originals in all cases or provide exceptions that would not apply to every case

74. Passport Specialists will either make a check mark or write out the same information that the check mark denotes, but are not required to provide repetition of the same information

75. 1349.3 f 8 will be modified to state "Check this box if the ID contains a photograph that readily identifies the applicant"
 76. Provide NFFE with any revisions of the forms mentioned in this FAM section for review and comments before FAM section is published.
 77. The Secondary Evidence W/S will be redesigned to make more efficient use of the space on the sheet.
 78. The Secondary Evidence W/S will be understood to only be necessary when the Secondary Evidence is being used in support of issuance. Or if needed to record overflow information. Other documents may be notated briefly on page 2. (Example: Appl sends a P/C of his BC, and is sent an 875-04a IRL – the suspending Specialist can write "P/C BC" under "Other," they do not need to use the Secondary Evid W/S.)
 79. When the information is the same on the supporting document as it is on the application, Specialists may write "same as #xx," they need not write out the information for each document (i.e., parents' names).
 80. 168. Passport Specialists will be given 30 minutes in MIS to make copies of all new versions of the forms mentioned in this section, and sufficient non-measurable time to adjust to the format of the new forms, if there are substantial changes made.
 81. The Citz W/S will separate the "Legal Custody" and "Physical Custody" sections in order to help make clear that these concepts are not interchangeable and may require different evidence.
 82. Employees will be provided guidance on when parents' marriage certificates are required for derivative cases. The 670-02 IRL and any other relevant IRLs will be updated to request this document if it, in fact, is needed for all cases where there is any evidence the parents were/are married.
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83. New forms and their proper usage will be covered in an Adjudication meeting using a consistent training tool (i.e. same PowerPoint for each agency). Specialists will be encouraged to ask questions, and any questions arising from this training will be answered before the forms are put into use.

 84. All required notations will be given a clearly marked space on the form to include the required notation.

 85. The Physical Presence Calculator W/S will be made so it can be saved on SharePoint at each agency by application number, though PII may be removed. If the case is suspended, the specialist who gets the case in A/R may then pull up the saved spreadsheet instead of starting over from scratch.

 86. Any errors charged relating to this FAM section through the Acquisition Review Panel process will be specified as that auditing method in the SPA entry.

 87. On the Supplemental ID W/S, if the signature appears to be an earlier evolution of the applicant's earlier signature, the box may be checked. It is not necessary, nor is it expected, that the signature matches the one that the applicant currently uses, particularly if the ID document was issued when the applicant was under 30.
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