



# LOCAL 1998

National Federation of Federal Employees  
International Association of Machinists & Aerospace Workers, AFL-CIO



*Representing the bargaining unit employees of Passport Services, a division of the Department of State's Bureau of Consular Affairs*

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## Grievance Between the Parties

February 1, 2008

To: Betsy Anderson, Managing Director of Passport Services  
Cc: Florence Fultz, Senior Passport Operations Manager  
Gary Roach, Director – Passport Services Office of Field Operations  
Dottie Flaak, Director – Passport Services Office of Field Coordination  
Ken Cato, Operations Officer – Office of Field Coordination  
Steve Polson, Chief Labor Management Negotiator

RE: 2008 Application Redesign

In accordance with Article 20, Section 8 of the Agreement Between Passport Services and the National Federation of Federal Employees – Local 1998 (hereafter referred to as “the Agreement”), I am filing this Grievance Between the Parties on behalf of the bargaining unit members of the Passport Services. This grievance concerns the redesign of the passport applications that Department of State employees are expected to work with. The Union had requested copies of the final versions in December 2007, but did not receive them until a Customer Service Manager emailed them to office staff members.

Some relevant legal authorities:

Article 1:

The Parties agree to fulfill the mission by maintaining and enhancing the integrity of the U.S. passport and the passport issuance process, and by providing prompt, efficient, and courteous service to our customers.

Art 4, Section 6:

It is the purpose of this Agreement to involve employees and union representatives as full partners with management representatives. To this end, the Union/Management Council shall consider problems at the predecisional stages, crafting solutions to promote the Department's objectives, serve the customers, and meet employee needs; and design and create procedures and practices to achieve bilateral resolution of issues between labor and

management. Individual grievances shall not normally be discussed at Council meetings or conference calls, and will not be decided within this forum.

### Background

The change to the 2-page application was met with much consternation by employees. The Union complained to Management about this, and Management apologized for not sharing drafts with the Union or inviting input prior to the version – noting that the approval process moved more quickly than anticipated. Management insisted at that time, and on subsequent occasions, that there would be no return to the 1-page application because the 2-page application was necessary to ensure Section 508 compliance by having larger spaces/boxes for applicants to use to complete the forms.

Management committed to working with the Union on the revision to the forms the next time around. During the October 19, 2007 National Union/Management Council meeting, the issue of the new forms came up again, and Management agreed to share the revised drafts with a small (approximately ten) Union representatives, only prior to completion. The Union did collect input from those ten representatives, and also (with Management’s knowledge) solicited input of a general nature from all employees.

The Union submitted its response to Passport Management on November 1, 2007. On November 28<sup>th</sup>, Union Vice President Mike Garofano contacted Headquarters to inquire about a memo from the Deputy Assistant Director which implied that the forms were completed and being sent to OMB for final approval. He requested a copy of the final version and asked how much of the input was incorporated. The Management reply was that it was not known how much input was used, but that the form was finalized. On January 4, 2008, Union officials received copies of the form from a Customer Service Manager in an email to office staff.

### Union’s argument

#### *The integrity of the passport issuance process*

The application redesign has eroded the integrity of the U.S. Passport and the passport issuance process. On November 1, 2007, the Union emailed this input:

**<OMITTED>**

<OMITTED>

<OMMITTED>

<OMMITTED> This change increases the opportunity for passport fraud.

#### *Predecisional input*

Passport Management declined to involve the Union at the predecisional stages of the application redesign and, despite warnings from the Union, produced applications that could not possibly meet

employee needs. In addition, by refusing to adopt even a single item of employee input collected and forwarded by the Union, Management did not live up to the spirit of Article 4. Employees had indicated overwhelmingly that it would be aid in their productivity and the quality of their jobs to have the applicants' biographical information on the forms, the passport, and the Travel Document Issuance System (TDIS) screen line up in the same manner for easier comparison. Why would Headquarters want to create a form to be used by thousands of staff members nationwide without listening to their concerns and preferences? Article 4 calls for working together to achieve the mission of the Agency – by harnessing all of our collective knowledge, skills, and abilities, we can do a better job.

The version of the forms presented for the Union's comment in October of 2007 was missing some of the few items that did change, such as the previously referenced language concerning photocopies of name change documents. Management found the time to take other opinions into consideration before the form was finalized, but apparently disregarded the input received from the Union.

The Union never received any reply to the comments that were submitted.

#### *Section 508 compliance*

Management produced a final DS-11 and other forms that are not in compliance with Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220). In the November 1, 2007 input emailed by the Union, we commented:

**The ID block & Section 508 compliance:** according to HQ officials, the rationale for going to a 2-page application is based on Section 508 compliance. The [www.section508.gov](http://www.section508.gov) website states "Under Section 508 of the Rehabilitation Act, agencies must provide *employees* and members of the public who have disabilities access to electronic and information technology that is comparable to the access available to *employees* and members of the public who are not individuals with disabilities" (*emphasis added*). So, Section 508 is not just for the applicants, it is for the Passport Services employees as well. The identification block on the DS-11 is not 508 compliant, in that the space to write in is far too miniscule for employees to properly record ID evidence, or to read what was recorded by acceptance agents straining to fit the information into the tiny block provided. To bring it into 508 compliance, and to aid in the enhancement of the integrity of the passport issuance process by allowing employees to actually read the ID document that was recorded, the ID block should be enlarged.

The Union previously voiced complaints about the small font size used in TDIS and the computer screens, and in response Headquarters did increase the size of the items on the TDIS screen that will be printed in the passport (e.g., name, date of birth) and did purchase 19-inch monitors to replace smaller monitors during the "hardware refresh". The Department of State has voiced concerns and a commitment to recruiting and retaining new and experienced employees, with the advent of a large number of personnel about to reach retirement age in the near future. It is a known fact that age and the intensity of focusing eyes on computer screens can, over time, lead to deteriorating vision. Passport Services employees – just like members of the public – would benefit from larger

boxes, blocks, and spaces to record information on the application and would benefit from the more legible writing that would be placed therein by others (e.g., Acceptance Agents) for which they must review. How can Passport Services insist on a 2-page form with larger boxes for applicants who submit one form every decade but not provide the same courtesy to the employees who must use the forms scores or hundreds of times each day?

In addition, as with past forms, it is predictable that photocopies of applications will be submitted. While the colors of the forms are an improvement over their garish predecessors, when copied and used by applicants it will still be very difficult for Passport Specialists to be able to make legible/clear notations in the evidence block, or to read other notations.

### Requested Relief

As relief for these violations, we respectfully request that Management:

1. Increase the size/space for the identification block on the DS-11 in the next version
2. <OMITTED>
3. <OMITTED>
4. Work with the Union in advance of creating new passport applications forms, including membership by Union representative(s) on any committee formed by Management to draft versions of the forms
5. Agree to jointly test, with the Union, any new forms on a diverse selection of Passport Services employees, prior to their finalization
6. Acquire magnifying devices, with stands, for employees that request them, so that the identification block and other parts of the form can be magnified for viewing by employees who are not able to adequately see the small-sized handwriting

Sincerely,

Colin Patrick Walle

### Requested information

We respectfully request the results and reports of any studies or analysis of the new forms, including any measurement of how the changes would impact fraud detection and any “user” tests of either Passport Services employees/staff or members of the public/passport applicants. We are also requesting the names and positions of any bargaining unit employees, supervisors, managers, and other staff involved in the creation of these forms. This information is necessary in order for the Union to determine if a “bypass” has occurred.