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*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**

To: Brenda Sprague, Deputy Assistant Secretary  
Cc: Florence Fultz, Managing Director  
Gary Roach, Principal Officer Director  
Dottie Flaak, Field Coordination Chief – CA/PPT/FO/FC  
Winnie Fuentes, Operations Officer – CA/PPT/FO/FC  
Steve Rojas, Operations Officer – CA/PPT/FO/FC  
Steve Polson, Chief Labor Management Negotiator – DOS  
Karen Proctor-Adams, Chief Union Steward  
Melissa Toby, Senior Steward – PPT/WN

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 unofficial return of the suspended production quotas for Passport Specialists.

On February 26, 2009, Deputy Assistant Secretary Brenda Sprague announced that Passport Specialists would not be rated on their production numbers for the remainder of 2009. The decision was a direct response (and described as such) to news that the General Accounting Office (GAO) had been able to acquire four fraudulent passports in four attempts. The temporary suspension of production requirements was not the only change occurring on February 26th. Announced simultaneously were changes designed to make the adjudication process more thorough and slower. These included new categories of automatically-suspended applications, for such reasons as submitting an unfamiliar birth certificate format, having a driver's license issued within the last year, or a name that returned a Social Security mismatch, with any of these categories requiring additional checks and attachments. Each of these changes increased the average amount of time needed to adjudicate an application. Thus, the suspension of the production quota

was not only a message for adjudicators' to focus on thoroughness; it reflected Management's dilemma of reliably determining what a new production standard should be.

Ms. Sprague's directive to increase focus on quality was widely reported in the media. News outlets across the country reported in March that, "passport services would focus on the quality, not the quantity, of its passport issuance decisions. Typically, passport services officials are evaluated on how many passports they issue."

Not long after the DAS announced the quality-enhancing changes, some regional agencies began voiding them; not the additional time-consuming requirements, but the suspended production standard. Two agencies were particularly unhesitant to reverse DAS Sprague's pledge: NPC and Colorado, both known for a particular emphasis on production numbers.

Multiple NPC supervisors announced that, despite DAS Sprague's directive to focus on quality, employees were expected to adjudicate a minimum of 5 batches a day (around 100-125 applications). PPT/CO held a meeting where Management announced that promotions would be held up for employees whose production wasn't deemed high enough. Even for grade levels where the production standard for the next grade up was historically identical to the present grade (such as from grade 9 to 11), promotions would be withheld in the absence of sustained high output. Except for a mutual desire for high production numbers, the new regional production criteria share no commonalities. Headquarters had been very clear in 2004 that, save separate DS-82 and Special Issuance exceptions, all Passport Specialists would be rated on a national standard and that furthermore, regional variations would be abolished. Headquarters has not rescinded that mandate at any time since 2004, but some regional agencies now operate with their own individualized quotas.

In the weeks immediately following DAS Sprague's announcement, Management audited each application examined by a Passport Specialist. This audit was one change announced in the Ms. Sprague's original memo of February 26th. After several weeks, local Management began releasing certain Specialists to adjudicate without the 100% audit that continued to apply to other employees. Although the stated reason for release was quality and thoroughness, employees at the Los Angeles Passport Agency were told that an employee had to adjudicate 500 applications in 5 days before they would even be considered for release. At some regional offices, managers were announcing specific numbers as part of the condition for release; at other offices, managers would avoid giving any explanation on the formula used to release specialists.

With at least one office admitting to linking productivity to readiness for adjudication release, and all other offices refusing to describe the criteria, the unspoken threat is that all regional offices are using productivity as a determiner of readiness to adjudicate.

The Specialists released to adjudicate were then also provided the opportunity to travel on work details to other cities to assist with their growing backlogs, while unreleased employees were not offered that chance. These out-of-state details are typically included

as positive accomplishments in year-end evaluations, so being included in that pool of employees carries with it additional benefits.

In a teleconference with Union President Walle, Secretary-Treasurer Gile, and myself on April 10, 2009, the office of Field Operations indicated that the clearance-for-adjudication would not be claimed as a rating aspect for the critical elements, but rather as a training process. Five days later, DAS Sprague issued a new memo, which seemed to indicate that clearance for adjudication *was* a determiner of performance level. This memo reiterated that production standards were suspended for the time being. She warned, however, that she was considering re-instituting them before the end of the year because she had anecdotal evidence of some employees doing little work. She further stated that the agency was studying what a new production standard should be, but would likely not be finished for several more months.

#### Contract Provisions Affected

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.

Adding additional steps to the adjudication process, including new notational requirements, yet not allowing sufficient time for these tasks, logically results in incomplete examination and an increased number of frauds issued in error.

Article 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.

Some regional agencies such as NPC and Colorado have privately determined production requirements in conflict with DAS Sprague's national mandate. These local quotas were created without input or consultation with local union officials.

Article 4, Section 7: The Employer agrees to provide the Union with material related to working conditions. The Employer will share regular updates on other activities. The Union may request additional information in the course of monthly briefings. If available, management will provide such information.

The Union has repeatedly requested the criteria used for determining specialists cleared to adjudicate. Headquarters has not provided any information. Locally, some managers have informally provided some information, but not in sufficient detail to determine what constitutes an error as it relates to being cleared to adjudicate.

Article 12, Section a: The Employer agrees to give reasonable advance written notice to the Union and the opportunity to negotiate any new or change in personnel policy or practice affecting working conditions of unit employees,

which is proposed during the life of the Agreement. Negotiation as appropriate on issues which are Management rights will also be handled in accordance with this Article.

Production quotas and requirements for promotion are both examples of working conditions. Local Management in Colorado and NPC failed to provide advance notice to Union representatives of their new production requirements.

Article 15, Section 7(d): When an employee is rated fully successful or higher, has required time-in-grade for promotion and has demonstrated ability to perform satisfactorily at the next higher level in the career ladder, the supervisor will promptly recommend promotion.

If the next higher grade level has no production quota associated with it for the year, linking the promotion to a production quota during that period violates the contract and the law.

Article 15, Section 7(e). Generally, if the employee is exceeding all work requirements at his/her current grade level, that is an indication that the employee is capable of performing at the higher grade level. Employees who have met the required time-in-grade for promotion from GS-5 to GS-7 and from GS-7 to GS-9 will automatically receive their promotions at the earliest eligibility date if they have obtained an Excellent or Outstanding overall performance rating at their current grade level.

If the national mandate is to focus on quality of adjudication and not speed, local Management is not free to use speed of adjudication as the barrier to promotion.

Article 15, Section 9(c): Intent: The detail procedure shall not become a device to afford certain individuals an undue opportunity to gain qualifying experience or to prevent others from gaining such experience. Therefore, details shall be rotated to the fullest extent practicable consistent with the accomplishment of the mission of the Employer.

Specialists are receiving disparate treatment regarding participation in work details to other agencies. Details are clearly not being rotated to fullest extent practicable.

Article 18, section 2: The performance appraisal system and the parts that make up the system as applied to bargaining unit employees will permit, to the maximum extent feasible, the accurate evaluation of job performance on the basis of objective criteria, and will be fair, reasonable, equitable and job-related.

The situation whereby local Management orders production requirements after the DAS has just suspended them to shift focus to quality is not only unfair, but speaks volumes about why Passport Services continues to issue frauds in error.

Article 18, Section 4: The development of performance standards and critical elements will be established in writing for each unit position and will be provided

to the employee within 30 days after the beginning of an appraisal period. They will be consistent with the duties and responsibilities covered in each employee's position description. Employees will be afforded an opportunity to participate in the establishment of performance standards, the identification of critical elements, and may make suggestions about the methods used to measure the quality and quantity of work being done. Before the date of implementation all employees will be provided a copy of any new performance standards and critical elements.

Unofficial local deviations from the February 26<sup>th</sup> memo have not been done in compliance with this section, as they were not provided within 30 days of the start of the appraisal period. Even if February 26<sup>th</sup> were considered the start of a new rating period, the rules were often not established in writing. Employees were not offered the opportunity to participate in establishment of these standards.

#### Requested Relief

I respectfully request that local officials who have instituted production requirements that conflict with the memo of February 26<sup>th</sup> rescind those particular directives.

I further request that career-ladder promotions proceed without delay based wholly on merits other than production quotas.

I also request that the results of 2009 production information from the NPC, Colorado, and Los Angeles agencies be eliminated from any statistics compiled thus far for the purpose of determining appropriate adjudication quotas and/or standards.

I also request that the Union be notified prior to the start of any statistical study taken to determine a replacement quota and/or production standard.