



# National ICE Council

## Newsletter

Newsletter by AFGE's Immigration and Customs Enforcement Council

August 2016

### Agency Holds Up AUO Replacement for Deportation Officers

On April 11, 2016 the National ICE Council met with key Congressional Staffers and ICE leadership, to include ERO EAD Thomas Homan. As EAD Homan had already announced that he would not work with the employees' union on pay reform, Congressional Staffers made it clear to EAD Homan and others in ICE leadership that ICE had to have legislation on the Hill no later than June of 2016, or there would be no chance that legislation for ERO could be passed this year. Not only did Homan and ICE

fail to provide lawmakers with proposed legislation by June, but he and ICE still have not provided the Hill with anything.



*"Not only did Homan and ICE fail to provide lawmakers with proposed legislation by June, he and ICE still have not provided the Hill with anything."*

### While we constantly receive reports **ICE Leadership Stopped Union efforts for 1811s in ERO** from employees in the field that their

managers have told them that the Union stopped 1811s for ERO Officers – that is a lie. It was the Union, not ERO, that pushed for 1811s for Deportation Officers. The Union pushed first with ICE Leadership to convert ERO officers to 1811s, and then met directly with DHS Deputy Secretary Mayorkas and fought for the change at the DHS level as well. ICE Leadership, however, refused the change and told the Union directly that it would not even discuss the matter in the future with the Union.

### ICE Leadership Holding Up Implementation of Training for DOs

Employees in the field report that their managers are telling them that that the Union is holding up the new field training program for DOs developed as part of the Single Career Track – that is a lie.

After signing the National Single Career Track MOU on August 10, 2015, and committing to the development and implementation of a new DO training program, EAD Thomas Homan and his staff spent approximately 7 months developing a rough draft of the training program. A pilot training program for instructors was held the week of March 13, 2016. The pilot training course was attended by ICE managers and two (2) union representatives. Because it was a pilot, attendees (to include the union reps) heavily critiqued the course in writing. Following the pilot, ICE spent approximately 2 more months making additional changes to the course, and finally provided the Union with the

updated training materials in May. The Union responded with only two (2) suggested changes to the course. The Union's first suggestion was to allow DOs in the field to act as field trainers, not just managers. Homan and his staff immediately rejected the idea. The Union's second suggestion was that new mandatory time limits for case call ups would hurt DOs with large dockets. The Agency immediately removed the time limits from the training program. The Union then told the Agency to immediately implement the DO training program. That was 2 months ago and the new DO training still has not been implemented. So since August 10, 2015, the Agency has spent 12 months developing the new training program without delay from the Union. If your manager continues to tell you that the Union is holding up the new DO training program, please forward his/her name as we would very much like to discuss the matter with them.

### Border Patrol Pay Reform – Not for ICE

Employees in the field report that their managers are telling them that that the ICE Union is attempting to put ERO officers under the new Border Patrol Pay Reform – that is a lie. The Border Patrol Plan simply is not a fit for ERO, its mission or staffing levels. The Union fought against using the Border Patrol plan at ERO from day one, and continues to do so.





## Update on AUO Cases

The Union filed two (2) grievances against ICE related to its unilateral changes to AUO. Both cases have gone to arbitration, and in both cases the parties await decisions from the arbitrators.

**Case No. 1** – This grievance was filed on August 21, 2014, and covers changes from the first version of the Premium Pay Guide. The case went to hearing on July 29-30, 2015, but the arbitrator for the case was injured in an accident delaying a decision in the case.

**Case No. 2** – This grievance was filed on May 18, 2015, and primarily covers changes to excludable days that were implemented approximately 10 months after the Premium Pay Guide was

first implemented. The arbitrator in this case has indicated that a decision could be received soon.

So it is possible that we could receive a decision in the second case (excludable days) first. However, employees must understand that ICE leadership has promised to appeal any decision against them to the Federal Courts, so this appears to be far from over. ICE Director Sarah Saldana and EAD Thomas Homan have refused repeated requests from the Union to work collaboratively on initiatives to help officers and their families until a replacement for AUO is in place.

## SRT Policy Finally Signed by Agency

For four long years the negotiation of a policy for ICE ERO Special Response Teams (SRT) has dragged on. Over the years the Union agreed to multiple versions of the policy, only to have EAD Thomas Homan, his staff and/or OPLA refuse to implement (as always, throughout that period we received reports that managers were lying to SRT officers blaming the Union for delays).

On December 22, 2015, the National ICE Council demanded that EAD Homan serve the Union with official notice for formal bargaining under Article 9A of the Collective Bargaining Agreement. This forced Homan and his staff to put a final version of the policy on the table for negotiation. Without this tactic by the Union,

the policy would still remain unfinished. After the Union requested a 9A Notice, it took EAD Homan and his staff over six months to prepare the policy and serve notice to the Union. Also important for SRT officers to know, ERO planned to negotiate six (6) other policies prior to the SRT, which would have delayed negotiation of the SRT policy until 2017. While HQ talked a big talk about the policy's importance, it never really seemed to make it a priority. The Union did make it a priority and fought successfully to negotiate what remained of the SRT policy before any other policy. We hope the policy will serve you all well and give you the flexibility to perform your mission.

## ICE HQ Denies FOD's statements at Townhall Meeting

*"ICE responded stating that the comments were incorrect."*



Buffalo employees allege that FOD Michael T. Phillips told employees at a Townhall meeting that ICE would not be working on an AUO replacement for ERO officers until after the next President of the United States has taken office (January 2017). The National ICE Council requested verification from DHS and ICE leadership; ICE responded stating that the comments were incorrect. DHS Deputy Secretary Mayorkas offered to meet with the Union to discuss the status of AUO pay

reform efforts; attempts to schedule a meeting are underway.

Understanding that the FOD's Townhall comments turned quickly into rumors reaching across ERO, the Council requested that ICE Leadership put out a broadcast to clarify its position. ICE refused.

### PROTECT YOUR RIGHTS

Did you know that if an employee gives a voluntary statement, that the statement can be used for anything? Protect your rights and respectfully decline to give voluntary statements. Make it clear that you'd be happy to give a compelled statement once your Union Representative arrives.





## Regarding EAD Homan’s Aug. 29th Broadcast Regarding the Two MOUs on Uniforms, Appearance and Attire...

EAD Homan states...

**“It is important to note that the Agency has not rescinded the MOUs.”**

EAD Homan is correct in saying that the Agency did not use the word “rescind” in its notice. It actually used the words **TERMINATE** and **CANCEL**.

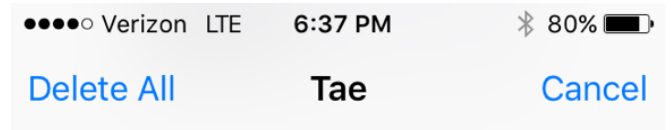
Please see the email and text sent to the Union by Tae Johnson, Assistant Director for Custody Management. Both very clearly state that it is ERO’s intent to TERMINATE/ CANCEL BOTH MOUs. It seems pretty clear that ERO communicated to the Union its intent to TERMINATE BOTH MOUs.

### YOU BE THE JUDGE.

From: Johnson, Tae D  
Sent: Friday, August 26, 2016 1:35 PM  
To: Chris Crane; LeAnn Mezzacapo; Dave Engle;  
Cc: Tae.Johnson

Subject: Notice in Intent to Terminate MOUs

Chris/LeAnn - Please see the attached Notice of Intent to Terminate two memoranda of understanding (MOU) regarding (1) Uniforms and (2) Appearance & Attire for Enforcement and Removal Operations employees. Thanks



Friday 1:58 PM

Chris - the agency will be sending the council notice of our intent to cancel the two MOUs re Uniforms and Appearance and Attire. We hope to sit down with the council and discuss a path forward. Thanks

Just wanted to give you a heads up.

Today 9:22 AM

