Stateside Challenge To Unilateral Contract Implementation Set To Go Before Arbitrator

Exactly one year after DoDEA asked the Federal Service Impasses Panel to take jurisdiction over the negotiations process, FEA’s Stateside Region and DoDEA will meet before an arbitrator to determine whether management’s eventual implementation of an unsigned and disputed successor Master Labor Agreement for Stateside educators was an unlawful act.

FEA-SR and DoDEA will meet before the arbitrator on September 11. On that date in 2018, DoDEA formally declared negotiations of a successor Master Labor Agreement (MLA) for Stateside educators to be at impasse and asked the Federal Service Impasses Panel (FSIP) to step in. In late December 2018, the White-House-appointed FSIP issued its ruling, siding with management on virtually all articles of the MLA that remained unsettled.

FEA-SR disputed the FSIP’s ruling, alleging the Panel overstepped its jurisdiction by ruling on an issue – make-up days for inclement weather and other emergency situations – that had already been agreed to by the Association and management.

Because of this jurisdictional challenge to the FSIP’s ruling, FEA-SR has never signed the successor MLA. Rather than withdrawing its proposal on make-up weather days or following the procedure outlined under the law to resolve whether the FSIP’s jurisdiction over the proposal was appropriate, DoDEA took matters into its own hands: The Agency walked away from the bargaining process and, in an unprecedented move, unilaterally implemented the terms of the disputed agreement last spring.

Not only was the bogus successor MLA never signed by FEA-SR; DoDEA was not even able to provide FEA-SR a copy of the supposedly completed contract to review until several months after it was unilaterally implemented by management.

The arbitration hearing is scheduled to last two days. Among other relief, FEA-SR is seeking back pay for any additional hours assigned, restoration of any leave improperly charged, and salary adjustments and back pay owed resulting from the Agency’s illegal implementation.

The arbitrator’s ruling is not likely to come for several months and may only be the beginning of a drawn out legal process seeking restitution for DDESS educators.

STATESIDE MEMBERS REMINDED TO LOG UNPAID HOURS

Should FEA’s Stateside Region (FEA-SR) prevail in its legal fight over management’s unilateral imposition of an unsigned successor Master Labor Agreement, Stateside educators could be owed for time they were required to work beyond the lawful duty day.

For that reason, Stateside educators are reminded to download the tracking sheet available at feaonline.org/timelog.htm and maintain a printed log of all hours management requires you to work before or after the 7.5 hour workday established under the 2005 Master Labor Agreement.

In addition to keeping printed copies of the tracking sheet in your own records, Stateside employees should scan and send copies of the forms each quarter to FEASRWorkHours@gmail.com.

In particular, any Stateside educator who has yet to complete and submit a tracking sheet of extra hours required during the fourth academic quarter of School Year 2018-2019 is urged to immediately complete and submit the form to the above e-mail address.

An accurate record of your extra work time required by management may be crucial to making sure you are fully compensated if FEA-SR prevails in this fight.
The word “union,” as you can imagine, comes from the same root as the word “unified.” The reasons unions exist is because their members are unified in their goals and beliefs, and they are publicly proclaiming that they will stand together to work and fight for those priorities.

As I begin my term as FEA President, our union is being tested as never before. We are in the midst of the most direct assaults on our rights and working conditions that any of us have ever seen. In fact, no one has seen such an assault on employees since the early 20th Century.

Our members in DoDEA’s Stateside schools have had a disputed contract illegally implemented on their bargaining unit. They are being required to work added hours with no extra pay (creating massive hardship in both their professional and personal lives). FEA’s Stateside-Region is engaged in a legal battle with management over these illegal moves and thousands of FEA and NEA members have written Congress in protest of DoDEA’s actions. We will continue to fight as long as necessary.

DoDEA’s Overseas schools, thus far, have not felt the full effect of the attacks on workers, but those effects are coming. A summer of face-to-face bargaining between FEA and DoDEA on a new Overseas contract made clear that management is not concerned about a quality working and learning environment; it wants only to assert absolute control over its workers and impose its negative policies, regardless the damage they cause.

As bad as things are already, they will continue to get worse, at least in the short term. DoDEA is not conducting these attacks in a vacuum. Numerous federal agencies have already imposed harmful contracts on their employees and the rest are busily working to do so.

Bodies like the Federal Service Impasses Panel (FSIP) and Federal Labor Relations Authority (FLRA), which were intended to act as neutral arbiters to resolve labor-management conflicts, have been turned into anti-worker, anti-union rubber stamps for agency management. Even the court system is being turned into an instrument to be used against working people, rather than provide them with a fair hearing.

FEA exists to carry on that fight and we will continue to do so for as long as our members support us in that effort. We often say, “Our strength is our UNITY.” Never has that been more true than right now.

Together, we will continue to stand and fight for a stop to these attacks and for better working and learning conditions. A union is simply a group of people working and fighting together for their shared goals. More than ever, that is what we must be!
Feeling Anger and Hope

DoDEA employees are very angry and they have every right to be. I am angry as well. The DoDEA employees we represent are angry because they see their lives work being undermined by a management that does not consider the adverse impact on classroom education when making policy decisions and apparently is unwilling to acknowledge any of the harm it is inflicting on our educators and students, even though FEA has continuously warned and reminded management of what is happening.

I am not an educator so I can only imagine how demoralizing it must be to teach under more and more deteriorating conditions.

I can, however, understand the anger and frustration that comes from having your life’s work attacked. It is not a good feeling.

For over 30 years, I have proudly worked for FEA and to promote the rights of federal workers and educators.

Throughout my career I have won many legal fights and lost a few as well, but I have always believed in the mechanisms established by law to resolve those fights.

That belief is now being challenged. Government-created entities such as the Federal Service Impasses Panel and the Federal Labor Relations Authority have been turned into political weapons. Instead of the unbiased bodies they were intended to be, they are now rubber stamps for use by management to “legitimize” the harmful working conditions they want to impose on employees.

This is not how the system is supposed to work and this is not the “equal justice under law” environment I have always believed in.

What DoDEA and too many other federal agencies are doing right now is wrong. No well-run agency or organization can treat its employees and its customers (the students and parents) like this and hope to survive.

I feel anger and frustration because I see our members and their students suffering and, for the time being, the systems we rely upon for justice have been turned against us.

But I remain hopeful because I know this environment and the bad actors taking advantage of it will not last forever.

I know FEA will keep fighting to improve the working and learning environment in DoDEA schools and – soon, I hope – the system now biased against us will again be made to work fairly for everyone.

And I know our members will continue to provide an excellent education to students, no matter how much DoDEA discourages them from doing so.

We have much to be angry about at the moment. But anger is often the first step toward positive action. Let’s all find hope in that right now.
DoDEA Seeks To Eliminate Workers’ Rights And Protections From New Overseas Contract

After seven weeks of face-to-face bargaining this summer between FEA staff and DoDEA representatives, it is clear the Agency has as its goal the elimination of all meaningful workplace rights and civil service protections – even those that are specifically mandated by law.

As detailed to FEA members in bargaining updates sent out this summer, DoDEA has proposed a number of extreme positions for the Overseas bargaining unit, such as:

- eliminating all due process protections, including the requirement that management prove “just cause” for any adverse actions
- weakening or eliminating all meaningful grievance rights and procedures, including those that are mandated under the Civil Service protections outlined in Title V of U.S. Code
- extending the duty day, with no additional pay, in violation of the law mandating how compensation for Overseas educators is to be set

In its vision of a new Overseas Negotiated Agreement, DoDEA proposes to eliminate all past Memoranda of Understanding and Association wins obtained through the arbitration process so that it can essentially wipe the slate clean and impose its own set of rules on working conditions with no regard for past practice or precedent.

Management’s bargaining team seems unwilling to compromise on most issues because it apparently believes the Federal Service Impasses Panel will impose whatever contract terms DoDEA asks for if an agreement is not reached before the end of the required Overseas contract bargaining period.

FEA negotiators continue to impress upon management’s team the need for any new Overseas contract to be mutually agreeable and not strictly punitive toward employees. The addition of actual educators to the proceedings beginning in September can hopefully help to make that point more clear.

FEA updates on the status of the Overseas contract bargaining, highlighting differences between the Association’s and management’s proposals, are available at feaonline.org/overseascontract

Want To Speak Out Against DoDEA’s Harmful Contract Actions?

NEA’s EducationVotes site has a page dedicated to issues affecting the DoDEA employees FEA represents.

Go to feaonline.org/takeaction.htm to access that page.

Visit the “Take Action” section of the page and scroll down to action item #2 to access a sample letter you can send to your elected representatives.

FEA and NEA members have already sent nearly 10,000 messages to Congress about DoDEA’s contract actions affecting Stateside and Overseas bargaining unit members.

Exercise your right to make your voice heard by going to feaonline.org/takeaction.htm

Be sure to only visit that page while you are off duty, off government property and not using government owned or provided equipment, such as computers or e-mail.

FEA’s Full Overseas Contract Bargaining Team Will Be Present For Next Phase

When the next phase of bargaining begins for a new Overseas contract, FEA will have five educators present at the table.

The members of FEA’s Overseas bargaining team are:

Matt Binfield, Humphreys Central ES, Korea
Adele Collins, Kaiserslautern HS, Germany
Patricia Hannon, Hohenfels ES, Germany
Romy Kerstetter, Ansbach M/HS, Germany
Teresa Snowden, Ryukyu MS, Okinawa

Overseas Educators were excluded from the initial six weeks of bargaining due to DoDEA’s insistence that bargaining take place over the summer, when bargaining unit members were in non-duty status.

Face-to-face bargaining between FEA’s full Overseas team and DoDEA will begin in Washington D.C. the week of September 9 and continue through the week of October 14.

An additional four weeks of virtual bargaining are scheduled for the weeks of October 28, November 11, December 2, and December 9.

It is hoped that hearing directly from its own employees about the harm to morale and the learning environment that would result from the enactment of DoDEA’s many negative proposals for the Overseas bargaining unit may convince management’s team of the need to alter some of its positions.
Court Ruling This Summer Threatens Due Process And Appeals Rights Of Overseas Bargaining Unit Members

Ruling Does Not Prevent FEA From Challenging Legality of White House Attacks On Workers’ Rights

Overseas bargaining unit members face a serious threat to their rights to due process and fair hearings, following a ruling this summer by a federal appeals court.

The Washington D.C. Circuit Court of Appeals ruled in July that a lower court did not have proper jurisdiction to issue an injunction against a trio of Executive Orders issued by the Trump White House in 2018.

That injunction was issued as a result of a lawsuit – AFGE v. Trump – to which FEA and multiple other employee unions were parties.

This could clear the way for the White House and the Office of Personnel Management (OPM) to begin implementing the Executive Orders, though it would not preclude FEA and other unions from continuing the legal battle.

The Executive Orders represent a threat to Overseas bargaining unit members because one of them directs agencies bargaining new contracts to seek severe limitations on grievance procedures, including denying employees basic civil rights such as the ability to grieve adverse actions taken against them.

The same Executive Order directs agencies to propose a limit of just 30 days for employees written up for alleged performance issues to show improvement before they could be fired.

The other two Executive Orders that were part of the lawsuit direct agencies to propose limits on the length of collective bargaining sessions and also on the use of Official Time, used by elected union representatives to assist bargaining unit members with grievances and to perform other legally required representational duties.

The Executive Orders cannot alter existing negotiated agreements, however, so the changes can only be implemented as part of new contract bargaining, such as that presently underway for FEA's Overseas unit.

DoDEA proposals for the new Negotiated Agreement covering the Overseas bargaining unit include the limitations on due process and appeals rights, as well as other harmful changes.

FEA, of course, rejects those proposals on the grounds that they violate federal employees’ rights as defined by Congress in Title V of the U.S. Code.

A U.S. District Court Judge ruled in August 2018 that all three of the Executive Orders challenged in the AFGE v. Trump suit were in violation of the law and ordered an injunction against their implementation.

A three-judge panel of the D.C. Circuit Court of Appeals ruled in July that the lower court did not have authority to issue the injunction. Instead, the Appeals Court ruled, the challenge should have first gone to the Federal Labor Relations Authority (FLRA) for a ruling. That FLRA ruling could then potentially be appealed to the federal court that issued the original injunction.

It is important to note that the Appeals Court did not rule on the legality of the three Executive Orders in question. FEA and other unions are free to continue challenging the Executive Orders as violating federal law.

The Appeals Court ruling, however, presents a danger for Overseas bargaining unit members because it means, if DoDEA is successful in its expected strategy of having the Federal Service Impasses Panel (FSIP) impose a harmful contract on Overseas bargaining unit members – including the restrictions on grievance rights and due process – the legal challenges will have to first go through the White-House-Appointed FLRA, which could take years to issue a ruling.

Only then could the challenge proceed to federal court.

The effort to restrict grievance and due process rights for Overseas employees is a clear violation of the will of Congress, as expressed in the civil service sections of Title V. That law, which cannot be superseded by Executive Order, guarantees federal workers the right to grieve actions taken against them.

The Court of Appeals ruling did not immediately lift the injunction against the three Executive Orders. The court delayed implementation of its ruling to give unions a window in which to consider legal options for a limited time before the court issues a mandate and allows implementation of the Executive Orders to proceed.

At press time for the FEA Journal, FEA was weighing legal options in reaction to the Appeals Court ruling. Other unions involved in the lawsuit had signaled their intention to ask the entire D.C. Circuit Court of Appeals to review the case. The Court is not obligated to do so. Also, the Trump administration had filed a motion asking the court to allow immediate implementation of the orders.

FEA will continue to fight this attempt to illegally restrict the due process and appeals rights of our members as part of the Overseas contract bargaining. Any illegally imposed restrictions on those rights will be challenged, no matter how long it takes to obtain justice.
ATTENTION FRSs, LOCAL PRESIDENTS AND OTHER SCHOOL LEADERS:

Per FEA Election Guidelines, FEA Leaders are expected to post/distribute campaign materials received either by mail or e-mail in the same manner for all candidates.

1. Candidates can send one flyer to the FEA Washington office for posting on FEAonline.org. A candidate’s flyer must be a maximum of one page (not double sided) and no larger than 8.5 by 11 inches and may not exceed 2 MB in file size. The deadline to submit flyers to the FEA Washington office is November 19, 2019.

2. Please note this new rule for campaigning by e-mail: Candidates will not ask for or utilize e-mail addresses received from FEA leaders, past and present, at any level of the Association.

3. Candidates can use their PERSONAL e-mail to correspond with and send election forms to the FEA Nomination Chairperson. The FEA Election e-mail address is: FEAelections@gmail.com. Candidates may forward their nomination forms, Official Acceptance and Biographical Information/Mailing Label and Mail Restrictions Forms, Campaign Flyer and Candidate Picture to this e-mail address. It is the candidate’s responsibility to confirm this information is received by the Nomination Chairperson.

4. Please pay close attention to all deadlines. The nomination form deadline is October 16, 2019; the Official Acceptance and Biographical Information form is due October 29, 2019; and the deadline for campaign flyer and candidate photo is November 19, 2019.

5. Candidates cannot use the FREE MPS to send out campaign literature. Candidates may use the MPS only if appropriate postage is placed on each individual piece of mail. For more information, please see section C.1. of the FEA Election Procedures (available from your FRS or FEAonline.org).

6. The complete FEA Campaign Guidelines, Procedures, Nomination Forms and other election information are available at FEAonline.org/election.htm.

NOTICE OF ELECTION
For Election of Executive Officers
Winter/Spring 2020

In accordance with the provisions of the Department of Labor Rules and Regulations governing elections, notice is hereby given to all reported members that an election for the purposes of electing Executive Officers of the Federal Education Association is to be conducted in a secret ballot election by the members. Balloting will be done by mail during the months of January, February and March and must be received by the Washington office not later than March 24, 2020.

The officers to be elected to the following positions shall serve a three-year term of office commencing on August 2, 2020, as stipulated by the FEA Constitution and Bylaws:

- FEA Director for DDESS
- Pacific Area Director
- Europe Area Director*

These officers shall be elected by the membership of the geographic area each respectively represents.

Nominate Yourself or Someone Else for Office – Here’s How

1. Determine the office for which you want to run, or think of a fellow FEA Active Member you’d like to nominate

2. Fill out the appropriate nomination form (see page 7). There are separate forms for self-nomination and nominating another member

3. Mail or E-mail the nomination form (or forms, if you wish to make more than one nomination) to the Nominations Chairperson at the address on the form

Important Information for Candidates

1. Candidates can send one flyer to the FEA Washington office for posting on FEAonline.org. A candidate’s flyer must be a maximum of one page (not double sided) and no larger than 8.5 by 11 inches and may not exceed 2 MB in file size. The deadline to submit flyers to the FEA Washington office is November 19, 2019.

2. Please note this new rule for campaigning by e-mail: Candidates will not ask for or utilize e-mail addresses received from FEA leaders, past and present, at any level of the Association.

3. Candidates can use their PERSONAL e-mail to correspond with and send election forms to the FEA Nomination Chairperson. The FEA Election e-mail address is: FEAelections@gmail.com. Candidates may forward their nomination forms, Official Acceptance and Biographical Information/Mailing Label and Mail Restrictions Forms, Campaign Flyer and Candidate Picture to this e-mail address. It is the candidate’s responsibility to confirm this information is received by the Nomination Chairperson.

4. Please pay close attention to all deadlines. The nomination form deadline is October 16, 2019; the Official Acceptance and Biographical Information form is due October 29, 2019; and the deadline for campaign flyer and candidate photo is November 19, 2019.

5. Candidates cannot use the FREE MPS to send out campaign literature. Candidates may use the MPS only if appropriate postage is placed on each individual piece of mail. For more information, please see section C.1. of the FEA Election Procedures (available from your FRS or FEAonline.org).

6. The complete FEA Campaign Guidelines, Procedures, Nomination Forms and other election information are available at FEAonline.org/election.htm

FEA ELECTION 2020
NOMINATION FORMS FOR FEA AREA DIRECTOR POSITIONS

Any FEA Active Member may use these forms to nominate herself/himself or another Active Member for office. Simply clip along the dotted line, fill out the necessary information, and mail or e-mail your form. You can also download nomination forms at feaonline.org. Be sure to use the appropriate form and mail or e-mail it to the Nominations Chairperson at the address below, prior to the October 16 deadline. E-mail messages sent without a completely filled out nomination form will not count as a nomination. The use of government e-mail or other equipment for any FEA election activity is prohibited. If a nomination form is sent from a government e-mail address it will be considered invalid.

OFFICIAL OPEN NOMINATION FORM A
(Self-Nomination)

I, ___________________________, do hereby nominate myself for the office of:

______ FEA Director for DDESS
______ Pacific Area Director
______ Europe Area Director

_________________________________________________ for the office of:

Signature ___________________________ Date ___________________________

Mailing Address ____________________________________________________

Home Phone ___________________________ Personal E-mail Address (non DoDEA) ___________________________

Requirements set forth for BOD officers: Must be an Active member of FEA (either full-time, half-time or part-time). Thus, each candidate must fulfill the requirements of unified membership in the United Education Profession.

MAIL THIS FORM TO: MICHAEL PRISER NOMINATIONS CHAIRPERSON 701 COLUMBIA ST. UNIT #207 VANCOUVER, WA 98660

OR SCAN AND E-MAIL IT TO: FEAelections@gmail.com

A backup copy may also be mailed to the FEA Washington Office; Federal Education Association ATTN: Elections 1201 16th Street NW, Suite 117 Washington, DC 20036

Forms may also be faxed to the FEA Washington office at 202-822-7867.

FORMS MUST BE RECEIVED BY OCTOBER 16, 2019.

OFFICIAL OPEN NOMINATION FORM B
(Nomination of Another FEA Active Member)

I, ___________________________, do hereby nominate ___________________________ for the office of:

______ FEA Director for DDESS
______ Pacific Area Director
______ Europe Area Director

_________________________________________________ for the office of:

Signature ___________________________ Date ___________________________

Nominee’s Mailing Address ___________________________________________

Nominee’s Home Phone ___________________________ Personal E-mail Address (non DoDEA) ___________________________

Requirements set forth for BOD officers: Must be an Active member of FEA (either full-time, half-time or part-time). Thus, each candidate must fulfill the requirements of unified membership in the United Education Profession.

MAIL THIS FORM TO: MICHAEL PRISER NOMINATIONS CHAIRPERSON 701 COLUMBIA ST. UNIT #207 VANCOUVER, WA 98660

OR SCAN AND E-MAIL IT TO: FEAelections@gmail.com

A backup copy may also be mailed to the FEA Washington Office; Federal Education Association ATTN: Elections 1201 16th Street NW, Suite 117 Washington, DC 20036

Forms may also be faxed to the FEA Washington office at 202-822-7867.

FORMS MUST BE RECEIVED BY OCTOBER 16, 2019.
Members overwhelmingly indicated employee morale and the general work environment in DoDEA schools have deteriorated throughout their careers.

FEA Members: DoDEA is NOT Changing for the Better
Climate Survey Confirms Downward Trend in Working Conditions

The full survey results, minus responses to open ended questions (which were omitted in order to preserve the privacy and anonymity of respondents), can be viewed at feaonline.org/climatesurvey.htm

FEA asked members to tell us how factors of their work life and environment have changed throughout their years in DoDEA. It comes as little surprise that most work aspects members rated have gotten worse over the years.

OVER THE COURSE OF YOUR DODEA CAREER, how have the following management/working factors changed?

- Significantly improved - 1.32%
- Slightly improved - 3.02%
- Stayed the same - 6.19%
- Slightly worsened - 25.54%
- Significantly worsened - 63.93%

Number of responses: 1215

Members strongly disagreed with statements about high quality professional development, technology and administration.
Changing for the Better Trend in Working Conditions

Adequacy of Training and Professional Development
- Significantly improved: 2.64%
- Slightly improved: 6.11%
- Stayed the same: 14.86%
- Slightly worsened: 19.32%
- Significantly worsened: 57.07%

Other aspects of work life, such as PD, HR and relations with management have also suffered.

The survey makes clear that DoDEA is heading in the wrong direction.

Support/Resolution of Pay Concerns and Problems
- Significantly improved: 0.67%
- Slightly improved: 5.97%
- Stayed the same: 30.84%
- Slightly worsened: 28.07%
- Significantly worsened: 34.45%

Human Resources Support
- Significantly improved: 0.83%
- Slightly improved: 4.63%
- Stayed the same: 17.85%
- Slightly worsened: 27.19%
- Significantly worsened: 49.5%

Communication With Above-School Level Management Staff
- Significantly improved: 1.4%
- Slightly improved: 3.96%
- Stayed the same: 21.64%
- Slightly worsened: 24.03%
- Significantly worsened: 48.97%

Rapport Between Admin and Staff
- Significantly improved: 3.98%
- Slightly improved: 7.20%
- Stayed the same: 19.8%
- Slightly worsened: 28.75%
- Significantly worsened: 40.27%

The survey makes clear that DoDEA is heading in the wrong direction.

Part of the survey asked members their opinions about Association services:

Indicate the level of importance you think the Association should place on each of the following issues:

- Protecting/Improving Working Conditions: 0.67%
- Protecting/Improving Salaries and Benefits: 5.97%
- Providing Professional Development Opportunities: 14.86%
- Contract Negotiations: 17.85%
- Providing Legal Services: 27.19%
- Supporting/Mentoring Employees: 30.84%
- Resolving Pay Issues: 49.5%
- Advocating for our rights and protections as Federal employees: 48.97%
- Support for minority members’ concerns: 57.07%
- Lobbying for pro-education/pro-worker/pro-student legislation and policies: 49.5%
- Educating/Informing members about issues affecting them: 40.27%
- Providing valuable benefit programs (loans, travel discounts, etc.): 30.84%

Responses to open ended questions (which were omitted in order to preserve respondents), can be viewed at feaonline.org/climatesurvey.htm
We asked several of our first-time delegates to this summer’s NEA Representative Assembly in Houston to share their impressions of the annual session.

Wil VanderMeyden
Okinawa

On following along with the debates and the many business items during the RA:

“It’s been very self explanatory. (NEA) President Lily (Eskelsen-Garcia) does a really good job of explaining how everything runs and it’s so centralized: It’s been fun. Easy, really.”

Tamara Gaffney
Korea

On how being a part of the decision-making process at the RA made her feel empowered:

“I’ve learned a lot about how to have that voice and not feel like I’m just stuck and I can’t do anything with the issues that are going on around us...I think a lot of our members sometimes get discouraged but I think seeing this aspect of it will help to reenergize them.”

Jenn Boyles
Fort Benning

On taking action on behalf of her fellow members:

“I wanted to be a delegate so our voice could be heard. Lots of time when we work with others we sit in these meetings and we talk about the things that we want to see changed and how we’re not satisfied with what’s happening but yet it kind of stops there. We don’t really take any kinds of actions beyond that level... but as far as this level with 3 million people behind it, it just felt great to have that big of a voice”

Will Buckley
Germany

On how much he learned at the RA about the Association:

“There are so many things that I thought I knew, that I didn’t know. I’ve learned so much being here that I wouldn’t have known if I didn’t come and I really can’t wait to take it back and talk to the people I work with... the amount of energy and the things that you see here that are happening makes you appreciate what you do have and understand how important it is to be a part of the union.”

Felicia Raymundo
Germany

On how her RA experience will help her as an Association rep:

“This gives me an opportunity to get other people involved in the union. Because I’ve heard some people say ‘Well, the union isn’t doing anything.’ But now I can actually go back and give them some information; things they would be interested in.”

Eva De Luna
Japan

On the value of NEA delegates setting priorities for the Association:

“It’s the teachers at the school level being able to come together and decide what should NEA’s focus be and how they should address it. Maybe it’s just adding something to the Web page; maybe it’s working to create some type of movement within Congress. We come together and decide as a team of people who are in the classroom everyday.”
Court Ruling Allows Battle For “Smart LES” To Continue

FEA’s fight for a “Smart LES” to make pay, benefits and deductions clear to employees can continue, thanks to an Association victory in Federal Court over the summer.

The Washington D.C. Circuit Court of Appeals, including Chief Judge Merrick Garland, ruled in FEA’s favor in our case against the Federal Labor Relations Authority (FLRA) over the Smart LES.

A majority of the FLRA claimed FEA did not file an Unfair Labor Practice complaint over the issue in a timely manner. The DC Circuit Court of Appeals threw out the FLRA’s ruling, meaning our original ULP can now proceed before the FLRA.

FEA has been fighting for a “Smart” Leave and Earnings Statement – one that will present clear and detailed information about things such as regular pay, LQA, TQSA, Post Allowance, insurance, extra duty pay and various withholdings – for the past 17 years.

In a case won by FEA, an arbitrator’s ruling in 2002 required DoDEA to develop the Smart LES. DoDEA appealed and lost, but then spent over a dozen years delaying and making excuses for its lack of progress before finally informing FEA and the arbitrator in 2015 they would not comply with the arbitrator’s award.

That action prompted FEA to file the ULP. In response, DoDEA claimed they had provided notice years earlier that the Smart LES would not be implemented and, therefore, any ULP on the issue should have been filed at that time. An Administrative Law Judge (ALJ) held for FEA. But a majority of the FLRA overruled the ALJ.

In its ruling, the DC Circuit Court of Appeals agreed with FEA, the FLRA dissenter member, and the ALJ that DoDEA’s prior excuses and explanations did not equate to the Agency stating it would not continue its efforts. Such notice from DoDEA only came in 2015 and since FEA filed its ULP within 6 months of that notice, the FLRA was wrong to rule it untimely.

The FLRA will have to hear and rule on FEA’s ULP over DoDEA’s lack of action on the Smart LES.

The battle is far from over. But, thanks to this legal victory, spearheaded by FEA UniServ Attorney Bill Freeman, the fight will go on. It is a fight FEA will continue to wage. Our members deserve clear and accurate information about how they are paid.

Congress Expected to Extend Reimbursement Of Moving Tax to Incoming, Departing Feds

Retiring, separating and incoming feds may soon be eligible for reimbursement of taxes on moving/relocation services and allowances, thanks in part to Association action on the issue.

Both the Senate and House versions of the 2020 National Defense Authorization Act (NDAA) include wording to extend Relocation Income Tax Allowance (RITA) and Withholding Tax Allowance (WTA) to those employees beginning with the 2019 tax year.

The two chambers of Congress must resolve any remaining differences between their respective versions of the NDAA before it is finalized and voted on. But because the wording on the tax fix is virtually identical in both the House and Senate versions, it is very likely the tax reimbursement will make it through to the final version of the bill, and then be signed into law by the President.

NEA Government Relations has spent significant time on behalf of Association members urging passage of the measure since it was introduced last spring by a bipartisan group of Senators.

Senators Mark Warner, Tim Kaine, Susan Collins, Chris Van Hollen and Mazie Hirono first introduced the tax fix in 2018 but that effort did not advance in the Senate last year, so they reintroduced it in March of this year. Their legislation extends Relocation Income Tax Allowance (RITA) and Withholding Tax Allowance (WTA) to those employees beginning with the 2019 tax year.

If the current tax fix survives the reconciliation of the House and Senate versions and is signed into law, those retiring/separating feds and incoming feds will be eligible to apply for reimbursement of substantially all taxes they must pay on PCS moving assistance.

Unfortunately, the legislation does not extend retroactive tax reimbursement to employees who were taxed in 2018. Nor does the legislation revoke the moving taxes that necessitate the reimbursements in the first place.

Permanently eliminating the taxes on PCS moves will remain a goal of the Association.

The amount of tax reimbursement received through RITA is taxable itself. Although that tax owed would be much smaller than the original tax assessed on the PCS moving assistance, it is still an unfair burden on federal employees.

At press time for the FEA Journal, Congress was in recess. The House and Senate Armed Services committees will meet following the recess to finalize the NDAA and send it to the White House for signing. Although we are confident the final version of the bill will include extension of RITA and WTA to incoming and departing feds, nothing is final until work on the bill is completed and the legislation is signed into law.

FEA will keep members informed as the process continues.
Breaking Down Your FEA/NEA Dues

FEA State Dues in SY 2018-2019* were $442, equal to one percent of the salary figure for BA Step 1 on the DODDS teacher salary schedule the previous school year.

From that $442 amount, funds used to support the FEA Headquarters operating budget were $269.63.

Professional Services $10.19
Negotiations, arbitrations, insurance and outside legal assistance when necessary.

Communications/Publications $5.18
FEA Journals and other publications, BOD minutes, FEA Web site and social media.

Governance $40.39
Expenses for At-Large officers, FEA BOD meetings, elections, funding for state delegates to the FEA Annual Membership Meeting/NEA convention, training for FEA leaders, and benefits and expenses for the FEA President.

Personnel $198.07
Salary, benefits, and expenses for the staff in the FEA Washington office.

Administration $15.80
Office equipment, maintenance, and supplies. It also includes audit services, legal publications, and membership promotional items.

Regional Dues Allocation $172.37
These funds remain in the individual FEA regions (Stateside, Europe, Pacific) to support their operations. In addition, a portion of local association dues is returned to the region. Local association dues do not come to the FEA Headquarters office.

NEA, the National Education Association, is the parent organization of FEA. There are also NEA affiliates in all 50 U.S. states. The NEA is America’s leading proponent of quality public schools and a quality education for all children.

Increase Educator Voice, Influence, and Professional Authority $5.32
Develop and sustain effective structures, processes, and leaders to increase educator influence in decision-making at worksite, district, state, and national levels.

Recruit and Engage New and Early Career Educators $5.43
Identify, recruit, support, and engage new educators in our Association, and connect them with opportunities for professional learning, leadership and advocacy.

Advance Racial Justice in Education $7.79
Support members in advancing racial justice in education and improving conditions for students, families, and communities through awareness, capacity-building, partnership, and individual and collective action.

Provide Professional Supports $13.40
Build a system of Association-convened, educator-led professional learning and supports for all educators across their career continua to ensure student success.

Secure the Environment to Advance the Mission of the NEA and its Affiliates $22.72
Use all available means, including organizing, legal, legislative, electoral, and collective action, to secure the environment necessary to protect the rights of students and educators, and the future of public education.

Legal and Insurance Support $19.38
Implement advocacy programs for members including the Unified Legal Services Program, Fidelity Bond, Association Professional Liability Insurance, and a $1 million dollar per member Educators Employment Liability insurance program.

Enhance Organizational Capacity $62.03
Develop and leverage the collective organizational capacity across our Association that is necessary to advance the mission of the NEA and its affiliates, with particular focus on organizing, technology, fiscal health, leadership development, and internal and external partnerships.

Enterprise Operations $54.80
Ongoing functions across the enterprise that support the strategic objectives, build lasting strength, and sustain the organizational infrastructure.

Contingency $1.13
Provide funding for emergencies at the national, state, or local levels.

*2018-2019 figures are used because they were the most current numbers available at the time this publication went to press.

No dues dollars are used to support NEA Member Benefits programs.
Don’t Forget About This Valuable Member Benefit

In your work as an educator you are frequently exposed to situations that may give rise to legal actions which can involve your personal liability. If a student or a student’s parents file suit against you, the NEA Educators Employment Liability (EEL) policy will provide you with insurance for the vast majority of cases. The program also reimburses you for damage to your personal property in assault-related incidents.

The NEA EEL Program is a professional liability insurance program provided by NEA as a benefit of membership. Among the benefits all Association members receive through the program:

- Payment of court-ordered civil liability up to $1 million, such as damages assessed against you. (Subject to $3 million per occurrence aggregate for all claims.)
- Payment of legal costs up to $3 million per member per occurrence for claims in defense of civil proceedings. (Lower limits apply for proceedings on civil rights issues or claims.)
- Reimbursement of attorney fees and other legal costs up to $35,000 is available if you are charged with violating a criminal statute in the course of your employment as an educator and you are exonerated from the charges.

You must be a member of the Association at the time an incident occurs to be considered for coverage and some activities are excluded. Ask your building rep for a copy of the EEL Questions and Answers brochure (shown in the image to the left) or go to http://www.nea.org/home/18811.htm for more information about NEA’s professional liability insurance provided automatically to all Association members.

FREE LIFE INSURANCE FROM NEA

Did you know that, as an FEA/NEA member, you are automatically covered by a free policy providing life and AD&D insurance?

You should, however, go to the NEA Member Benefits site to name a beneficiary, since doing so would make it easier to expedite payment in event of a tragedy.

Go to neamb.com/complife
Between school, after-school activities and your home life, there aren’t enough hours in the day. NEA Member Benefits helps save time and money with information that’s relevant to you as an educator. We’ll help you research and select financial and insurance products, travel discounts, retirement advice and budget tips, allowing you to provide the life you want for your family.

Call 1-800-637-4636 Visit neamb.com

TRAVEL & EXPERIENCES
Spend your travel budget wisely. Check out these 8 little-known vacation deals for teachers at neamb.com/travel-deals. Plus, here are 100 free attractions to enjoy around the U.S.! neamb.com/free-attractions. And because getting away shouldn’t add to your stress, see how to plan a vacation without going into debt at neamb.com/vacation-budget.

Travel Ideas Delivered to You: Subscribe now to get the inside scoop on travel deals and tips.

neamb.com/travelsignup

Plan Your Perfect Getaway:
Use NEA Vacations to book airfare, hotels, cruises and resorts at amazing low prices.

neamb.com/neavacations

Go on a Guided Tour:
Travel with your friends on a group tour to some of the world’s most exotic destinations. Leave the planning to the experts so you can have more fun.

neamb.com/products/vacations-and-tours

HOME & AUTO
As an educator, you’re always looking for new ways to save money. Discover seven ways to save on home insurance at neamb.com/homeowner-savings. And if sudden car repairs pop up, see how to save a bundle at neamb.com/repair-wise. And when you have time to tackle spring chores, try this home and garden checklist at neamb.com/hg-checklist.

Save an Average of $495 Per Year:
Members save big with NEA Auto & Home Insurance.
neamb.com/autohome

Average Member Discount of $3,383:
With the NEAB® Auto Buying Program, members regularly see big savings off MSRP.
neamb.com/autobuying

Member-Only Savings on Appliances:
Shop this secure online store for quality GE home appliances at amazing discounts.
neamb.com/appliances

Financing Your Home:
Pay no application fee, no original fee and no process fee when you buy or refinance through First National Bank of Omaha.
neamb.com/homeloans

SMART DEALS
There are three things you probably could use a little more of: time, resources and money. Members have saved over $12 million with NEA Click & Save, plus your membership provides money-saving discounts at neamb.com/teacher-save. Looking for ways to dine out on a dime? Check out neamb.com/dine-out. Saving money doesn’t have to be a seasonal thing — it can happen all year long at neamb.com/year-round-savings.

EARN REWARDS WITH EVERY PURCHASE:
Choose a card that earns cash back with the NEA® Cash Rewards Card.1 neamb.com/cashrewards

Everyday Deals Made for You:
Save on restaurants, electronics, movie tickets, home products (from Lowes to Etsy) and apparel with NEA Click & Save. neamb.com/clickandsave

Save on Flowers and Gifts:
Save 20% on flowers, plants, gift baskets, gourmet foods, confections, plush stuffed animals, and more. neamb.com/flowers

MONEY SMARTS
Get expert tips on how to create and live within a budget, without stressing yourself out at neamb.com/6-simple-steps and discover how a better credit score can help you save money at neamb.com/secrets-of-interest.

Plus, financial expert Dave Ramsey offers members the secret to getting out of debt — painlessly — at neamb.com/debt-free-secret.

See Your Savings Grow:
The NEA Savings Programs offer NEA® Online Savings Accounts, NEA® Money Market Accounts and more. neamb.com/savings

Our Lowest Rate Card:
Save on interest charges with the NEA RateSmart® Card.1 neamb.com/ratesmart

Consolidate Debt Today:
Take advantage of no processing fees and low, competitive rates with the NEA Personal Loan.® neamb.com/personal-loan

HEALTH & SECURITY
Keeping personal information safe and secure is rapidly becoming a full-time endeavor. Get 10 tips for safe online shopping at neamb.com/safe-shopping.

Being aware so you can be prepared is vital when it comes to planning for the future. Get the facts with our Long-Term Planning Guide at neamb.com/long-term-thinking. See why giving your loved ones the gift of security is crucial at neamb.com/family-security.

Help Protect Those You Love:
Choose from a range of quality life insurance plans, all at member-only group rates.2 neamb.com/insurance

Affordable Care for Your Pets:
NEA Pet Insurance plans start at $1 per day for emergency visits, prescriptions, exams, X-rays, and more. neamb.com/pet

Enjoy Hassle-Free Health Benefits:
Get affordable access to comprehensive care with NEA Dental & Vision Insurance Plans.
neamb.com/dentalvision

RETRIEVAL GOALS
When you’re starting out, the idea of planning for retirement feels like an impossible task. Discover why planning and saving for retirement is a marathon, not a sprint, at neamb.com/retirement-planning.

And when you start saving early at neamb.com/nest-egg. Then take advantage of this 5-minute retirement checkup tool at neamb.com/checkup.

Manage Retirement Savings & Income:
Plan with the NEA® Retirement Program.
neamb.com/retirement-program

Special Resources for Educators:
Find out why retirement planning is different for educators by going to neamb.com/educator-retirement

Choose Your Own Doctor:
The NEA® Retiree Health Program (to supplement Medicare)3 has options at member-only group rates and no provider lists.
eamb.com/rhp

No dues dollars are used to market NEA Member Benefits programs. Some programs are not available in all states. NEA, NEA Member Benefits and the NEA Member Benefits logo are registered service marks of NEA’s Member Benefits Corporation. 1 For information about the rates, fees, other costs and benefits associated with the use of these credit cards, please visit us online at www.neamb.com/finance/credit-cards. These credit card programs are issued and administered by Bank of America, N.A. 2 NEA Life Coverages and Accidental Death and Dismemberment coverage are issued by The Prudential Insurance Company of America, Newark, NJ. The Booklet Certificate contains all details, including any policy exclusions, limitations and restrictions which may apply. 3 Transamerica Life Insurance Company, Cedar Rapids, IA, is a PDP plan sponsor with a Medicare contract. Enrollment in this plan depends on contract renewal. 4 Provided by the NEA Members Insurance Trust. 5 Deposit products are offered by Discover Bank, Member FDIC.

Notice for Members Wanting to Cancel Dues Deduction
Any FEA member who wishes to cancel payroll deductions for their SY 2019-20 Association dues must submit a Cancellation of Payroll Deduction for Labor Organization Dues, Form SF 1188, to the appropriate local. In Europe and Stateside, the forms should be submitted to the Customer Service Representative (CSR) at your District Office. In the Pacific, submit the form to your FEA membership chair. The SF 1188 form is available from your school secretary or the CSR.

There is a limited time at the beginning of the school year when such payroll deductions can be halted. If you miss the deadline, your FEA dues will continue to be deducted from your pay throughout the remainder of SY 19-20. Check with your FEA building representative to learn the deadline for submitting the SF 1188 if you wish to halt dues deductions for the current school year.

To ensure you are complying with all local requirements, please check with your FEA building representative about this procedure.

Your Member Benefits Checklist

☐ Subscribe to free newsletters filled with helpful tips and solutions at: neamb.com/newsletters

☐ Enroll in NEA Click & Save for e-mail alerts and advance notice of special offers that interest you! neamb.com/clickandsave

☐ Sign up for NEA Vacations to browse deals on hotels, resorts, cruises and more. Receive $500 in Travel Dollars the first time you use it: neamb.com/neavacations

☐ Speak to a Member Advocate for benefits assistance when you call 1-800-637-4636

☐ Register a beneficiary for your no-cost NEA Complimentary Life Insurance coverage: neamb.com/compile

☐ Get more info that you can use on a range of topics. Text ALLFLYERS to 73915
Questions About NEA Member Benefits? Call or Go Online!

The NEA Member Benefits program provides many programs and services to FEA members. Please contact Member Benefits with questions about any of their services using the following toll-free numbers in applicable areas:

**Stateside**
1-800-637-4636

**Overseas**
First dial the AT&T Direct Access Code
- In Germany and UK 0800-2255288
- In Japan 00539-111

Then dial Member Benefits at
800-893-0396

And don’t forget the Member Benefits Web site. You can access information on all of NEA-MB’s programs, get current rates on CDs and investment funds, and sign up for other services.

www.neamb.com

As an eligible NEA member,* you’ve got the protection of **NEA Complimentary Life Insurance**, issued by **The Prudential Insurance Company of America** — but you should name a beneficiary to make sure your loved ones are covered. Go to neamb.com/free-tote and register your beneficiary to get this FREE tote. Or call 1-855-NEA-LIFE (632-5433) and mention offer code: TOTE

Visit neamb.com/protect to learn about all the solutions available to help meet your insurance needs.

NEA Members Insurance Trust is a registered trademark of the NEA Members Insurance Trust. NEA Complimentary Life Insurance is issued by The Prudential Insurance Company of America, Newark, NJ. 0302614-00002-00

* Visit us online or call for eligibility requirements.
Standing Up For DOD Kids!

At this summer’s NEA Representative Assembly in Houston, FEA’s delegates stood alongside Washington Education Association’s Greg Kepner (in black shirt) as he presented a motion—supported by the body—calling on NEA to participate in the Month of the Military Child each April and urging all NEA State affiliates to do the same.

Next summer’s NEA-RA takes place in Atlanta. Go to page 10 to read comments from several first-time delegates about their experiences at this year’s meeting.

Standing Up For DOD Kids!

Use this ID Number to Log in to www.feaonline.org

Calendar of Events

September

7-9
FEA Pacific Area Leadership Council Meeting
Tokyo, Japan

17-18
FEA Europe Area Council Meeting
Mons, Belgium

October

1-3
Education Support Professionals Day

10-16
American Education Week

November

16-22
FEA Board of Directors Meeting
Washington, DC

Standing Up For DOD Kids!

Page 16     FEA Journal