



**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES**  
**AFGE LOCAL 918 - FEDERAL PROTECTIVE SERVICE**  
Representing employees of the Federal Protective Service Nationwide



March 30, 2009

Frank McDonough  
Director, Employee & Labor Relations  
U.S. Immigrations & Customs Enforcement  
800 K Street NW, Suite 650  
Washington, DC 20536

RE: Plum Island Animal Disease Center proposed MOA

Dear McDonough,

AFGE Local 918-FPS is in receipt of your proposed Memorandum of Agreement (MOA) regarding the working conditions for Federal Protective Service employees at the Plum Island Animal Disease Center (PIADC), Orient Point, NY. After careful review and consideration, the Local rejects your proposed MOA.

The MOA is untimely and relates primarily to the temporary detailed personnel to PIADC. As you have taken an extraordinary amount of time to conduct your review for "legal sufficiency" the temporary detail of personnel will be replaced by newly hired FPS Inspectors who will be permanently assigned to PIADC, Orient Point, NY thus negating the need for an agreement that deals solely with detailed personnel.

Further, the Local will not come to an Agreement that includes stipulations about the rescinding of any unfair labor practice charges that are currently pending before the Federal Labor Relations Authority. The Local contends that an Unfair Labor Practice was committed and therefore this charge should continue before the Authority until such time as they have made a decision in the matter or an informal resolution may be reached between the Local and the Agency.

Further, the Local demands the Agency return to the bargaining table and negotiate a supplemental agreement regarding the working conditions for FPS employees at PIADC in accordance with Article 50 of the current labor-management agreement in effect between the Agency and AFGE (Agreement 2000). A supplemental agreement is the appropriate means for addressing this matter. Any future formal bargaining of this matter must include all parties able to make necessary decisions on the matters being bargained to include any legal representatives who may be necessary to conduct "legal sufficiency" reviews. The exact ground rules can be the subject of discussion prior to the resumption of bargaining of this matter.

Once a supplemental agreement on the matter is reached, the Local may be amenable to informally resolving any related unfair labor practice charges, grievances or other litigation that may be pending on this matter.

Sincerely,

James P. Ward  
National Local Secretary  
Designated Local 918 Official for  
FPS Matters Related to PIADC