

the draft is at 40% on SL... was that what you understood?

Jeff Lewis <reformfaanow@gmail.com>

Mon, Feb 13, 2012 at 11:42 AM

To: Mark Wilson <mwilson@natcad.org>

Cc: Jay Barrett <rkmedez@gmail.com>, Anna Jancewicz <ajancewicz@natcad.org>, Mike Hull <mhull@natca.net>, Hamid Ghaffari <hghaffari@natca.com>, David Caldwell <david.caldwell@natca.net>, Barry Krasner <bkrasner@natcad.org>

Mark and Jay:

I do feel we need to say no to this unacceptable settlement. This case needs to go to arbitration, and I believe that our Union has a Duty of Fair Representation that compels this action. If either or both of you do not want to or possibly simply cannot do the Union's duty at Daly City, perhaps we can get Mike Hull or someone else to do it. I would still be happy to meet both of you on Wednesday morning and prep this up so we can win a big arbitration for the NATCA membership, but if you cannot attend, please find someone sharp who will.

Among other things, you need to be clear on the terms of the fraudulently produced settlement at MSPB. That, too, was an extraordinarily one-sided "settlement"; e.g., it stripped me of my right to work as a contract controller in retirement (they dealt with me as if I was disabled, though there is NOTHING in the FAA record or in any of my health records to support that). One of the only rights cleanly preserved within that first "settlement" was my right to proceed with Grievance NC-08-79364-CCR, so that I could pursue fair adjudication via an arbitration. Now, if you sign away my right to this arbitration, I never really had that right, did I? All because the Union is working with the Agency on this settlement, without proper consideration of the grievant and the Union Membership.

All the worse, you propose taking this action after I have collected the very evidence that Agency so carefully concealed to impede MSPB in their duty to adjudicate, and to compel that earlier fraudulent and involuntary "settlement". You know clearly, from the work Mike Hull did in late 2010 with the records I provided then (which pale in comparison to those that I now have): this case is fully documented and needs only the will of a good Union to push it through, to a major NATCA victory against a major Federal player in abusive mismanagement (YES, that would be FAA, the same people that Johnny Carr rightly spoke up against).

The record shows NATCA takes many far lesser grievances all the way through arbitration. Your willingness to give Agency a free ride as reflected in the current draft settlement agreement not only serves Agency in the continuation of their worst-practices, but also grossly dis-serves both the Public and the professionals within our Union membership ranks. Frankly, a rational person such as myself cannot comprehend how you can even consider what Mr. Rodriguez is proffering for settlement.

Five years ago, just four days after the start of the stress and confusion initiated by my inexplicable lockout on 2/16/07, CCR Local FACREP Bill Marks signed a note declaring belatedly that he would no longer represent me due to a conflict of interest. You are already aware that he had grossly failed his representational duty by not having recused weeks earlier, before he "assisted" at two Weingarten meetings, on 2/13/07 and 2/16/07. You are aware of this gross failure by the Union. Well, see the attached; this is an email from CCR ATM Jason Ralph to others, with a copy of Mr. Marks' recusal memo. Note his phrasing: "Attached for your information is notification from my FACREP that he is recusing himself..." Did you catch that... "...from MY

FACREP..., " as stated by the FAA manager. I noticed it when I first read this two years later, in 2009 (nobody in the Union ever bothered to notify me of this action, or why it was taken, so I had to learn this detail via FOIA and Discovery). When I read it, I saw this immediately and thought, "wow...Jason Ralph thinks Bill Marks is his Union Rep ... **AND HE IS RIGHT!** Bill does serve Jason..." Feels the same today...


Now, also look at the third page in the attachment; here you will find the words of David Caldwell, SFO ATCT NATCA facrep. He appears to be upset and is declaring the need to file a ULP against the Agency. He adds: "...please tell me there is another way to make these asswipes feel some severe pain over this..." So, Mark and Jay, in the same spirit as shown by Mr. Caldwell, would you please tell me, if you choose to **NOT** arbitrate this week, is there another way to make these same FAA officials feel some severe accountability over this???

If there is not, how well is our Union serving its purpose?

Brotherhood is far more than just a word.

Let's make this right, fraternally.

*Jeff Lewis
tel 971-295-7669*

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