

I have been an NTEU member for most of my career but never had need of their assistance. All of that changed a couple summers ago and I was happy to have NTEU on my side. Another employee and I stopped by a bonded premises about 10 am on a weekday morning and found it was wide open. This was part of an ongoing investigation, we had an appointment later that week and we were hoping to get a feel for the recordkeeping system before that interview. All the doors in this industrial/office park space were open and two men were working inside. We walked in, calling "good morning:" and "hello", identified ourselves to the people there, asked for the proprietor, and were told that he was not there at the moment. Since this company has another nearby location we decided to wait. We walked through the premises and saw tanks of product and cases of finished goods, and a file cabinet near the doors a few feet from the workmen. My colleague had been there earlier and knew the records were kept in that cabinet. After waiting about 15 minutes we decided to begin looking at the records. We opened the cabinet, looked only at the required records and found a few we needed to copy. There was no copy machine on site, so we took them to a commercial copy shop, made the copies at our expense and returned them. All of this took perhaps an hour.

The first chance we had we called our supervisor and briefed him on our visit, including the record examination and copying. His reaction was simply, "I don't know if I would have done that". He later checked with Counsel, who advised us to continue with the investigation but put these records aside and not use them as part of the report. We did that and every record we copied was later provided by the proprietor. We thought the matter was resolved. Far from it

About four months later we were interviewed by two Special Agents. We were told only that they were representatives of the Inspector General office and there "to get your side of the story". We were not alarmed and did not request Union representation. At this meeting we were told that our right of entry and examination only applied if we first made an appointment and that we could not enter the premises without one. One told us that we had no right to even show up without an appointment. After this meeting we and our supervisor were told informally that they saw no bad intent to our actions and felt that additional training for everybody in our series and a handbook revision were in order. A month or so after that a call was issued for volunteers to revise the handbook, and we felt, again, that all was resolved. Far from it.

Two months later the IG issued a very neutral report, neither implicating nor exonerating us.

Three months after that neutral report we were called into the office, our credentials were pulled and we were placed on administrative duties. Our supervisor was told nothing and could tell us nothing, other than that he had been ordered to do so with no explanation. We immediately contacted our NTEU representative.

Three months after that (almost a year after the original record examination) we were issued a letter proposing our removal, asserting Fourth Amendment violations and charging us separately for doing each of the following without a search warrant or

probable cause: entering the premises, examining the records, removing some records, copying these records and returning these records. The proposed removal letter also asserted that any records examined had to be physically handed to us by the proprietor or examined with his explicit knowledge and consent-that no right of entry and examination exists under any other circumstance, although this was not and never would become a criminal investigation. This time we made sure to have a Union representative there, and the meeting was brief and very calm.

About six weeks later we met with the deciding official. At this meeting NTEU presented a vigorous oral and written response on our behalf and in our defense. Over the following six weeks they worked with me and TTB and were able to negotiate a settlement. All six of the civil rights charges were reduced to a single error in judgment-removing and copying the records.

I have to admit that I joined the union out of a sense of obligation, never expecting to actually need their help. In the 20 years leading up to this I had always trusted my employer and never even considered filing a grievance. I had no disciplinary history, had received more than two dozen incentive awards (including three Quality Step increases) and was a popular speaker, instructor and OJT coach. Over the last two decades my performance evaluations have been typically Outstanding in all elements and Outstanding overall. I never expected to find my entire career threatened by a single and inadvertent error and am glad the NTEU was there to be my advocate.