

UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
OFFICE OF ADMINISTRATIVE LAW JUDGES
WASHINGTON, D.C. 20424

.....
UNITED STATES DEPARTMENT OF
JUSTICE, UNITED STATES
IMMIGRATION AND NATURALIZATION
SERVICE, UNITED STATES BORDER
PATROL, EL PASO, TEXAS

Respondent

and

Case No. 6-CA-70732

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES,
AFL-CIO, NATIONAL BORDER
PATROL COUNCIL

Charging Party

.....
Sherry M. Cardenas, Esquire
For the Respondent

Christopher J. Ivits, Esquire
For the General Counsel

Mr. Robert J. Marren
For the Charging Party

Before: WILLIAM NAIMARK
Administrative Law Judge

DECISION

Statement of the Case

Pursuant to a Complaint and Notice of Hearing issued on January 22, 1988 by the Regional Director of the Federal Labor Relations Authority, Regional VI, a hearing was held before the undersigned on March 16, 1988 at El Paso, Texas.

This case arose under the Federal Service Labor-Management Relations Statute (herein called the Statute). It is based on a charge filed on September 21, 1987 and a first amended charge filed on December 21, 1987 by the National Border Patrol Council, American Federation of Government Employees, AFL-CIO (herein called the Union) against the U.S. Immigration and Naturalization Service (herein called the Respondent).

The Complaint alleged, in substance, that since on or about September 15, 1987, the Respondent has interfered with, restrained, and coerced bargaining unit employees in the exercise of their rights under Section 7102 of the Statute by prohibiting them from wearing a union lapel pin during their duty hours.

Respondent's Answer, dated February 12, 1988, admitted the jurisdictional allegations of the Complaint but denied any violation of the Statute.

All parties were represented at the hearing. They were afforded full opportunity to be heard, to adduce evidence, and to examine and cross-examine witnesses. Thereafter, briefs were filed by Counsel for Respondent and Counsel for the General Counsel, and these have been duly considered.

Upon the entire record herein, from my observation of the witnesses and their demeanor, and from all of the testimony and evidence adduced at the hearing, I make the following findings and conclusions:

Findings of Fact

1. At all times material herein the Union has been, and still is, the exclusive representative for all nonprofessional personnel of the Respondent assigned to Border Patrol Sections, excluding those employees excluded by section 10(b) of the Executive Order 11491, as amended.

2. The Union and Respondent were parties to a collective bargaining agreement establishing terms and conditions of employment of employees in the above-described bargaining unit which expired on September 30, 1978. Since on or about that date, the parties have continued to give effect to and operated according to the terms and procedures of the agreement.

3. Respondent's Border Patrol Handbook states that "[w]here a uniform is required, only the uniform prescribed, beginning on page 2483.13 of the Administrative Manual, may be worn. The uniform must be worn in its entirety, devoid of any unauthorized ornaments or attachments." Respondent's Officer's Handbook states "[w]here a uniform is required, it should be complete in all details and devoid of ornaments which are not a part of the uniform."

4. Robert J. Marren is the Chief Steward of Local 1929 of the Union and Executive Vice President of the Union. He has been a Border Patrol Agent for 11 years. Among his duties are patrolling the U.S. border to prevent and detect the entry of illegal aliens, checking farms and ranches to determine whether or not illegal aliens are there, and checking vehicles to determine whether there are illegal aliens in them. In the course of his duties, he wears a "rough duty" uniform, which includes a badge of 3/4 inches in height and a Border Patrol patch of 3 inches in diameter.

5. In September 1987, Marren wore the American Federation of Government Employees lapel pin.^{1/} This is 1/2 inch in diameter by 3/8 of an inch in height and has the word A.F.G.E. on it in small letters. At various times, employees wore other non-authorized pins, including a length of service pin and an EMT pin, which identifies the wearer as an emergency medical technician.

6. On September 15, 1987, Ernesto Martinez, Jr., Marren's second line supervisor, told Marren to take off the AFGE pin on the ground that it was not part of the uniform. When asked, Martinez told Marren that he had been instructed by Assistant Chief Patrol Agent Blackwell to do so. In a subsequent conversation with Blackwell, Marren learned that the basis of the instruction was that Respondent's Administrative Manual did not allow any adornments on the uniform and that Chief Patrol Agent Michael S. Williams had instructed him to instruct his Patrol Agent to order Marren to take off the pin. Martinez had previously instructed employees to remove length of service pins from their uniforms.

7. Martinez testified that if a Border Patrol Agent wears a pin that violates regulations, it would be detrimental to the esprit de corps of the Border Patrol because a law enforcement officer should follow all rules and regulations. In addition, he testified that persons who are not from the same part of the country might confuse the Border Patrol Agent with an El Paso policeman.

Conclusions

General Counsel relies on United States Immigration and Naturalization Service, Port of Entry, San Ysidro, California, 25 FLRA 447 (1987), in which the Respondent was

^{1/} Marren testified that he wore this pin from March to September 1987. Respondent's witnesses testified that they had not seen Marren wear the pin until September 1987.

found to have infringed on an immigration inspector's right to "assist any labor organization" when it ordered the removal of the same pin that is at issue herein. In that case, the Authority recognized that an agency has the right to prescribe a uniform under Section 7106(a)(1), but that this must give way to employee rights under Section 7102 where, as was found in that case, the pin is small and unobtrusive and could not be expected to interfere with the work or cause public confusion.

Respondent relies on Section 7106 and argues that, especially in the context of a para-military organization with a need for esprit de corps, the display of Union or other similar insignia would undermine the purposes to be served by wearing the uniform. It also relies on private sector cases for the proposition that, in order for there to be a violation, there must be evidence that the wearing of insignia is for collective bargaining purposes and that the wearing of union insignia can be forbidden if necessary to project a clean, professional image.

The Authority has clearly ruled that employees have the right to wear union insignia at the workplace, in absence of a showing that the wearing of the pin interferes with the purpose of the uniform. Indeed, the Authority held that the identical pin was so small and unobtrusive as to preclude interference with work or confusion of the public. San Ysidro, supra, and also extended its ruling to a larger insignia on the uniform of uniformed law enforcement officers. United States Department of Justice, Immigration and Naturalization Service, Port of Entry, San Ysidro, California, 25 FLRA 490 (1987). Although these cases were reversed in Immigration and Naturalization Service v. FLRA, Nos. 87-7138, 7146, 7208 and 7209 (9th Cir. September 1, 1988), the Authority decisions are binding on the undersigned. Accordingly, I am constrained to conclude Respondent has violated Section 7116(a)(1) of the Statute.

Having found and concluded that Respondent violated the Statute by prohibiting bargaining unit employees from wearing a union lapel pin during their duty hours, it is recommended that the Authority issue the following:

ORDER

Pursuant to Section 7118 of the Statute and Section 2423.29 of the Rules and Regulations, it is hereby ordered that the United States Department of Justice, United States Immigration and Naturalization Service, United States Border Patrol, El Paso, Texas, shall:

1. Cease and desist from:

(a) Interfering with, restraining, or coercing its employees by prohibiting Robert J. Marren or any other Border Patrol Agent from wearing the American Federation of Government Employees, AFL-CIO, union lapel pin or similar union insignia while on duty.

(b) In any like or related manner interfering with, restraining or coercing its employees in the exercise of their rights assured by the Federal Service Labor-Management Relations Statute.

2. Take the following affirmative action in order to effectuate the purposes and policies of the Federal Service Labor-Management Relations Statute:

(a) Permit Robert J. Marren or any other Border Patrol Agent to wear an American Federation of Government Employees, AFL-CIO, lapel pin or similar union insignia while they are on duty.

(b) Post at its facilities copies of the attached Notice on forms furnished by the Federal Labor Relations Authority. Upon receipt of such forms, they shall be signed by the Chief Patrol Agent and shall be posted and maintained for 60 consecutive days thereafter in conspicuous places, including all bulletin boards and other places where notices to employees are customarily posted. Reasonable steps shall be taken to ensure that the Notices are not altered, defaced, or covered by any other material.

(c) Pursuant to Section 2423.30 of the Authority's Rules and Regulations, notify the Regional Director, Region VI, Federal Labor Relations Authority, in writing, within 30 days from the date of this Order, as to what steps have been taken to comply.

Issued, Washington, D.C., October 24, 1988.



WILLIAM NAIMARK
Administrative Law Judge

NOTICE TO ALL EMPLOYEES

PURSUANT TO

A DECISION AND ORDER OF THE

FEDERAL LABOR RELATIONS AUTHORITY

AND IN ORDER TO EFFECTUATE THE POLICIES OF

CHAPTER 71 OF TITLE 5 OF THE

UNITED STATES CODE

FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS STATUTE

WE HEREBY NOTIFY OUR EMPLOYEES THAT:

WE WILL NOT prohibit Robert J. Marren or any other Border Patrol Agent from wearing the American Federation of Government Employees, AFL-CIO, union lapel pin or similar union insignia while on duty.

WE WILL NOT in any like or related manner, interfere with, restrain, or coerce employees in the exercise of their rights assured by the Federal Service Labor-Management Relations Statute.

WE WILL permit Robert J. Marren or any other Border Patrol Agent to wear an American Federation of Government Employees, AFL-CIO, lapel pin or similar union insignia while they are on duty.

(Activity)

Dated: _____ By: _____
(Signature) (Title)

This Notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Regional Director of the Federal Labor Relations Authority, Region VI, whose address is: Federal Office Building, 525 Griffin Street, Suite 926, Dallas, TX 75202, and whose telephone number is: (214) 767-4996.

UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
OFFICE OF ADMINISTRATIVE LAW JUDGES
WASHINGTON, D.C. 20424

.....
DEPARTMENT OF JUSTICE
UNITED STATES IMMIGRATION
AND NATURALIZATION SERVICE
UNITED STATES BORDER PATROL
EL PASO, TEXAS

Respondent

and

Case No. 6-CA-80175

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO
NATIONAL BORDER PATROL
COUNCIL

Charging Party

.....
Sherry M. Cardenas, Esq.
For the Respondent

Christopher J. Ivits, Esq.
For the General Counsel

Before: WILLIAM NAIMARK
Administrative Law Judge

DECISION

Statement of the Case

Pursuant to a Complaint and Notice of Hearing issued on May 25, 1988 by the Regional Director, Federal Labor Relations Authority, Region VI, a hearing was held before the undersigned on October 19, 1988 at El Paso, Texas.

This case arose under the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7101 et seq. (herein called the Statute). It is based on a first amended charge filed on March 15, 1988 by American Federation of Government Employees, AFL-CIO, National Border Patrol Council (herein called the Union) against Department of Justice, United States Immigration and Naturalization Service, United States Border Patrol, El Paso, Texas (herein called the Respondent).

The Complaint alleged, in substance, that since December 1, 1987 Respondent (a) interfered with, restrained and coerced employees in the exercise of their statutory rights by taking into consideration their union activity when issuing to them an annual Officer Corps Rating in violation of section 7116(a)(1) of the Statute; (b) discriminated against employee Robert J. Marren by considering his union activity when issuing to him his appearance rating as part of his annual Officer Corps Rating in violation of section 7116(a)(1) and (2) of the Statute.

Respondent's Answer, dated June 15, 1988, denied the foregoing allegations and the commission of any unfair labor practices.

All parties were represented at the hearing. Each was afforded full opportunity to be heard, to adduce evidence, and to examine as well as cross-examine witnesses. Thereafter, briefs were filed with the undersigned which have been duly considered.

Upon the entire record herein, from my observation of the witnesses and their demeanor, and from all of the testimony and evidence adduced at the hearing, I make the following findings and conclusions:

Findings of Fact

1. At all times material herein the Union has been, and still is, the exclusive bargaining representative of all nonprofessional employees assigned to the Respondent's Border Patrol Sectors, excluding those employees excluded by section 10(b) of the Executive Order 11491, as amended.

2. The Union and Respondent have been parties to a collective bargaining agreement establishing terms and conditions of employment of employees in the aforesaid bargaining unit which expired on September 30, 1978. The parties have, since that date, continued to give effect to, and operated under, the terms and procedures of that agreement.

3. The Border Patrol Handbook^{1/} provides, inter alia, as follows:

^{1/} Joint Exhibit No. 3.

Personal Appearance

Where a uniform is required, only the uniform prescribed, beginning on page 2483.13 of the Administrative Manual, may be worn. The uniform must be worn in its entirety, devoid of any unauthorized ornaments or attachments.

Mustaches

Mustaches shall neither extend more than one-quarter inch below a horizontal line through the corner of the mouth nor fall below the vermilion border of the upper lip. Mustaches may not be heavily waxed or twisted and must be neatly trimmed.

4. The Officers Handbook^{2/} provides, inter alia, as follows:

Personal Appearance

Where a uniform is required, it should be complete in all details and devoid of ornaments which are not a part of the uniform. If the uniform is worn in public when off duty, it should be worn in its entirety.

The Officers Handbook also has a section pertaining to mustaches which is virtually identical to that set forth in the Border Patrol Handbook, supra.

5. The collective bargaining agreement^{3/} between the parties provides, inter alia, in Article 25, section F as follows:

. . . Supervisory officers will be responsible for conducting informal daily visual inspections of the officers in their respective units or stations. If uniform deficiencies are noted, immediate corrective action will be taken.

^{2/} Joint Exhibit No. 4

^{3/} Joint Exhibit No. 1

6. Robert J. Marren has been employed as a Border Patrol Agent at the Fabens, Texas station since 1984. He has occupied the position of Chief Steward for the Union from November 1984 through April 1988. Marren also holds the position of Executive Vice President of the National Border Patrol Council. As a Border Patrol Agent Marren patrols the border area to prevent, detect and apprehend aliens attempting to enter, or who have entered, the United States.

7. The uniforms worn by the Patrol Agents during their regular duties, known as the rough duty uniform, includes a forest green shirt and slacks, black shoes, a badge on the left chest and a name plate on the right chest. Also worn by these employees are: a black leather gun belt with a 12 loop ammunition carrier, a handcuff case, a knife case and a holster with a stainless steel revolver. A shoulder patch approximately three inches in diameter is part of the uniform. It has a yellow border with a blue background and the words "U.S. Border Patrol." The agent also wears a green baseball cap with the self-same shoulder patch.

8. Marren began wearing a union pin on his uniform about the latter part of March 1987. The pin is about three-quarters of an inch in height and one-half inch in width. The pin is blue in color at the top and bears the initials AFGE, AFL-CIO. It has red and white vertical stripes and is fashioned in the shape of a shield.

9. In September 1987 Ernesto Martinez, Jr., second level supervisor of Marren, received a call from the Chief Patrol Agent wherein the latter informed the supervisor that Marren was wearing an unauthorized pin on his uniform. Martinez stated he had not noticed it but would tell Martinez to remove it.

10. On September 15, 1987 Martinez told Marren that the employee was not to wear the Union pin which was attached to his uniform right pocket. Marren replied he would file charges because he had been wearing the pin for several months and nothing had been said about it. Marren discontinued wearing the pin after being told to do so.

11. Marren's testimony reflects that he also wore the Union pin during monthly management relations meetings with the headquarters staff while he was Chief Steward. Further, that he wore the pin during grievance sessions and performing minor representation duties for employees.

12. All officer corps employees receive an annual Officer Corps Rating. It is used for bidding on transfers within the bargaining unit. Under date of November 21, 1987 his first-line supervisor, Sterling Smith, issued an Officer Corps Rating for Marren which the latter signed on December 1, 1988. He was rated "Very Good" in the category of "Appearance."

13. In his annual rating of Marren for 1987, Supervisor Martinez, on or about December 1, 1987, rated the agent as "Good" in the category of "Appearance."^{4/} Marren then discussed the lower rating with Martinez who told him it was due to the fact that Marren had worn a union pin on his uniform and that his mustache was longer than allowed under the regulations. Martinez mentioned that whether it were a pin with a union label, or a length of service inscription, or an American flag, it would be unauthorized on the uniform.

14. In both Officer Corps Ratings given for Marren covering 1987 by Supervisors Smith and Martinez respectively, Marren was highly recommended for promotion.

15. Martinez testified that he never noticed the Union pin on Marren's uniform prior to September 1987.^{5/} Further, that the wearing of said pin would have been improper even though worn during representational proceedings, and would call for a lower rating in regard to his appearance.

Conclusions

The central issue herein is whether 5 U.S.C. 7102 confers a protected right upon an employee to wear a union pin on a regular duty uniform, as so worn in the instant case, free from infringement on the part of the Agency. Once that question is determined, one must turn to a consideration of whether any special circumstances existed which prevailed over any right that may have been so conferred upon this employee.

^{4/} In the December 1986 rating for that year Supervisors Smith and Martinez rated Marren as "Very Good" in the category of "Appearance."

^{5/} The record includes a statement (Respondent's Exhibit 2) to the effect that Senior Patrol Agent Sterling Smith had not observed Marren wearing any pin on his uniform.

The essential facts are not in dispute. The 1987 Officer Corps Rating by Supervisor Martinez of Agent Marren appraised his appearance as "Good," which was a downgrade from that supervisor's 1986 appraisal of "Very Good" re Marren's appearance. Further, Martinez admitted that the causative factor of the downgrading was Marren's wearing the Union pin on his uniform during duty hours.^{6/}

Respondent makes several contentions in support of its position that the agency has a right to prohibit the wearing of the Union pin on the patrol agent's uniform. It stresses the fact that under section 7106(a)(1) of the Statute. The Agency has absolute authority to determine its mission and organization; that the means to carry out its policy include the right to require the wearing of prescribed uniforms. Mention is made of the fact that the handbooks regulating the appearance of its agents (Border Patrol and Officers) provide that no ornaments be worn on the uniform; that Article 25 of the collective bargaining agreement provides for corrective action if uniform deficiencies are noted by the supervisor. Respondent also adverts to the importance of esprit de corps which, it insists, will be in danger since wearing the pin could cause confusion among employees.

The Authority has had occasion to consider the right inuring to employees under section 7102 of the Statute in respect to the wearing of union insignia in United States Immigration and Naturalization Service, Port of Entry, San Ysidro, California, 25 FLRA 447 (1987). That case dealt with the wearing of a union label pin on an inspector's right pocket of his uniform shirt. The pin was 1/2 inch by 3/8 inch, colored red, white and blue with initials "A.F.G.E., AFL-CIO." The Agency prohibited an immigration inspector, who was the union president, from wearing the

^{6/} The record does reflect that Martinez also told Marren his appraisal of Marren was influenced by the failure of the employee to trim his mustache. However, it appears that the complaint from the Chief Patrol Agent concerned Marren's wearing of the Union pin on his uniform, and this was the real cause of the action taken against the employee. Further, it was not known by Respondent, nor does the evidence reveal, that Marren would have been downgraded as to "Appearance" for not trimming his mustache. The record points to the contrary since Martinez testified he would have downgraded Marren for wearing the Union pin at representational matters.

pin.^{7/} The Authority recognized that an agency may require employees to wear a uniform as part of its right to determine the means by which its operations are conducted. However, it held that section 7102 of the Statute encompasses an employee's right, in the absence of special circumstances, to wear union insignia at the workplace. Prohibiting the wearing of the union pin in the cited case was held violative of section 7116(a)(1) of the Statute.

As to whether special circumstances exist which justify prohibiting the wearing of a union pin, the Authority has followed the approach taken by the National Labor Relations Board in the private sector. Thus, where the interest of the employees in wearing union insignia is outweighed by an employer's legitimate interest in maintaining discipline, safety, or efficient production in the working place, special circumstances have been found to exist. See Southwestern Bell Telephone Company, 200 NLRB 667.

In the San Ysidro case, supra, the Authority noted there was no showing that wearing the union label pin interfered with the purpose for which the uniform was worn. The pin was small and unobtrusive so that it could not interfere with the employee's work performance or that of other inspectors. Neither did it interfere with the public's ability to recognize the inspector as a representative of a Government authority.

Although the cited San Ysidro case, supra, was reversed in Immigration and Naturalization Service v. FLRA, 855 F.2d 1454 (9th Cir. 1988), I am bound by the Authority's holding in this regard. Moreover, there are no special circumstances existent herein which negates the employee's right under section 7102 to wear the insignia. The pin is the same size as that which was the subject in the cited case; there was no evidence adduced which indicated that work performance was disrupted by wearing the Union pin, nor does it appear that any confusion arose among the public as to the identity of the patrol agents. (Cf. United States Army Support Command, Fort Shafter, Hawaii, 3 FLRA 796.

By virtue of the foregoing, I am constrained to conclude that Respondent violated the Statute by (a) prohibiting employees from wearing a union label pin during their duty

^{7/} A handbook prescribing the inspector's appearance also prescribed that no ornaments be worn on uniforms.

hours; (b) discriminating against Border Patrol Agent Robert Marren by downgrading his 1987 Officer Corps Rating in respect to the category therein designated as "Appearance" based on the employee's having worn a union label pin during duty hours. Further that by such conduct, Respondent has violated section 7116(a)(1) and (2) of the Statute.

Accordingly, it is recommended that the Authority issue the following:

ORDER

Pursuant to section 2423.29 of the Federal Labor Relations Authority's Rules and Regulations and section 7118 of the Statute, it is hereby ordered that the Department of Justice, United States Immigration and Naturalization Service, United States Border Patrol, El Paso, Texas, shall:

1. Cease and desist from:

(a) Interfering with, restraining or coercing its employees by prohibiting Robert J. Marren, or any other Border Patrol Agent, from wearing the American Federation of Government Employees, AFL-CIO, Union label pin or similar Union insignia on his uniform during duty hours.

(b) Discriminating against Robert Marren, or any other, employee by permitting supervisors or managers who issue an "Appearance" rating as part of the annual Officers Corps Rating from considering that Robert J. Marren, or any other employee, wore the American Federation of Government Employees, AFL-CIO, Union label pin or similar Union insignia on his uniforms during duty hours.

(c) In any like or related manner interfering with, restraining or coercing its employees in the exercise of rights assured by the Federal Service Labor-Management Relations Statute.

2. Take the following affirmative action in order to effectuate the purposes and policies of the Federal Service Labor-Management Relations Statute:

(a) Permit Robert J. Marren, or any other Border Patrol Agent, to wear the American Federation of Government Employees, AFL-CIO, Union label pin or similar Union insignia on his uniform during duty hours.

(b) Rescind the December 1, 1987 "Appearance" rating of Robert J. Marren prepared by Supervisor Ernesto Martinez, Jr., withdraw it from his personnel file, and prepare a new Officer Corps Rating for 1987 for Robert J. Marren as to his appearance which does not consider that he wore the American Federation of Government Employees, AFL-CIO, Union label pin on his uniform during duty hours.

(c) Post at its facilities copies of the attached Notice on forms to be furnished by the Federal Labor Relations Authority. Upon receipt of such forms, they shall be signed by the Chief Patrol Agent and shall be posted and maintained for 60 consecutive days thereafter, in conspicuous places, including all bulletin boards and other places where notices to employees are customarily posted. Reasonable steps shall be taken to insure that such Notices are not altered, defaced, or covered by any other material.

(d) Pursuant to section 2423.30 of the Authority's Rules and Regulations, notify the Regional Director, Region 6, Federal Labor Relations Authority, in writing, within 30 days from the date of this Order, as to what steps have been taken to comply herewith.

Issued, Washington, D.C., August 31, 1989



WILLIAM NAIMARK
Administrative Law Judge

NOTICE TO ALL EMPLOYEES

AS ORDERED BY THE FEDERAL LABOR RELATIONS AUTHORITY
AND TO EFFECTUATE THE POLICIES OF THE
FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS STATUTE

WE HEREBY NOTIFY OUR EMPLOYEES THAT:

WE WILL NOT prohibit Robert J. Marren, or any other Border Patrol Agent, from wearing the American Federation of Government Employees, AFL-CIO, Union label pin or similar Union insignia on his uniform during duty hours.

WE WILL NOT discriminate against Robert Marren, or any other employee, by permitting supervisors or managers who issue an "Appearance" rating as part of the annual Officer Corps Rating from considering that Robert J. Marren, or any other employee, wore the American Federation of Government Employees, AFL-CIO, Union label pin or similar Union insignia on his uniforms during duty hours.

WE WILL NOT in any like or related manner, interfere with, restrain, or coerce employees in the exercise of their rights assured by the Federal Service Labor-Management Relations Statute.

WE WILL rescind the December 1, 1987 "Appearance" rating of Robert J. Marren prepared by Supervisor Ernesto Martinez, Jr., withdrawn it from his personnel file, and prepare a new Officer Corps Rating for 1987 for Robert J. Marren as to his appearance which does not consider that he wore the American Federation of Government Employees, AFL-CIO, Union label pin on his uniform during duty hours.

WE WILL permit Robert J. Marren, or any other Border Patrol Agent, to wear the American Federation of Government Employees, AFL-CIO, Union label pin or similar Union insignia on his uniform during duty hours.

(Activity)

Dated: _____ By: _____
(Signature) (Title)

This Notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Regional Director of the Federal Labor Relations Authority, Region 6, whose address is: Federal Office Building, 525 Griffin Street, Suite 926, Dallas, TX, 75202, and whose telephone number is: (214) 767-4996.