



## BORDER PATROL SUPERVISORS' ASSOCIATION

Minutes for the February 24, 2022 – 6:00 p.m. BPSA General Board Meeting

Presided Over: Lizette Solares Taken By: Yesenia Navarro [Signed]

Attendees: James Robertson, Lizette Solares, Gabriel Gonzalez, Yesenia Navarro, Alan Mills, Dalila Lira, Tony Pozos, William Colucci

Location: Farmer's Table – 330 F St., Chula Vista, CA 91910

Approval of December Minutes: Approved

### Vice President's Report:

- 663 members 2/24/21
- BPSA Microsoft Outlook Distribution list has been updated. Asking members to notify executive board (e-Board) officers of job changes (i.e., retirements, change in employment).
- New membership application has been updated. New applicants must send the application via email to the [usbpsamembership@gmail.com](mailto:usbpsamembership@gmail.com)
- Taxes need to be filed. James/Lizette will reach out to Joe Gutierrez for POC from last year.
- Requested information from PORAC regarding membership fee increase. Increased fee because of the increase in costs and usage.
  - 11 Administrative cases, 1 Civil, 7 Criminal

### Treasurer's Report:

- Current Balance \$110,725.42
- Expenditures – PORAC membership and Legal Defense Fund (LDF) fees increased a total of approx. \$5.00 more per member a month.
- As of July 1, 2021, the LDF rates increased from \$16.30 to \$20.10

### Secretary Report: NTR

### Old Business:

Legal Updates: Hazardous Duty Lawsuit – Alan Mills

- The law office of Mason Lietz & Klinger has agreed to take our hazardous duty class action lawsuit for BPSA members on a contingency basis pending a federal appeals court resolution (*Adams v. U.S.* No. 20-783C). Re: failure to pay hazard pay during the COVID-19 pandemic.
- There are some legal roadblocks for the case as the Federal Bureau of Prisons (BOP) was already denied their case, which is currently in appeal (*Adams v. U.S.* No. 20-783C).
- If the appeal is won for BOP, it would open the door for BPSA, as well as other federal agencies, to seek hazardous duty pay based on detainee contact with active COVID. If it is lost, then the case would most likely be dismissed at no cost to BPSA.
- **UPDATE:** BPSA members from each sector are needed to be named as litigants if the BOP case is won. In such case, attorneys need information about exposure levels agency-wide and would need to schedule interviews with members impacted across the nation.

### New Business:

Membership Rates:

- James Robertson motioned to reinstate the 2015 BPSA membership rates of \$15 per pay period.
- Gabriel Gonzalez second the motion.

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- Majority vote to approve (Yesenia Navarro, Dalila Lira, William Colucci)
- Deadline for members to change allotment is to be determined.

Questions from members who were unable to attend the meeting physically (mode: email)

- Will members be added to the BPSA after they have pending litigation?
  - Pre-existing incidents will not be covered with new membership. (i.e., cannot sign up solely to get covered for a pre-existing issue).
  - Eligibility of coverage is determined by PORAC representatives.
- Will rates decrease if PORAC fees are lowered?
  - PORAC fees change according to usage. The BPSA rates will be voted on by the board based on the financial situation at the time. It is critical to ensure the BPSA does not operate at a financial loss in the future.
- Who is eligible for membership?
  - USBP Supervisors are eligible to be in the BPSA. BPA-P, acting Supervisors, BPA-I, are not eligible for membership as per the BPSA bylaws (to be posted in the BPSA website, updates to follow). Agents are responsible for updating the e-Board of a job status change.

Change of Command:

- Current e-Board officers
  - President – Open
  - Vice President – Lizette Solares
  - Treasurer – Gabriel Gonzalez
  - Secretary – James Robertson
  - Sgt. of Arms – Open
- James Robertson motion to vote Lizette Solares as President
  - Yesenia Navarro second the motion
  - Majority vote to approve (Lira, Gonzalez, Colucci)
- Yesenia Navarro motion to vote James Robertson as Vice President
  - Dalila Lira second motion
  - Majority vote to approve (Solares, Gonzalez, Colucci)
- James Robertson motion to vote Yesenia Navarro as Secretary
  - Gabriel Gonzalez second motion
  - Majority vote to approve (Solares, Lira, Colucci)
- Sgt. of Arms
  - There was a motion to elect for this position; two candidates were named:
    - Zirivan Mohammad, Dalila Lira
  - As per the bylaws, “any vacancies that occur on the board shall be filled from the regular membership by a majority vote of the Board, with the exception of vacancies caused by the expiration of office.” This means that an election is not needed to elect an officer in this situation because it is a vacancy and not an expiration of office.

Membership Administration

- Seeking ways to ensure a virtual platform is offered for future meetings. In the meantime, members may send any questions to the [usbpsasecretary@gmail.com](mailto:usbpsasecretary@gmail.com) prior to the General Board meeting.
  - Will need to purchase IT equipment and adjust the location of meeting/s.
  - Seeking an IT SME within the BPSA (on a volunteer basis) to assist with website and membership maintenance.
- Current account of members is up-to-date with PORAC coverage (663 members)
- BPSA1 Distro list is in the process of getting updated to remove/add members.
- Membership application and BPSA website updates based on membership needs.

Final Remarks

- Lizette Solares

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- The mission of the BPSA is to provide legal defense for its members.
- Bylaws need to be posted on the BPSA website: [www.bpsups.org](http://www.bpsups.org) (pending)
- Would like to increase transparency for BPSA members. Please reach out with questions, comments, concerns, and suggestions to make the BPSA better.

### **Close of business:**

Meeting ended: 7:40 p.m.

The next scheduled meeting: April 28, 2022