

National Treasury Employees Union



WATCHDOG



Chapter 60

Protecting the rights of federal employees in NJ

Newsletter Date: January 2015

EDITORIAL

I recently saw a story on the news about a man who fell overboard from a Royal Caribbean cruise ship off the coast of Mexico. No one knew he fell into the water. The man expended all of his energy trying to remain afloat, while shouting for help. Amazingly, a passenger on another cruise ship that passed by the area several hours later heard his cries for help. He notified the crew, and they rescued him.

The 22-year-old man fell off the Royal Caribbean ship during the early-morning hours. The passenger on the passing cruise ship told news organizations that he was on his balcony when he heard the man calling for help.

When I first read this story, I was amazed at how the second cruise liner just happened to be in the right place in the right time and was more than willing provide assistance to this helpless individual in the water. Then, it hit me. Reading this account, I realized that this story could be an allegory about federal employees and NTEU. You may think I have finally lost it, but I will try to explain.

I see the passenger on the first ship as the average federal employee. Though many feds cannot afford to go on a cruise, he was someone who used to enjoy doing his job, but things suddenly changed for the worse. He was in over his head, just trying to stay afloat and keep his job. Sounds like most federal employees who used to really love their jobs until Congress started freezing their pay and cutting their benefits in addition to destroying their reputations.

The second and third parties in my story are the IRS and Congress. They are represented by the Royal Caribbean ship. For whatever reason, once the man fell off the ship into shark infested waters, they never even looked back and just kept sailing away on to the next issue. They left him in the water to fend for himself. If he died, oh well. As the Speaker of the House said recently about federal employees losing their jobs, "So be it."

That brings me to the fourth and final party in this analogy. The second cruise ship represents NTEU. They were there to help this person and rescue him from certain injury or death when no one else would. That represents what NTEU is all about.

When the Agency eliminated their performance awards, NTEU was there. When Congress attempted to slash our pensions and further reduce our benefits, NTEU was there. When employees were publicly denigrated and their reputations were relentlessly impugned, NTEU countered those attacks with public statements of support and facts about how important federal employees are and how their jobs make America run.

Let's hope that none of us ever get caught in a similar situation as the man above, but if you ever feel as if your rights have been violated in the workplace, or that you are out there all alone and need help, just remember to contact NTEU. We will gladly help you out.

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Visit our website - www.nteu60.org

We Have No Money for Anything (except for Managers' Raises)

We've previously told you that the agency has been less than truthful at the negotiating table about the amount of money the agency really has at its disposal. They repeatedly plead poverty when discussing employee benefits, travel and awards. According to them, the agency is bankrupt and destitute.

Then, lo and behold, the truth comes out. During the negotiations before the Federal Service Impasse Panel (FSIP) while the IRS was bemoaning their financial insolvency, the Chief Human Capital Officer issued a memorandum stating how much money managers would get for pay band and within-grade increases based upon their performance. The memo in its entirety is shown below in blue text (We bolded text):

Sent: Wednesday, January 07, 2015 12:22 PM

To: &&Managers All

Cc: *IRS Human Capital Officer

Subject: 2015 Performance Based Increase values for managers announced

Every year, we update the Performance Based Increase (PBI) values for managers in the IRS Payband as a reflection of the importance of managers to our tax administration efforts.

The 2015 PBI values for managers in the IRS Payband System are:

- **Outstanding rating = 6.8%**
- Exceeded rating = 3.0%
- Met rating = 1.0 %
- Not Met/Minimally Satisfactory = 0%

The above PBI increase will be effective Jan. 11 and will be reflected on the Feb. 5 salary payment. In addition to the PBI, managers will continue to receive the locality pay applicable for their posts of duty. For 2015, locality payments will remain at 2014 levels.

To help you calculate your January 2015 increase, a link to the PBI calculator will be provided in an upcoming *Leaders' Alert*. For additional information, visit the Payband Resource Center.

The IRS PBI pay pool includes money previously spent on within-grade increases, quality step increases and the GS increase. It's comparable to what GS-schedule managers receive in other government agencies, and puts IRS managers on equal footing with other federal managers and employees.

Thank you for your leadership and strong commitment to the IRS mission.

Needless to say, this is extremely shocking and quite frankly infuriating. We don't disparage any manager who earns an increase for doing a good job. We congratulate them. However, what we find so distasteful and disingenuous is the agency's insistence that they have no money for anything. They also had the audacity to say that they were so broke that they "have to shake the couch cushions to look for money." We never believed that they were as poor as they claimed based upon the facts. Now, this memo proves we were right. And they wonder why employee morale has tanked and keeps going lower.

The memo proves that what they allege is obviously not true. If they have no money, how can they afford to give such a huge pay increase to their top performers? I guess you have to ask them. We tried for almost eighteen months to get honest answers, and they just pled poverty. And then BOOM, they pay these increases.

It just shows how the leaders of this agency evidently value their managers much more than their bargaining unit employees. They deny it, but if they were treated equally why would they give NBU employees raises of up to 6.8%, which is significantly higher than any BU raise. Does that sound fair to you? It does not sound fair to us. And what is more upsetting is that in times of a reduced budget (the IRS budget was slashed by \$345 million this year), the agency actually paid MORE in raises to managers. Last year they paid 5.9%. How can that happen?

In response, the agency asserts that bargaining unit (BU) employees also get within grade increases. This may be true, BUT employees do not get within grade increase every year like managers do. Unfortunately, they express no shame about this travesty. In fact, they are proud of it. It is a disgrace and a putdown to all BU employees.

How can they justify that in years with extremely lean budgets with almost no funds for case related travel and taxpayer assistance help, they increase the amount of managers' raises from 5.9% to 6.8%? Just remember one thing — without good, hard-working employees, managers would get nothing done and none would be outstanding. This is the height of hypocrisy.



DISABILITY OPTIONS

Many IRS employees falsely believe that they are entitled to short-term disability, if they are unable to perform their duties because of disease, illness or injury. However, federal employees do not pay into their respective state disability insurance pools, so they are not eligible for short-term disability like many private sector employees. Federal employees can apply for up to twelve weeks of leave under the Family and Medical Leave Act, but it is important to note that FMLA leave is unpaid leave unless the employee substitutes his own accrued and/or advanced paid leave in place of the unpaid leave. The lack of any short-term disability program is one of the reasons that federal employees are allowed to accrue an unlimited number of sick leave hours in order to address such emergencies.

Of course, there is nothing precluding employees from obtaining disability insurance from a private carrier. In fact, NTEU offers such a benefit through Colonial Life. In addition to these options, employees who have exhausted their accrued and advanced annual and sick leave can request paid leave from the Leave Bank, (if they are a current member) or solicit leave donations through the Leave Transfer Program.

The preceding circumstances address short-term absences. Unfortunately there are situations where an employee's disease, illness or injury prevents them from performing their duties for a considerably longer period of time. If the disease, illness or injury is expected to last for at least one year, and the agency is unable to provide a reasonable accommodation that enables the employee to perform "useful and efficient service", that employee may qualify for disability retirement. In order to make that determination, the employee must submit Form 3112, which includes the employee's statement, the supervisor's statement and the physician's statement certifying that the employee meets the preceding criteria.

The employee must also file the immediate retirement application for their respective retirement system along with the 3112, which applies to both CSRS and FERS employees. The servicing IRS BEST specialist reviews the application, and if it meets the qualification requirements, IRS forwards the disability retirement application to OPM (Office of Personal Management) for their approval. OPM has the final say on approving the employee's disability retirement application. Eligibility and the application rules differ depending upon whether the employee is covered under CSRS or FERS. CSRS employees must have at least five years of creditable civilian service under CSRS to be eligible for disability retirement.

The minimum benefit for CSRS employees is equal to at least 40 percent of the employee's high-3 average salary or the normal voluntary benefit after increasing the actual creditable service by the time remaining until the employee's 60th birthday, whichever is less. If the employee's earned annuity amount is greater than the guaranteed minimum benefit, the retiree receives that amount instead. (In almost all cases, CSRS employees now receive their earned annuity amount. The only exceptions would be CSRS employees with a lengthy service break.)

FERS employees must have at least eighteen months of creditable civilian service in order to qualify for disability retirement. Unlike CSRS employees, FERS employees must also apply for Social Security disability benefits. Failure to do so prevents the employee from receiving any disability benefits under FERS. FERS employees generally receive 60 percent of their high-3 average salary for the first twelve months, minus 100 percent of any Social Security disability benefits. After the first twelve months, the employee receives 40 percent of his high-3 average salary, minus 60 percent of any Social Security disability benefits.

The preceding figures are general in nature and do not apply to every situation. Contact the chapter office or your assigned BEST specialist for more specific information about disability retirement.

ANOTHER SAD STORY

Chapter 60 was very sad to learn of the passing of another member the week before Christmas. Sadly, Yolanda Agront, a secretary in the Parsippany post of duty, passed away suddenly at home.

Yolanda was a dedicated NTEU member who had run up against some personal health issues recently but she was taken way too early.

Our thoughts and prayers go out to her family, and we hope that she rests in peace.

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BE CAREFUL EMAILING PASSWORDS

We live in a world governed by passwords. We are constantly bombarded with messages telling us that one of our passwords is about to expire and needs to be changed. Then to make matters worse, IRS Cybersecurity tells us not to write them down anywhere. What to do?

In an effort to make their lives easier, employees may be inclined to email all of their IRS passwords to one of their personal email accounts. It sounds like a reasonable idea, but in reality it is almost certain to get you into trouble. A recent article on the *IRWeb* noted the dangers of doing that and reminded employees that transmitting IRS system username and login credentials to personal email accounts violates multiple IRS and Federal Government policies and guidelines. (Source: Appeals Thursday Ticket, January 22, 2015).

You need to understand the consequences of this. The article noted that the Computer Security Incident Response Center (CSIRC) continues to find Appeals employees that are sending messages with sensitive data from their IRS email accounts to their personal email accounts. In some cases, these emails contain one or more official passwords to IRS systems, applications or accounts. Violations are detected quickly, and each morning, a list including each incident is reported to IRS leadership.

CSIRC will disable SEIDs of employees who send IRS credentials (UserID and/or password) to personal email accounts (encrypted or unencrypted). You don't want that to happen.

When Cybersecurity identifies this type of incident, they notify your IRS manager by email, as well as immediately disable your Domain Server account. If your SEID is disabled due to this type of violation, then you will not be able to login to your workstation. Your manager is then required to meet with you in person if co-located or via telephonic meeting to reactivate your account and validate that all account passwords sent externally are changed.

All IRS employees are responsible for information security. Each of us must comply with Internal Revenue Manual [10.8.1.4.1.18.3](#); Personally-Owned and Other Non-Government Furnished Equipment; National Institute of Standards and Technology [SP 800-53 AC-19 and MP-7](#); and [IRM 1.10.3.2.1\(7\)](#), Secure Messaging & Encryption, which specifically states IRS employees may not send Sensitive But Unclassified data by electronic mail unless an Information Technology-approved exception is obtained. We advise that you just don't do it.

HOW MANY MANAGERS DOES IT TAKE TO...?

Everyone has heard at least one joke that goes as follows — how many people does it take to (insert task)? The subsequent punch line is usually offensive in nature. While we won't do that here, we do want to highlight an issue that was raised and documented at the contract negotiating table and evidently still goes on today.

The issue is the disparity in the number of management officials that attend meetings and calls when NTEU is involved versus the number of NTEU representatives. At the contract negotiating table, NTEU provided countless examples of many more people attending such meetings on behalf of the agency when negotiating with NTEU.

Recently, we received the following information from another chapter president:

"We currently have a POD/Building closure negotiation. On our side were another NTEU Chapter President, myself and a Chapter Steward. A total of three people. On management's team they had, xxxxxxx, the head AWSS employee in the region; xxxxxx from LR; xxxxxxx, manager CDS, one of the two impacted groups; xxxxxx, manager of the other impacted group; xxxxxxx the local AWSS employee; xxxxxxx, TM REFM; xxxxxx, manager REFM; xxxxxx, REFM employee; xxxxxxx, REFM employee; xxxxxxx & xxxxxx who are xxxxxxx managers.

The teams were 11 v 3 against us. We had 3-4 meetings. I have run into this before in meetings with REFM. They bring a village."

Obviously, nothing has changed. The agency is not trying to save money by reducing management officials at meetings with NTEU, but they want NTEU to cut back everything. Despite the numbers, we are confident that the three NTEU representatives at these meetings brought much more to the table than the busload of management types sitting across from them. Even more amazing and disturbing is that the number of management officials (11) was the same as the number of impacted employees who were affected by the move. It would be funny if not so outrageous. (Source: Chapter President eyewitness account).

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GOOD RIDDANCE

Former Georgia Congressman Phil Gingrey loathed unions. He also disliked federal employees. In fact, he went out of his way to disparage both in many published articles and bills sponsored in the House of Representatives. He did not think federal employees deserved union representation, and he specifically targeted NTEU. He also was a big anti-IRS voice when it came to the alleged IRS TEGE scandal. Well, we guess it is true that those in glass houses should not throw stones.

As he headed for the exits of Congress, the House Ethics Committee rebuked six-term Representative Gingrey. Apparently, the Georgia lawmaker gave preferential treatment to a bank. It turns out that he held up to \$250,000 in stock warrants in that particular business. Ouch.

The committee scolded Gingrey for providing “special favors or privileges” to the now-failed Bank of Ellijay by arranging for its representatives to meet with high-level Treasury Department and House staff, as well as with Rep. Spencer Bachus (Ala.), then-ranking member of the House Financial Services Committee.

The investigation was prompted by November 2011 press reports charging that Gingrey was using his seat in Congress to act on behalf of two banks that he helped found. He joined the board of directors for the Bank of Ellijay and another bank around 2006. The Office of Congressional Ethics and the committee separately investigated claims that his compensation for the position violated rules, but dismissed the matter. The panel continued to probe other allegations.

In its Dec. 11 letter, issued after more than two years of investigation, the committee stated that Gingrey accepted “favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of [your] governmental duties,” by providing the bankers with access to high-level Treasury Department and congressional meetings, after accepting the opportunity to join its board.

Gingrey’s chief of staff, David Sours, was also blamed. After the Bank of Ellijay’s chief financial officer contacted Gingrey’s office for help arranging some Washington, D.C., meetings related to the Troubled Asset Relief Program, better known as TARP, Sours suggested asking then U.S. Treasurer Anna Cabral, who was also his mother-in-law, to get the ball rolling.

The letter from House Ethics Chairman K. Michael Conaway (Texas), and ranking member Linda T. Sánchez (Calif.) notes the committee is “troubled” by Sours using his name and family connection to arrange the Treasury Department meeting.

Given Gingrey’s conflict of interest, and the fact that the Bank of Ellijay is not located in his district, the panel determined he should have steered their requests elsewhere or asked for the committee’s guidance.

During the investigation, Gingrey told the committee that he believed merely arranging meetings for Bank of Ellijay representatives, where the bankers would inquire about the status of their TARP application and advocate for distribution of TARP funds to community banks was consistent with House rules. But the committee found his behavior conflicted with their caution to “avoid actions that would create even an appearance of conflicted, improper actions,” the letter stated.

According to CQ Roll Call’s annual Wealth of Congress report, Gingrey, a physician, is worth at least \$2.56 million. He left Capitol Hill as the 104th richest member of Congress after losing a bid for Senate. In an email to the *Atlanta Journal-Constitution*, Gingrey’s lawyer accused the committee of using the public reprimand as a substitute for providing clarity on rules concerning conflicts of interest. (Source: Roll, December 15).

So, once again, someone who believed he is above it all and condemns others is taken to task for not following the rules and doing something that appeared to be in his best interest rather than the government’s. He accused IRS employees of treating certain groups differently and wouldn’t you know, he was guilty of the same thing. He gave special treatment to a bank which he helped found. Of course, if Representative Gingrey were an IRS employee accused of the same offenses, it is very likely that he would be terminated and even possible that he would face additional sanctions.

Just for the record, we want to publicly state once more that union representatives and hard-working federal employees are not the cause of the federal government’s problems. Unethical politicians are. Goodbye Representative Gingrey.

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THE SONG REMAINS THE SAME

You are probably tired of reading about how the agency says “there is absolutely no money for travel”, “everyone has to tighten their belts,” and “managers aren’t travelling.” To be honest, even I am getting tired of saying it.

However, it keeps getting repeated because what they say and what they do are not consistent. It is true that the bargaining unit (BU) workers who need to travel to taxpayer case sites to conduct audits and collection activities have basically been grounded due to “no travel funds.”

In the past, we ran exposes on how executives and management officials from all divisions all over the country were burning up travel funds by taking non-case related jaunts to every location imaginable — even Hawaii.

In this issue, we want to show a glaring example of the drastic contrast of what is being told to bargaining unit employees and how one executive (non-bargaining unit) is evidently being treated very differently.

On January 20, 2015, Chapter 60 received an email from one of its representatives, which stated the following:

“I am currently in a TEGE group meeting and the employees were just told “there will be no case related travel funds available for the FY.” (Source: **Eyewitness testimony**). Other chapter presidents were asked if we had heard this bombshell. Of those questioned, none were aware of that draconian edict. If true, however, we wondered how any meaningful work could ever be accomplished by those employees sitting in the office everyday.

Then when looking at the *IRWeb*, we came across an article relating to SBSE. The headline read as follows:

Field Collection director makes Sacramento first stop for “Discovery Sessions.”

Needless to say I was intrigued because I had just recently returned from the final session of contract negotiations where the IRS team still maintained their mantra that “management had no travel money”. Something seemed amiss. The article on the *IRWeb*, which was posted on January 14, 2015, is shown below in its entirety:

Darren Guillot, Field Collection director, recently spoke with Collection employees in Sacramento, California. Darren plans to have these “Discovery Sessions” in various cities throughout the country.

“I set up these sessions as a way to open the lines of communication with employees in the field,” Darren said. Each session includes an employee focus group of volunteers followed by a larger town hall with all employees in a metro area.

“Employees — along with NTEU representatives — can provide anonymous statements and questions prior to the sessions and are free to talk about the good, the bad and the ugly involving their jobs and work environments,” Darren said. “I want to hear what works and what doesn’t. If a process isn’t working, let’s get some suggestions on the table. Employees providing their concerns and questions prior to the actual session helps some overcome the reluctance to speak candidly in a group.”

Operations and Technical Support teams are building a Collection Discovery Sessions SharePoint site. Once the site is working, employees will be able to view the issues discussed in the sessions and the related responses. Employee comments will be kept anonymous.

“The sessions will help us discover what’s on employees’ minds, and they can discover why and how management decisions are made; and the SharePoint site gives some ownership of their issues and follow ups,” Darren said.

So, here is another example of the old do as I say not as I do motto in full effect. Workers can’t go out to assess or collect revenue, but an executive based in Washington, DC flies across the country to Sacramento, California to “open lines of communications with employees in the field.” I guess this executive can’t use all of the “wonderful and amazing new technology the IRS has...” that was presented at the table during negotiations. You know, CENTRA and OCS, which the agency has forced down the throats of all BU employees and demands that NTEU representatives use when they want to “communicate with employees.”

And by the way, most employees “in the field” are now office-based because there are no travel funds. How does the agency square not letting TEGE folks travel for lack of funds and let this executive and many others that we have documented in the past travel with impunity for some feel good in-person face time. If you want employees to feel good, treat them with respect and stop wasting travel money on frivolous meet and greet sessions. And then maybe use some of the money spent on this travel to pay them awards.

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Color Blind or Just Ridiculous?

We recently received the following email from a Director of Field Assistance to the TAC employees. While we have included the entire message for complete disclosure, we have highlighted the last few sentences to show how these executives just don't get it.

Hi Everyone!

After all the planning and preparation Filing Season 2015 finally arrived today. I know most of you had the opportunity to explain to taxpayers alternatives for services that are included in the FY 2015 Service Approach. I also know that it isn't exactly easy to tell taxpayers who have been accustomed to receiving a service in our Taxpayer Assistance Centers that they must now obtain that service through a different channel. I want to thank you for the many times today you probably explained to taxpayers how they can obtain Forms 1099-MISC and Publication 17.

Forms are only one example of services that can be obtained through other channels thereby freeing up our most important resource—you—to assist taxpayers face to face with issues that are not as easily resolved. Today, I received accounts of taxpayers in our TACs who were victims of continued scam attempts, those with a need for IPPINs because their personal tax information may have been compromised, those with complex account issues and questions regarding the Affordable Care Act and how it impacts their tax obligations this year.

I was pleased with the many accounts I heard today of you all effectively implementing the Service Approach procedures. **I also want to share a story about our xxxxxxxx, xx group members. Some of them are wearing green on Fridays as a fun way to help get the message out that "IRS is going Green—Saves money. Saves Time. Get your forms and publications online." What a clever idea! I'm already planning my outfit for this Friday if you want to join in. Because you know, "it's not that easy being green".**

Director, Field Assistance

After the queasiness subsided, we had to publish this email as an example of how out of touch some executives are. The IRS is going green. Really? Yes, getting forms and information online saves time and money. But you have to look at the reason *why* we are pushing online activity. It is because Congress has consistently slashed our budgets for several years, and the agency is trying to do the same job and maintain the same levels of service with 13,000 less employees. And employees should be happy about it and make light of it?

This Director ends her message with the quote, *"it's not easy being green."* You might remember that line from the famous amphibian star of children's television, Kermit the Frog. Though clever, we don't find it humorous. I guess dressing up in green helps when employees tell their mortgage companies that they can't pay their bills on time? And how ironic is it that green is the color of money, which the agency states it does not have (except for executive travel)? Maybe we should all just dress up in red on Valentine's Day to show Congress and the agency, how we just love having our pay and benefits slashed since red is the color of love?

Or better yet, since we are making animal references, maybe we should all come to work dressed as a fire hydrant. That would capture the reality of the situation.

Have a Relative Looking to Become a CPA?

NTEU has a special discount for members looking to become Certified Public Accountants (CPAs). For a limited time only, immediate family members can now also receive the same reduced rate when they sign up for the Becker's CPA Exam Review.

From Jan. 1 through March 2, 2015, immediate relatives of NTEU members can receive special pricing of \$1,930 (a \$3,360 value) as well as 0 percent financing.

Visit www.NTEU.org to learn about this and other NTEU member discounts.

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Agency Cuts Another Employee Benefit

Besides slashing all travel (though it appears as if executives continue to travel the globe) and eliminating all employee training, another employee benefit has gone the way of the dinosaur as the IRS has notified NTEU of its plan to terminate the Pre-Tax Parking Program.

NTEU won this program after the parties were at impasse and went to the Federal Service Impasses Panel (Panel) for resolution. Last year, the Panel adopted NTEU's proposal, but ruled that its continuation would be conditioned on the recoupment of certain costs. The Panel stated that 50% of the agency's start-up costs would have to be recouped within 12 months of the program's establishment date. The program was established on January 12, 2014.

The IRS states that the largest portion of start-up costs were attributed to a processing vendor, and that cost alone was over \$34,000 (which is only 50% of the *Star Trek* video). There were also other costs. In order to recoup 50% of the vendor's costs alone, the program would need to yield \$17,454.50 in savings.

According to IRS, through the end of September 2014, the Pre-Tax Parking Program yielded the agency only \$9,191 in reduced FICA and Medicare payments. At the end of FY 2014, there were only 274 employees participating — a participation rate that has remained relatively stable and highly unlikely to spike in the next four months. Based on the cost data, the agency states it intends to discontinue the program no earlier than February 1, 2015.

National NTEU is reviewing the data the IRS has provided to ensure it is accurate, and have asked for more recent end-of-year data to assess the entire cost-savings for one year. However, based on the data we have been provided, it would appear that the Pre-Tax Parking Program did not achieve the cost savings necessary for its continuation. That is unfortunate for those who were able to participate in it.

GOOD NEWS FROM THE LEAVE BANK

Chapter 60 recently received a message from NTEU's representative on the National Leave Bank Board concerning some positive changes that were made that benefit federal employees.

The message indicated that in the past year, any requests for leave from the leave bank have been limited to 40% of the time requested, per medical emergency. So, if an employee requested the maximum allowed of 240 hours, they would only get 96 hours.

Beginning in early January 2015, all requests will be now be fulfilled at 50%. This change will help employees get more leave from the leave bank when they need it most. Using the same example from above, the same employee would receive 120 hours instead of the 96. This is good news for employees who turn to the Leave Bank for help in times of need. As you know, every little bit helps.

It is a great opportunity to have an NTEU representative on this Board looking out for the interest of all bargaining unit employees.

If you have been denied leave from the Leave Bank and the stated reason for such denial does not make sense, please contact the chapter, and we will in turn let the NTEU National Board member know to ensure the Leave Bank provided the correct response. This has been done recently with some success.

If you have any questions about the Leave Bank or need additional information, we suggest as always that you first consult your manager. You may also want to check out the Leave Bank on the *IRWeb*. Go to the Employee Resource Center (ERC) and click on the Pay, Leave & Benefits tab.

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IT IS OUT TO LUNCH

About a year ago, the agency issued a directive that employees could no longer stack their break periods around their lunch period to extend their lunch break. They were following guidance from (5 U.S.C. 6101(a)(3)(F)), which had previously been overlooked by many managers.

Now, the Information Technology Division (IT) has taken it a huge leap further. Evidently, Big Brother, I mean IT management, has decided when their employees eat their lunch and when they are allowed to take their breaks/rest periods.

We received a message from an employee which contained the following excerpt from IT management:

“OPM and the Dept. of Labor regulations state that breaks and lunches should be as followed.

- **1st break – 2 hours after the start of your TOD**
- **Lunch – 2 hours after your 1st break**
- **2nd break – 2 hours after your lunch”**

First of all, we are unaware of any OPM Guidance or directive or Dept. of Labor Regulation that specifically states when IT employees have to take their breaks and then when they have to eat their lunch. We have not received any proof that such documents or guidance exists.

That said, what are we in grammar school? IT has always been a roadblock to employee rights and benefits. Several years ago when negotiating Article 23, they refused to offer certain alternative work schedules (AWS) because they need to have coverage all the time. We get that, but common sense should prevail. Now, they want to be the principal with a wooden ruler smacking your knuckles if you don't eat lunch at their designated time? This is not the military, and we are not robots who just do as programmed.

To show how ridiculous this is, if an IT employee began their tour of duty (TOD) at 6:00am, which many do, they would have to eat lunch at 10:00am? Then, maybe they can eat dinner on their break at noon? Please.

We know based upon correspondence reviewed from other NTEU chapters representing IT employees, that this ill - advised directive is not just centralized in one area and being directed by a low-level manager. It must have come from above.

In our response to our employee, we sent the following:

There is no regulation stating this. The only regulations governing lunches and breaks state that you cannot combine them. While there may be a need for them to stagger lunch periods so that there is sufficient coverage, there is nothing in the IRM, regulations and law that puts such stringent time frames on lunches.

As NTEU Chapter President XXXXX said, this is a national issue that needs to be elevated to that level since it impacts multiple chapters across the country rather than one individual employee.

Here's the link which shows what OPM says about lunch and breaks.

<http://www.opm.gov/policy-data-oversight/pay-leave/work-schedules/fact-sheets/lunch-or-other-meal-periods/>

You'll see there's nothing about 2 hour windows in here. If they have something else in writing, ask them to provide it. If they want to implement it immediately, we can always file a mass grievance if it affects multiple people filing to file or pursue an individual grievance until National NTEU gets involved.

We have not heard anything since, so let's hope we don't have to file a mass grievance over this overreaching directive.

In the meantime, we wonder if the IT employees will have to raise their hands to get permission to go to the restroom or if they can go out and play kickball during recess, I mean on break?



JOKE OF THE MONTH

A guy has a talking dog. He brings it to a talent scout. "This dog can speak English," he claims to the unimpressed agent.

"Okay, Sport," the guys says to the dog, "What's on the top of a house?"

"Roof!" the dog replies.

"Oh, come on..." the talent agent responds. "All dogs go 'roof'."

"No, wait," the guy says. He asks the dog "what does sandpaper feel like?"

"Rough!" the dog answers.

The talent agent gives a condescending blank stare. He is losing his patience.

"No, hang on," the guy says. "This one will amaze you. "

He turns and asks the dog: "Who, in your opinion, was the greatest baseball player of all time?"

"Ruth!" goes the dog. And the talent scout, having seen enough, boots them out of his office onto the street.

Outside the dog turns to the guy and says "Maybe I shoulda said DiMaggio?"



Chapter 60 Bids Farewell to Roy Tripaldi

Anyone who has called the chapter office for the past several years was always greeted by NTEU Steward and Executive Board Member Roy Tripaldi. With over 42 years of government service and more than 25 as an NTEU rep. Roy recently retired.

We will miss Roy not only for all the assistance he provided to me personally as President, but for all of the work he did every day on behalf of IRS employees in New Jersey. We will also miss his funny personality which made coming to work every day a pleasure.

We wish Roy nothing but the best in his retirement years. We hope they are filled with good health, fun and excitement. After more than four decades of making the IRS a better place to work, he has certainly earned it. Take care my friend. You certainly will be missed.

CHAPTER 60 EXECUTIVE BOARD MEMBERS

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ANY NEWSLETTER IDEAS, LET US KNOW. SEND AN E-MAIL TO: John.Kelshaw@irs.gov

