



# NTEU Bulletin

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News, issues and advocacy for federal employees

## Reardon to Congress:

### INCREASE FEDERAL EMPLOYEE PAY



President Tony Reardon talks with Sen. James Lankford (R-Okla.) following a hearing on pay flexibilities. The senator is chair of the subcommittee that convened the hearing. In the background is Sen. Heidi Heitkamp (D-N.D.), the ranking member of the subcommittee.

Federal agencies find it hard to recruit and retain talented employees because they don't get enough funding from Congress, President Tony Reardon told a congressional committee interested in pay flexibilities in the federal workforce.

Reardon testified at an October hearing conducted by the Regulatory Affairs and Federal Management subcommittee of the Senate Homeland Security and Government Affairs Committee. It was Reardon's first time testifying on Capitol Hill since being elected president in August.

The NTEU leader urged Congress to close the gap between federal and private-sector pay and give agencies the funding they need to fulfill their missions. The General Schedule (GS) system works and has flexibilities built into it but agencies lack the funding to offer performance awards, recruitment and retention bonuses, special salary rates and other tools to hire and keep talented workers, he said.

After Congress froze federal pay in 2011, 2012 and 2013, federal workers received increases of only 1 percent for each of the next two years—well below the amounts called for under the law. Reardon pointed to Department of Labor data showing that private-sector wages have risen by 8.3 percent in the last five years while federal pay has gone up by 2 percent.

He urged Congress to pass pay legislation sponsored by Sens. Brian Schatz (D-Hawaii) and Ben Cardin (D-Md.) and Rep. Gerry Connolly (D-Va.), which would give federal employees an across-the-board raise of 3.8 percent in calendar year 2016.

*"It is simply a myth that the GS system does not allow agencies to reward high performance or respond to a changing recruitment and retention environment, but these...pay tools are just not being used enough. And the primary reason for that is a lack of funding."*

—NTEU President Tony Reardon

"No employer can expect to recruit and retain a professional and skilled workforce while failing to keep up with general pay trends," he told the subcommittee. "It is simply a myth that the GS system does not allow agencies to reward high performance or respond to a changing recruitment and retention environment, but these ... pay tools are just not being used enough. And the primary reason for that is a lack of funding."

Reardon also applauded Sen. Heidi Heitkamp (D-N.D.) for her efforts on behalf of the federal workforce, including her work to narrow the federal-private pay gap in her state. That gap has widened in recent years due to the oil and natural gas boom in the Bakken Formation, which occupies parts of North Dakota and Montana in the U.S. and the provinces of Manitoba and Saskatchewan in Canada.

Among the federal employees affected by the pay disparity are NTEU-represented Customs and Border Protection (CBP) personnel.

Reardon thanked Sen. Heitkamp and Sen. Jon Tester (D-Mont.) for their attention to



CBP issues on the northern border, a remote region where recruiting and retaining workers is often challenging. About 300 front-line CBP personnel work in an area stretching hundreds of miles from Pembina to Portal along North Dakota's border with Canada. Some of NTEU's CBP members recently met with Sen. Tester in Sweetgrass, Mont.

"We greatly appreciate your willingness to explore with us ways to make pay in these regions more competitive, including the potential use of either special pay rates or recruitment and retention bonuses," President Reardon said.

## ★ The President's View



## 5 Reasons to be Thankful

Despite all that federal employees have been through the past few years—from sequestration to furloughs to a government shutdown—there is still plenty to be thankful for. I understand if you are not quite with me yet but consider these five reasons to be thankful.

### 1. The dedication of the federal workforce

Public service means something to federal employees. The 2015 Federal Employee Viewpoint Survey (FEVS) once again demonstrated the high levels of commitment federal workers have to their jobs. More than 90 percent of employees have superior levels of commitment to their work the survey revealed, and they consistently seek out ways to do the work better and are willing to go the extra mile to get the job done.

That is no surprise to me. NTEU members believe what they do is important, and it is.

### 2. Support on Capitol Hill

Even though it seems like the deck is stacked against us in the House and Senate, there are lawmakers who believe in federal employees and support you. Their efforts on your behalf have been instrumental in thwarting a number of proposals that would harm you. Every day they work with NTEU and they fight for a strong civil service that is paid appropriately and has the tools and resources to get the job done.

We need more supportive members of Congress to join with them. Then we can begin to

rebuild the federal agencies, secure a fair pay raise and fully meet the missions of federal agencies. Which brings me to my next reason to be thankful.

### 3. A Voice in the Political Process

As American citizens, you have the right to help choose who represents you in Congress. We often take this right for granted and some do not even bother to exercise it and vote. I think it is helpful to remember that wanting a say in the governing process helped spark the birth of our country, and there are many across the world still fighting for this basic right.

I urge you to register to vote. Make sure your family and friends are registered to vote. When you think about voting, remember that for federal employees there is a direct line between who sits in Congress and your pay, benefits and the resources available to do your job. Support those who support you.

### 4. Those Who Came Before Us

We benefit today from the many hard-fought battles of years ago. Whether it was private-sector unions or the earlier members of NTEU, their efforts reverberate today. We all know that unions brought us the weekend, helped end child labor in our country, and continue the fight for fair and equal wages. Throughout the federal government, employees have alternative work schedules, flexible spending accounts, and many other benefits because earlier NTEU members stepped up to the plate.

I believe in the power of unions, and the necessity of collective action. If not for NTEU, the working life of a federal employee would look much different. There would be no one to stand up for you, limited rights and benefits, no alternative work schedules, work-life balance, or overtime pay. We build on what those who came before us accomplished and leave a better federal workplace for those who will follow.

### 5. A Strong Union

NTEU members can be grateful for what our union provides. We bargain strong contracts and enforce them with trained and skilled chapter leaders. We battle against unfair treatment and work locally and nationally to give you a voice in your agencies. We have a reputation on Capitol Hill for being outspoken advocates on your behalf, and we tell your story to the media and the American public.

We are proud to be NTEU, proud to represent you and proud of your work. At NTEU, we are committed to your success and will do everything we can to ensure it.

On a more personal note, I am thankful for all of you—for the work you do, for being a member of NTEU, for not being afraid to stand up and demand dignity and respect. I wish you and your families a wonderful Thanksgiving.

## Reardon Participates in FDIC Workplace Excellence Meeting

Finding a way to effectively address employee concerns at an agency that has more than 6,000 bargaining-unit employees spread across the country can be a challenge. But the Federal Deposit Insurance Corporation (FDIC), in collaboration with NTEU, has implemented a program to gather—and act on—input from front-line employees.

The joint program, called Workplace Excellence (WE) Councils, is the result of a 2012 agreement between NTEU and FDIC. The WE groups are established within FDIC's various divisions and offices, and NTEU selects half of the participants of each council from interested union members. Overseen by a national steering committee, the councils serve as a mechanism for employees to provide input on ways to improve their workplace and operate in conjunction with labor-management forums that meet four times a year.

At a WE quarterly meeting attended by NTEU President Tony Reardon and FDIC Chairman Martin Gruenberg, Reardon ex-



President Tony Reardon and FDIC Chairman Martin Gruenberg.

pressed NTEU's ongoing support of the program, which has been in place since 2013.

"These groups have helped ensure that FDIC employees have the opportunity to be involved and engaged in the workplace," President Reardon said. "They contribute to helping the FDIC maintain its position at the top of the Best Places to Work rankings."

The councils discuss ways, among other issues, to address results from the Federal Employee Viewpoint Survey (FEVS) administered by the Office of Personnel Management. The standard FEVS has been supplemented

with additional questions specifically tailored to FDIC issues.

One representative of the Risk Management Supervision WE council presented unique and effective ideas to improve communication methods and to build a rewards program to recognize top-performing employees—an excellent example of how the input of front-line employees can get heard. Two of the largest FDIC divisions have previously adopted WE Council recommendations to secure feedback on management policy directives affecting how front-line employees perform their jobs.

Chairman Gruenberg expressed his gratitude for NTEU's role in developing and supporting the program and the "strong partnership that we have developed," he said.

"I applaud the work of these councils, which are an important step in furthering NTEU's goal of promoting employee engagement and empowerment," President Reardon said.



President  
Anthony M. Reardon

Executive Vice President  
James Bailey

NTEU Bulletin Staff  
Director of Communications: *Dina Long*

Editor: *Sheila McCormick*

Graphic Designers: *Sherry Meneses, John Punsalan*

Writers: *Vel Nguyen, Stacy Neidoff, Raju Chebium*

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To organize federal employees to work together to ensure that every federal employee is treated with dignity and respect.

—NTEU Mission

## UNION PURSUES CBP VIOLATIONS

For years the frontline employees who protect our nation's ports of entry were forced to work schedules that violated federal law. Specifically, they were not provided two consecutive days off and they were scheduled to work different hourly shifts within the same workweek.

The illegal practice started with employees in differing agencies that were later combined to form Customs and Border Protection (CBP) within the newly-created Department of Homeland Security.

NTEU has been fighting and winning cases that require CBP to compensate the impacted employees with back pay. Even as CBP refuses to implement the awards and files motion after unsuccessful motion to avoid responsibility, NTEU continues its fight.

NTEU has filed unfair labor practice charges with the Federal Labor Relations Authority and is scheduling noncompliance hearings with the multiple arbitrators who have ruled in the union's favor. NTEU's continued litigation creates a factual record of CBP's continued noncompliance so that the agency is held to account for its violations of law.

### Issue Dates to 2001

The unlawful scheduling practices spanned the U.S. Customs Service and the Immigration and Naturalization Service (INS). Both agencies had officers at the ports of entry whose jobs were to stop illegal goods and people from coming into the country while facilitating legal tourism and trade.

NTEU represented the Customs Service and began objecting to the schedules on behalf of employees known as legacy Customs officers. The union's grievances cover the period of October 1, 2001, until April 4, 2008, for the group of.

Later, NTEU challenged CBP on behalf of the legacy INS officers the union now represents. The back pay period for these officers is from July 2004 through April 4, 2008.

"NTEU will pursue this through any legal challenge the agency tries to make," said President Tony Reardon.

## NTEU Fights Harmful Offsets in the Highway Bill

As Congress continues work on a highway extension bill, NTEU is encouraging its members to speak out against two proposals that would hurt employees and negatively impact the American public.

The extension of the highway trust fund is a must-pass piece of legislation that has some lawmakers looking for revenue sources by reviving a failed experiment and diverting funds from another agency.

### Private Tax Debt Collection

One proposal drawing criticism from NTEU and others is to revive the failed experiment to outsource the collection of tax debt to private collection agencies (PCAs). The program previously was shut down by the Internal Revenue Service (IRS) after costing more than it brought in.

A growing chorus of voices, including editorial writers from national newspapers, the National Taxpayer Advocate, the NAACP, and the National Council of La Raza, are opposing the idea.

"The idea of allowing private companies to collect taxes on a commission basis has been rejected by the IRS and is opposed by the National Taxpayer Advocate," said President Tony Reardon. "NTEU will continue its work to stop this language from being inserted into a long-term highway funding bill."

In early October, 16 Democratic senators sent a letter to the leadership of the House and Senate opposing the measure. The senators called the proposal "fiscally dubious" pointing out the past attempts at this resulted in financial loss for the government.

"We are concerned...that the use of PCAs will actually result in a loss of revenue to the federal government. Indeed, every previous attempt to use PCAs to collect taxes has resulted in a loss to the federal government despite projections that their use would generate billions in unpaid taxes," the senators wrote.

President Reardon emphasized those thoughts in a letter a few weeks later to every member of the House.

### Customs User Fees Diversion

Another troubling proposal would divert Customs user fees away from Customs and Border Protection (CBP) and into unrelated transportation projects.

CBP collects Customs user fees to recover agency costs incurred from inspecting and processing air and sea passengers and a variety of cargo shipments. Current law requires that these fees be used only to cover the cost of those inspections.

This proposal also has drawn significant opposition from a number of sources. The Journal of Commerce spoke out against it, as did a coalition of travel, tourism, airport and airline organizations. The group detailed its opposition in a letter to the Senate Finance Committee and the House Ways and Means Committee.

NTEU believes that the Customs user fees need to remain with the agency, as the law requires. In his letter to members of the House, Reardon wrote that diverting \$4 billion in user fees away from the intended purpose of increasing CBP staffing would hurt the agency's ability to fulfill its mission to facilitate international trade and travel.

"Sufficient CBP staffing must be provided to ensure security and mitigate long wait times at our nation's air, sea and land ports of entry. There is perhaps no greater roadblock to legitimate trade and travel efficiency than the shortage of staff at the ports. Understaffed ports lead to long delays for the traveling public and in commercial lanes as cargo waits to enter U.S. commerce. Those delays result in real losses to the U.S. economy," according to the letter.

"Congressional representatives need to hear from our members about both of these proposals," Reardon said.

To take action, visit the Legislative Action Center at [www.nteu.org](http://www.nteu.org).

★ Your Future

## NEWS ON COLA; MEDICARE PART B

Federal retirees, and all Social Security recipients, received unwelcome news in mid-October, when the Department of Labor announced that there would be no increase in the cost-of-living adjustment (COLA) in 2016.

The COLA is based on the increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). The CPI-W measures the increase in prices on consumer goods including food, housing, clothing, health care costs, transportation and a variety of other expenses. The COLA determination was made by the Bureau of Labor Statistics by calculating the increases in these costs from September of 2014 through September of 2015.

The formula that determines whether or not there will be a COLA points to low inflation, as evidenced by falling energy prices, especially lower prices for fuel at the gas pump.

However, the prices of many goods and services used by older Americans keep rising. This includes prescription drugs and medical services. So retirees are not getting much relief.

### Medicare Part B Premium Hike

Added to the financial stress for retirees was an expected spike in premiums for Medicare Part B coverage for next year for millions of retirees.

Roughly 30 percent of U.S. retirees—some 16 million elderly people—were likely to see their monthly Part B premiums surge from \$104.90 a month to about \$159.30 a month. They include:

- ★ Federal retirees who receive little or no Social Security income because they are covered by the Civil Service Retirement System, which does not have a Social Security component.
- ★ Retired federal workers who enrolled in Medicare but not in Social Security.
- ★ Newer federal retirees who will be signing up for Medicare next year.

NTEU fought hard to get Congress to limit this spike in premiums. Congress listened and included language in the two-year budget deal crafted in late October that limits the increase.

Those 16 million people will likely see an increase to only \$123 per month.

Those who **would not be impacted** by the increase are about 70 percent of Social Security beneficiaries who get Part B premiums deducted automatically from their monthly Social Security checks. They won't have to pay those higher premiums because they are covered by the "hold harmless rule" in federal law.

President Tony Reardon has sent letters to Capitol Hill supporting S. 2148, introduced by Sen. Ron Wyden (D-Ore.), ranking member of the Senate Finance Committee, and H.R. 3696, introduced by Rep. Dina Titus (D-Nev.). Both bills would block the premium increases.

NTEU strongly supported enactment of this legislation which would have kept Medicare beneficiaries paying the current amount of monthly Part B premiums. However, the union also recognizes the budget issues Congress faces in protecting retiree Medicare access and coverage. The limits placed in the budget deal will soften—but not eliminate—the impact on seniors.

# PLAN TO MOVE DETROIT IRS JOBS ROAD BLOCKED BY NTEU

*Just 48 hours after NTEU was notified of the Internal Revenue Services' (IRS) plan to relocate dozens of Detroit-based employees, Chapter 78 (IRS Detroit Computing Center) members organized a fight on multiple fronts to effectively sidetrack the plan.*

"We got the ball rolling immediately," said Danny McClain, president of Chapter 78. "It has slowed down the process tremendously. But our fight is not over until the jobs remain here in Detroit."

NTEU received IRS' notice of the move on a Monday in early September, and by that Wednesday, the chapter already accomplished the following: leaders contacted the Detroit city council, organized 50 members to attend a forum with the Detroit mayor to raise their concerns and started a letter-writing campaign engaging other elected officials into the fight.

At least 73 jobs are slated to move another facility in Memphis, Tenn., that purportedly "offers improved space utilization at a secure campus location," according to the IRS. But the chapter doubted IRS' argument that it "was unsuccessful in locating a suitable alternative location in Detroit commuting area," according to the IRS' notice.

The employees work in Correspondence Production Services, which produces and distributes massive quantities of correspondence and letters sent to taxpayers. The Detroit location alone produces 100

million pieces of correspondence annually and is a 24-hour operation.

Tenacious and swift, Chapter 78 engaged its members, executed a campaign and successfully contacted their representatives to join the cause. And the results have been positive across the board.

At the chapter's behest, Detroit Mayor Mike Duggan contacted the General Services Administration (GSA) and the IRS to request more time to find a space in the city. His office expedited the availability of suitable properties in Detroit for GSA to consider, which granted the extra time to make a decision.

In letters delivered last month to Sens. Debbie Stabenow and Gary Peters, Chapter 78 members asked their senators: "Did IRS seek alternative facilities within the City of Detroit and/or the immediate commuting area? If so, what was the process?"

At press time, GSA is reviewing other Detroit properties and a secondary tour is scheduled to take place for NTEU, GSA and the IRS in mid-November before any new potential location is finalized.

The union expects a final decision will be made by early December.

The decision to move to Memphis will not only adversely impact more than 70 employees but dozens more individuals, such as their spouses and children who cannot easily stop their lives in Detroit and move to another state, McClain said. McClain, whose job is among those that would be moved, is inspired by the strong display of activism and support from many NTEU members.

"With more people showing up, we can talk about anything in the world," McClain said. "The strength comes from all of us and our numbers, that's what we love about NTEU."

*"The strength comes from all of us and our numbers, that's what we love about NTEU."*

*—Danny McClain,  
President of  
Chapter 78*

## IT'S OPEN SEASON Your Chance to Comparison Shop!

**OPEN SEASON IS NOV. 9 - DEC. 14**

Comparing Plans is Made Easy with  
**Consumers' Checkbook's Online Guide**  
to Health Plans for Federal Employees and Annuitants.

All NTEU members who currently, or are planning to participate, in Federal Employees Health Benefit (FEHBP) Program or the Federal Employees Dental and Vision Insurance Program (FEDVIP) are eligible to use this online guide.

### Real Cost Comparisons

Plans are ranked by estimates of actual out-of-pocket costs, providing a real dollars-and-cents comparison.

### Quick Access to Answers

CHECKBOOK has improved the guide to help you find answers quickly.

### Dental & Vision Plans

The guide will evaluate FEDVIP plans available to you.

### Easy as 1-2-3

Beginning Nov. 9, NTEU members can access the guide online:

1. Visit the NTEU website, [www.nteu.org](http://www.nteu.org)
2. Log in with your username and password (If you do not have them, you will have the chance to create them)
3. On the left-hand menu, click on **Member Benefits** and you will see **Consumers' Checkbook** on the right.

NTEU especially recommends those enrolling two individuals under FEHBP to visit OPM's new Self Plus One dedicated website at [www.opm.gov/selfplusone](http://www.opm.gov/selfplusone).



**EXCLUSIVELY FOR NTEU MEMBERS!**

# WHAT'S NEW AT THE BARGAINING TABLE?

*NTEU bargaining teams are always in action. Whether negotiating term agreements, new programs, side agreements, or mid-term bargaining, there is plenty of negotiating news. Contracts are the most important documents in the working lives of NTEU members. That is why NTEU bargaining teams include experienced chapter leaders with frontline knowledge. They bring wisdom, common sense and a strong desire to improve the lives of the employees they represent. That is a trifecta that pays off. Here are some bargaining updates from across NTEU.*

## Internal Revenue Service

### New Contract in Effect

This new, six-year agreement became effective Oct. 1 and took 16 months to complete. The NTEU team had to fight back against agency proposals that would have taken away or limited existing rights and benefits.

It is a tough budget climate for all agencies, but the IRS is among the hardest-hit on the funding front. That posed a challenge for negotiators, but NTEU still locked in place the longstanding awards program and achieved parity in the size of the awards' funding pool with managers.

A number of improvements were made to administrative time and hours of work, while telework opportunities were expanded and the burden on teleworking employees was reduced. The rights of call-site employees during performance appraisals were strengthened.

## Department of Health and Human Services

### Ground Rules Being Determined

With this contract hitting its initial three-year mark, NTEU is taking the opportunity to open it up and return to the bargaining table. HHS has indicated it would like to discuss only three articles, but NTEU is setting its sights much higher and wants to modify a number of articles.

This is in the early stages. NTEU has submitted proposed ground rules for bargaining to the agency. Unless the two sides cannot agree on the ground rules, NTEU is looking for contract bargaining to begin soon.

## Environmental Protection Agency

### New Contract Ratified

After long and difficult negotiations, which required the assistance of the Federal Service Impasses Panel, NTEU secured a



new contract at EPA. It expands telework allowing employees to request telework for one day per pay period, up to fulltime. The agreement makes changes to hours of work, giving employees more flexibility. It also makes changes to the student loan repayment provisions and employees' requests to be reassigned or not to be reassigned.

## Office of Chief Counsel (IRS)

### Bargaining Underway

Bargaining on a new collective bargaining agreement began this summer. Some of the issues the bargaining teams are discussing include part-time employment, administrative leave and retirement. A critical issue for Chief Counsel employees, many of whom are attorneys, is reimbursement for bar dues. The agency is claiming it can no longer afford to pay bar dues because of budgetary constraints. NTEU is strongly pushing back on this and will fight to keep this employee benefit.

Agreement has been reached on a family leave article that expands the definition of spouse to include partners in any legally recognized marriage. It also includes a catch-all provision entitling employees to use leave under the Family and Medical Leave Act (FMLA) for "any other reason recognized by applicable law or regulation." This provision addresses new FMLA entitlements for military members. Additional bargaining is scheduled.

## Customs and Border Protection

### Bargaining Underway

There are ongoing negotiations on a new term agreement that will extend into December. Dozens of issues are being discussed for this workforce that is on the job every hour of the day and every day of the year. Some of the more significant contract articles include bid rotation and placement, overtime, scheduling and temporary reassignments. Early discussions on these issues did not go well, so the teams moved on to other issues and made some progress. NTEU will not back down from the four critical issues and will bring its positions to the table again.

## Commodity Futures Trading Commission

### Bargaining to Begin Soon

This newly-organized agency is experiencing a lot of 'firsts' at the bargaining table. Over the summer, bargaining was completed on a compensation agreement for the employees at this financial regulatory agency that addressed immediate employee concerns over pay and benefits for 2015.

Next up is bargaining an initial term agreement. That will cover all non-compensation issues and will begin soon.

## National Park Service

### Bargaining Underway

NTEU represents two bargaining units at NPS, each with its own workplace issues and contracts.

At the Washington Office, NTEU has reached agreement with the agency on ground rules for bargaining. Negotiations on the contract are scheduled to begin this month.

Bargaining is underway for represented employees at the National Capitol Region. While agreement has been reached on some articles, the bargaining is difficult.

## Key Definitions

Not familiar with bargaining lingo? Take a look at these most frequently used words and their meanings.

**Term Contract** A written agreement between NTEU and an agency that sets out workplace rights and benefits, including a grievance procedure. This is the main document that covers all bargaining-unit employees in your workplace and is generally in effect for a fixed time period. Also known as: term agreement or collective bargaining agreement (CBA).

**Mid-term Bargaining** Generally, term agreements contain provisions that allow for bargaining in the middle of the life of a contract. This allows NTEU or the agency to deal with parts of the contract that may not be working well or new issues.

**Ground Rules** Before negotiations begin, NTEU and the agency discuss and determine ground rules for the negotiations process, such as dates of negotiations sessions, length of sessions, where to meet, and other logistics.

**Articles** Contracts are subdivided into articles, sections, and subsections. The articles contain provisions relating to a particular topic, such as Hours of Work. In large agreements, the articles are sometimes grouped in chapters.

## Contract 101

Your contract is a critical source of law governing your working conditions. Other sources come from federal statutes and the decisions of Congress, along with regulations and rules, which all make up the framework for life as a federal employee, but it is the NTEU contract that breathes life into that framework.

That is why the agreement that NTEU bargains with your agency may well be the single most important document affecting your work life. It lists employee rights and protections and the detailed processes that NTEU and management have agreed to in key areas like leave, hours of work, performance appraisals, potential disciplinary actions, pay for performing higher-graded duties, and much more.

One important element in any collective bargaining agreement is the grievance and arbitration provision. That is the mechanism for enforcing employee rights and holding management accountable.

The grievance process provides a path for issues to be heard ultimately by a neutral third-party, if necessary, and it works to ensure that agencies follow their own policies. Deviations from agreed-upon policies are subject to the filing of a grievance.

Understanding the contract is essential to ensuring you are treated fairly and appropriately. NTEU can help you fully understand and exercise your rights and benefits. Need a copy of your contract or have questions? You can contact your local NTEU representative.

# Scholarship Winners Grateful for Gift Supporting Their Education

*An excellent academic record, leadership skills—and her commitment to keep one’s word—were the factors that landed Laura Miller a Federal Employee Education and Assistance Fund (FEEA)-NTEU Scholarship.*



Laura Miller, daughter of Chapter 293 (SEC) member Debbie Miller.

Miller promised her mother that if she gets accepted into her dream college, which is located hours away from home, she’ll need to find a way to get to and from school. That meant finding and getting a scholarship to help cover tuition and travel-related costs.

When it came time to apply for college, Miller’s mother suffered a stroke and was recovering in the hospital. While tending to her mother, Miller combed the Internet for scholarships, found a link to the FEEA-NTEU Scholarship program and jumped at the opportunity.

“My daughter is a self-starter,” said Debbie Miller, an employee of the Securities and Exchange Commission, and member of Chapter 293 (SEC). “While I was healing, she was helping me and stayed by my side but she also found time to research. She found the scholarship, applied for it and won.”

Designated for the best of the best, the FEEA-NTEU award is a component of the overall FEEA scholarship program, which sponsors a merit-based scholarship program exclusively for federal employees, their spouses, and their children.

The judging committees in each of FEEA’s 27 regions submit their top two winners to the judges who choose at least six of those applicants as winners of an additional \$5,000 for that academic year.

“The students who win these scholarships are exceptional in every category. They are recognized for their outstanding achievements, leadership potential and their willingness to give back to their communities,” said President Tony Reardon.

An aspiring engineer and 4.0-GPA student, Miller is one of six recipients of this year’s prestigious \$5,000 FEEA-NTEU Scholarships. And it’s just one of several awards under her belt. She also received a generous merit-based scholarship from the Posse Foundation, a national youth leadership development program.

Miller is currently a freshman at the University of Wisconsin-Madison, one of the top schools in the nation for engineering.

Her mother describes her as “[o]ne of the nerdiest people you will ever meet.” After her first day of college, Miller said to her mother, “Mom, I loved my engineering class and I’m enjoying math.”

Another winner of the 2015-16 FEEA-NTEU scholarship is medical student Valerie Verdun, who was unaware of the NTEU-endowed gift’s existence until she got the good news. Students compete for the FEEA-NTEU scholarships with the same application they submitted for FEEA’s regular scholarship program, which awards scholarships ranging from \$500 to \$2,500.

Given her academic record and exceptional list of achievements, Verdun stood out among the rest and was selected for an NTEU award in addition to her regional FEEA award.

“We were shocked,” said her father, Pete Verdun, an Internal Revenue Service employee and member of Chapter 10 (IRS Chicago). “My daughter was thrilled when she found out about the NTEU scholarship.”



Chapter 10 (IRS Chicago) member Pete Verdun with his daughters, Valerie (left) and Mary (right). Both have won FEEA scholarships.

Verdun applied for and won two regional FEEA scholarships in the past while in undergraduate school, but the bigger NTEU award this time for medical school came as a big, welcome surprise.

A second-year student at the Georgetown University School of Medicine, Verdun has spent hundreds of hours volunteering for community causes and student organizations and is pursuing her path to become a physician.

Among the other winners of the NTEU-FEEA Scholarships, Jeffery Shea, an employee of the Transportation Security Administration, was awarded the Vernon Hunter Scholarship. This award honors an IRS manager who was killed in 2010 when a single engine plane was intentionally crashed into the Austin, Texas, IRS offices, killing former NTEU member Vernon Hunter. Shea is a senior at the State University of New York, Empire State College.

The other three winners: Brandt Coleman, a junior at University of Louisville, whose mother is a Department of Veterans Affairs employee; Gregory Hopper, a freshman at Eastern Kentucky University, whose mother works for the Social Security Administration; and, Ariel Murphy, a sophomore at Yale University, whose father is an employee at the Department of Housing and Urban Development.

*Applications for the 2016-17 FEEA-NTEU scholarship will be available in January. Visit [FEEA.org](http://FEEA.org) for more information.*

The endowed FEEA-NTEU Scholarships were created by an NTEU donation to FEEA. The gift was made possible from remaining administrative funds from the successful settlement of the union’s legal battle over special rates pay increases denied to a large group of federal workers in the 1980s.



**DOES CFC STILL MATTER?**  
*For FEEA the Answer is Yes!*

**#11185**

The Federal Employee Education and Assistance (FEEA) Fund needs you to donate through the CFC.

FEEA uses CFC donations in two main ways each year — to provide college scholarships to federal employees and their families and to respond to emergency situations.

Since 1986, FEEA has provided \$13 million in scholarships and \$11 million in emergency assistance.

**Your donation through the CFC will help FEEA continue its mission of assisting federal employees in need.**

**MAKE YOUR PLEDGE TO FEEA #11185 TODAY.**

# IT Employees Win Alternative Work Schedules

Many federal employees benefit from an enhanced work-life balance thanks to NTEU-negotiated benefits such as alternative and compressed work schedules. The union worked hard to establish these schedule options and continues to aggressively enforce them across federal agencies when managers refuse to implement them.

That was the case for two information technology employees in the Ogden (Utah) Equipment Depot who requested a 4/10 compressed work schedule. The employees had the same manager who denied both of their schedule requests. The manager only gave a rationale for the denial to one of the two employees, stating that the contract language on alternative work schedules does not apply to IT employees due to service, coverage, and workload planning.

Chapter 67 (IRS Ogden Campus) grieved the denials on behalf of the two employees and the union then invoked the case for arbitration. The IT employees, like all IRS employees, have a contractual right to the schedule as long as the requested schedule does not compromise service, coverage, cost systems, or seating as described by the contract.

Upon conclusion of the hearing, the arbitrator sided with NTEU in ruling that the IRS must allow the grievants to work AWS, specifically the 4/10 compressed work schedule. In a 4/10 schedule, an employee works four 10-hour days each week of the pay period and has an extra day off each week.

“NTEU believes that management’s denial of an alternative work schedule request needs to be backed by factual evidence,” said



President Tony Reardon. “When there is none, a denial is based purely on speculation.”

In denying the employees’ 4/10 schedule requests, management cited concern over diminished service levels, among other reasons. However, there was no evidence of any actual negative impact to service resulting from the alternate schedules. This conclusion was bolstered by the fact that one of the employees had previously worked a 4/10 schedule for years without causing any burdensome impact on service or productivity.

“NTEU was able to get the employees the AWS schedule that works best for them and their families,” said Jenny Brown, president of Chapter 67. “Without NTEU, the employees would be at the mercy of management’s whims.”

The union argued that while management may deny AWS requests for valid reasons under the contract and exercise discretion in doing so, it must not exercise that discretion

arbitrarily. In the absence of such evidence, the arbitrator sustained the grievance and ordered that the employees be permitted to work the schedules.

Della Smith, one of the employees who is now able to work AWS, was delighted to have NTEU fight her case.

“I’m appreciative that there is an alternate dispute resolution process (arbitration) available to me through the union,” Smith said. “Through arbitration, we ensured that Article 23, which was renegotiated by the union to allow an AWS schedule, is fairly implemented in our [Modernization & Information Technology Services (MITS)] area here in Ogden.”

“The value of NTEU is that the employees are not subject to the whims or opinions of managers,” Brown said. “We make sure there is a contract that allows them certain rights. We enforce that contract and those rights, and employees are never left to stand alone.”

## CASE OF IRS OVERREACH

### *NTEU Wins Back Job and Back Pay for Employee*



Kimberly Perez was pulling up taxpayer records on an Internal Revenue Service (IRS) database in 2003 to verify names and Social Security numbers when she unknowingly pulled up her daughter’s tax records—a violation of IRS policy and federal law if she had done so on purpose.

To ensure privacy, IRS employees are barred from accessing the tax records of their family members, friends and neighbors on the Integrated Data Retrieval System (IDRS). Though Perez, then a Seasonal IRS Tax Examining Technician in Fresno, Calif., says her unauthorized access (UNAX) violation lasted only a few seconds, she ended up paying a heavy price.

First, she was convicted of a misdemeanor in federal court, sentenced to a year of probation, 200 hours of community service and ordered to pay a fine of \$250. Then came the big shock—the IRS fired her in 2008, even though Perez had excellent performance reviews and had committed what an arbitrator later agreed was an “inadvertent” violation.

Thanks to NTEU’s persistence, Perez got her old job back this year—seven years after the IRS fired her. In her ruling, Arbitrator Ruth Glick reduced Perez’s penalty to 30 days suspension without pay and ordered the IRS to reinstate her.

Glick summarized the thrust of NTEU’s arguments this way: “Removal was excessive for the misconduct at issue by exceeding the bounds of reasonableness.”

Perez’s gratitude for NTEU runs deep.

“NTEU was so helpful in so many different ways. When I was terminated I thought I was done, I was out of options. But NTEU said they’re going to fight for me,” she said. Perez returns to work and to her NTEU membership in a few weeks. “I couldn’t have asked for a better group of people to back me and to work on my case,” she said.

NTEU found numerous irregularities on the government’s part:

- The Treasury Inspector General for Tax Administration (TIGTA) had conducted a sloppy investigation.
- IRS hadn’t fired other employees who had more serious UNAX violations.
- Perhaps the most damaging finding was that the agency had failed the “Douglas Factors” test—the legal criteria federal agencies are required to meet to justify disciplinary actions taken against employees.

President Tony Reardon said Perez’s case is a testament to NTEU’s persistence.

“It underscores our commitment to holding federal agencies accountable when they go overboard with their disciplinary actions. We will work the case no matter how long it takes,” Reardon said. “Federal employees must be treated fairly and given due process, and their punishment must fit the infraction. Ms.

Perez was clearly given a raw deal and I’m glad NTEU was able to see to it justice was done.”

Perez has had a rough time since she got fired. She was furious and outraged that she was terminated from a job she loved.

Initially, things seemed fine because her husband earned enough to provide for her and their four children. She enrolled in medical-billing courses and worked at three health care facilities. A layoff followed. Jobs were hard to come by in central California.

Then she got divorced. Now she’s a single mom with two of her four children still living at home. To make matters worse, Perez said she recently broke her foot and could not continue at the job she was working.

She really wanted to return to the IRS—she first began working for the agency as a seasonal in 1997—but was discouraged by how long her case was taking. Perez credited NTEU members at Chapter 97 (IRS Fresno Service Center) for cheering her up, updating her on the progress of her case and providing a support network.

Perez said her case proves the value of belonging to NTEU and urged all federal employees to become members.

“When the union is asking to help you with your case, give them a chance. Listen to them. They know what they are talking about,” she said. “If you have a union, join. I don’t know what I’ll do without NTEU.”

November 2015

## ★ Shop Talk



### Performance Grievances Settled at HHS

When the Office of Medicare Hearing and Appeals (OMHA) imposed new production metrics on attorney advisors, paralegal specialists and legal assistants without bargaining first with NTEU, the union filed two grievances. Those grievances have now been settled with an agreement that should greatly reduce the potential negative impact on employees. The new performance standards imposed by this division of the Department of Health and Human Services required employees to meet numeric performance benchmarks each week, based on their General Schedule level. The agency has the right to assign work this way but NTEU has the right to bargain procedures and appropriate arrangements. A work group will now review the performance measures and make recommendations. The agreement ensures employees will be fully trained as well.

### Survey Fails to Capture Current Environment

Results of the 2015 Federal Employee Viewpoint Survey (FEVS) again demonstrate the high levels of commitment federal employees have to their jobs, but survey data fail to capture the tumultuous times federal workers have been facing. Survey results released by the Office of Personnel Management once again demonstrate that the vast majority—90 percent or more—of federal employees have superior levels of commitment to their work, consistently seek out ways to do the work better and are willing to go the extra mile. However, federal employees continue to endure chronic funding cuts, threats of sequestration, inadequate pay raises and attacks on federal retirement and health benefits. Those frustrations are not addressed in a survey of this nature but are integral to employee morale and satisfaction. The 2015 FEVS was conducted before new threats by Congress to shut down the government emerged.

### 'Examination Efficiencies' Guidelines Halted; Bargaining Pending

NTEU objections have delayed implementation by the Office of the Comptroller of the Currency (OCC) of new guidelines on 'examination efficiencies'. The guidelines called for bank examiners to conduct most examination activities at field offices rather than at the banks. NTEU was not given an opportunity for pre-decisional involvement or bargaining. The union heard from a number of members who had concerns over the impact of the changes. NTEU submitted a formal demand for bargaining and indicated that it would file an unfair labor practice charge against the agency if it proceeded with implementation. OCC then delayed the new guidelines. NTEU intends to share examiners' concerns with management. NTEU did file an unfair labor practice charge accusing the OCC of bargaining in bad faith by failing to disclose any information about the examination efficiency guidelines in the ongoing negotiations over office space.



### Union Fighting Change in FDIC Travel Policy

A change in existing practice that resulted in the Federal Deposit Insurance Corporation (FDIC) denying employee claims for travel or per diem for additional days of travel pushed the union to file a national grievance. Although NTEU made several attempts to settle this grievance, including convening a special meeting of a joint labor-management travel committee, the FDIC refused to provide any relief to employees whose comparative cost claims had been improperly denied. The next step to get relief for employees whose claims have been improperly denied is to invoke arbitration, which NTEU has done.

### Coalition Urges Adequate SSA Funding

Thirty national groups, including NTEU and retiree and disability advocacy organizations, sent a letter to the chairs and the ranking members of the House and Senate Appropriations committees regarding funding for the Social Security Administration (SSA). Sufficient funding for SSA would allow the Office of Disability Adjudication and Review (ODAR) to have the proper level of staffing and resources to be able to address the backlog in disability claims. There has been modest success in recent years, which can only continue with resources. Overall, SSA has a backlog in hearings that has topped 1 million. Processing times for a hearing exceed 500 days and are nearing a historic high. This is not acceptable to the millions of Americans who depend on Social Security or SSI for their basic income, meeting health care costs and supporting their families.



### Overdue Priority Considerations to Begin

The Internal Revenue Service (IRS) is beginning to identify bargaining unit employees who are owed priority consideration, following NTEU's successful challenge to the agency's illegal use of interview panels and non-selecting officials to interview best qualified candidates. NTEU grieved this process arguing that only the selecting official may conduct interviews. The IRS is required to provide priority consideration to any best qualified applicant who had a higher score than the lowest scoring internal selectee. NTEU will review the information to ensure its accuracy so that all members who were impacted receive the remedy they are owed.



### IRS Awards Paid in Early November

The Internal Revenue Service (IRS) has released information on the fiscal year 2015 performance awards for agency employees. NTEU received early information and projections on the awards. The IRS will pay the awards in early November. At the same time, NTEU will review all the awards data to ensure it conforms to the National Performance Awards Agreement (NPAA). The awards payout is part of a settlement agreement between NTEU and the IRS from a year ago. As part of the settlement, the IRS funded the awards pools at 1 percent of total bargaining unit employees' salary from the 2014 fiscal year.

### Wounded Warrior Bill Clears Congress

Congress has approved the Wounded Warrior bill, which had NTEU's strong backing. The bipartisan Wounded Warriors Federal Leave Act, which Congress sent to the White House for the president to sign into law in late October, would allow newly-hired disabled veterans within the federal government to use advanced sick leave to get treated for their service-related injuries and illnesses. The bill would make it unnecessary for them to take leave without pay for medical appointments. President Tony Reardon said NTEU was proud to endorse the Wounded Warrior bill given the union's long history of pushing federal agencies to use hiring processes that retain veterans' preference. The House version was introduced by Rep. Stephen Lynch (D-Mass.). The Senate companion was introduced by Sen. Jon Tester (D-Mont.) and co-sponsored by Sen. Jerry Moran (R-Kan.).