

A Publication of NTEU Chapter 73

November 2019

## **NTEU73 Annual Holiday Party Returns!**

Its Holiday Party time again!

The NTEU73 Holiday Party is going to be held on December 7th, 2019 from 7-11pm at the Millennium Hotel Cincinnati. The Millennium is located at 150 West 5th Street, Cincinnati, Oh. 45202. This year we will have a DJ, a cash bar, photo booth, and a buffet dinner.

Invitations have been mailed out to each member. If you need to update your mailing address, please do so NOW! RSVPs will be accepted until November 12, 2019. Each member is invited to bring a plus one. A five dollar non-refundable deposit is required with each RSVP. Millennium has also agreed to have a block of rooms for the night for our members at the discounted price of \$75 plus tax.



If you need this booking link please let us know. Raffle tickets will also be included in your invitation, as they were last year. Return your ticket filled out WITH AN UNWRAPPED TOY to the union office or you can bring it with you to the event. The toys will be donated to the Brighton Center. If you decide to bring an unwrapped toy you will be entered into a raffle for one of our many fabulous prizes.

For those of you who are retired, we especially want to welcome you. You can mail your deposit with your rsvp or contact the office to make arrangements pay. All RSVP's need to be mailed back to NTEU Chapter 73, P.O. Box 1238, Covington, Ky. 41012 or dropped off to your local NTEU73 office. If you have any questions, please contact the NTEU office at 859-320-3617 by email at ask@Nteu73.org. If you are not a member and would like to attend stop down and fill out an 1187! We hope to see you there!

Shannon Lovins

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## Weather and Safety Related Leave

When the weather changes and the snow flies, here are some very important information for you to remember and use! Whenever it becomes necessary to close an office because of inclement weather or other safety related conditions and to grant weather and safety leave, reasonable efforts will be made to inform all employees by private or public media, including email, the IRS Emergency Hot lines, and other methods as appropriate and available. A "weather or other safety related condition" is one which is general rather than personal in scope and impact. It may be caused by developments such as terror alerts, heavy snow or severe icing conditions, floods, earthquakes, hurricanes or other natural disasters, air pollution, massive power failure, major fires or serious interruptions to public transportation caused by incidents such as strikes of local transit employees or mass demonstrations that create safety-related conditions. The provisions below apply to employees who may be eligible to receive weather and safety leave and who are not participating in a Telework program.

1. The Employer has determined that if a weather or other safety-related condition described above exists and prevents an employee from safely traveling to work and the post-of-duty is not closed, the employee will be granted weather and safety leave for all or part of the day only if he or she is prevented from safely traveling to his/her POD.

2.To request weather and safety leave, the employee may submit Form 10837, Request for Weather and Safety Leave Due to Emergency Conditions or other documentation. Factors which shall be considered by the Employer when determining if an employee will be granted weather and safety leave and uniformly applied to all employees within the area affected by the weather or other safety-related condition include the following:

a. The employee resides within or travels through an area affected by the weather or other safety-related condition;

b. The mode of transportation normally used by or reasonably available to the employee;

c. Efforts taken by the employee to come to work.

d. The success of other similarly-situated employees;

e. Any physical disability of the employee; and f. Any local travel restrictions or evacuation orders.

The Employer at its option may waive the above requirement for documentation for absences of four (4) hours or less. Documentation may be required for employees who are away from their post-of-duty for personal reasons and are prevented from returning to work due to weather or other safety-related conditions.

### **NTEU Chapter 73**

Gateway Office Room 111 Monday—Friday, 6:00 a.m. —1:00 a.m. (859) 320-3617

Industrial Road Retention Center Monday—Friday, By appointment only (859) 594-6138

Kentucky Drive Annex Monday—Friday, By appointment only (859) 320-3617

Facebook Official NTEU Chapter 73 www.facebook.com/nteu73

> Chapter Web Site www.nteu73.org

Twitter www.twitter.com/nteu73



A Chapter 73 Publication

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# From the Desk of NTEU73 President Debbie Mullikin



Parking Lot

It's not where you put the questions the trainer can't or won't answer in CPE!

NTEU73 has been negotiating changes to the current parking configuration with FMSS. We know there are more RA spots than are used. There are more reserved spots than there should be, as well. We are working to resolve that and ensure as much parking availability as possible. We are glad there is still free parking, this is not true at every IRS site.

Related to parking and garage safety, the guards' management is changing, too. They will soon come under the purview of Inspector Scott Sheldon. This is due to Congress taking obscene liberty with the U.S. Constitution and continuing the Homeland Security Act of 2002 to protect us from ourselves. I have mentioned Inspector Sheldon in a previous article. I have grave concerns about his over zealous approach to enforcement of regulations intended to only apply to public visitors to government buildings. The Inspector involves himself in administrative matters, employees' political ideology, personal matters with no nexus to our job, and attempts to make them criminal to the detriment of everyone involved. Please be aware of yourself in the garage, around and inside the building as he may be lurking anywhere. He has been seen striding around the GWC garage, muttering something about "looking for the PERP." Don't be his next victim. Stop at all stop lines, smoke only in designated smoking areas and follow the 10 mph speed limit in the garage! But if that doesn't keep him from his mission to over police the IRS parking lots of America, be professional, stay calm and remember you have legal rights. You have the right to challenge his tickets in court. And if Inspector Sheldon is disrespectful in his treatment of you or over reaching in his charges, please call the Incident Reporting Line at (877) 437-7411. Be specific with your complaints, with names, dates, times and details of the misbehavior.

Most important of all, Be Safe!

Every year NTEU73 hosts a Memorial Day event for members. Last year it was at Coney Island, and this year we are considering different options and want your feedback. Please check your personal email for your opportunity to pick where we celebrate in 2020. You can also elect to not have an event at all. Please submit your response as soon as possible.

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# **Welcome Campus Support!**

With the closing of the Cincinnati Submission Processing Center, comes many challenges. One of those challenges is, how does incoming mail get processed for the campus. It is expected that mail receipts will decrease by 70%. That means there will still be a substantial amount of mail needing to be processed. The Campus Support function will process all receipts, remittance, and correspondence.

The Campus Support Function will report to the Site Coordinator in Accounts Management. Many of the employees that have been picked up on these job announcements are former Submission Processing employees. These employees bring with them many years of experience and expertise.

As with anything new the process of transitioning these programs to Accounts Management has not been smooth. For many employees the fact



that they found a job and are able to continue their service with the IRS has given them a great peace of mind. However, the unknown is scary, and brings new obstacles.

There were several issues with the way the jobs for Campus Support were announced. Many employees were offered day-shift positions when they wanted a swing shift position and vice versa. Employees have families and other obligations outside of work. It is imperative to both the employees and the union that these issues get resolved.

Employees are also worried about the lack of training. The "idea" is that every employee will be cross trained so that they are able to transition with the work. Employees in this new department will be expected to work in many different areas. However, many employees worry that their skills are not being utilized.

NTEU73 has been at the forefront. We are trying to do everything possible to help employees resolve any issues they may have during this transition. We now has a full time steward in the Annex building, employees can set up an appointment by sending an email to Hope.Osborne@irs.gov

Tanesha McCants

## **Gateway Parking**

Parking has always been an issue in The Gateway building. Many of our fellow employees complain that there are too many Reasonable Accommodation (RA) spots and not enough regular spaces. The problem truly is not the RA spaces, it's that there are over 2,000 employees in the Gateway building and only 879 total parking spaces in our garage. Currently many of them are reserved for management.

The current Memorandum of Understanding (MOU) allocates parking for, "carpool, handicap, RA, Executive parking, and Employee of the year." It does not mention, Department Managers, managers, or their secretaries. Management has entered into talks regarding changes to the current parking situation. NTEU73 is in favor of eliminating many of the 65 reserved spots that management and their secretaries are currently occupying.



There are 5 executives in the Gateway building that should have reserved parking not 65. Walking through the garage today I see that most of The R.A. spots are now filled. The new changes will most likely go into affect in the new year. Hopefully making it a little easier to find a parking spot in this building. If not I'll see you in The Kenton County Garage.

Tonya Morris

## **Premiums Going UP!**

The U.S. Office of Personnel Management (OPM) announced that for plan year 2020, the average total premiums for current non-Postal employees and retirees enrolled in plans under the Federal Employees Health Benefits (FEHB) Program will increase 4.0 percent. This year's increase, while higher than last year's historically low increase, is comparable to average increases from the past 5 years.

Under the Federal Employees Dental and Vision Insurance Program (FEDVIP), the overall average premium for dental plans will increase by 5.6 percent, and the overall average premium for vision plans will increase by 1.5 percent.

Federal Benefits open Season begins November 11 and ends December 9, 2019. You can compare plans and rates at <u>https://www.opm.gov healthcare-</u> insurance/healthcare/plan-information/ <u>compare-plans</u>.

AWOL, or "Absent without Leave," is usually called "Unauthorized Absence" (or UA) by the Navy and Marine Corps, and AWOL by the Army and Air Force. The use of "UA" by the Navy Marine Corps and AWOL by the Army Air Force has a historical component. Prior to enactment of the Uniform Code of Military Justice in 1951, the services were governed by separate laws. However, it's official title under the current UCMJ is AWOL. It simply means not being where you are supposed to be at the time you are supposed to be there. Being late for work is a violation of Article 86. Missing a medical appointment is a violation. So is disappearing for several days (or months or years). The maximum possible punishments, which are discussed later in this article, depends on the exact circumstances surrounding the absence.

A charge of desertion can actually result in the death penalty, which is the maximum punishment during "time of war." However, since the Civil War, only one American service member has ever been executed for desertion --Private Eddie Slovik in 1945. The offense of desertion, under Article 86, carries a much greater punishment than the offense of AWOL, under Article 86. If one is absent without authority for 30 days or more, does the offense change from AWOL to desertion? That's not quite true. The primary difference between the two offenses is "intent to remain away permanently" or if the purpose of the absence is to shirk "important duty," (such as a combat deployment).

"The relationship between an employee s unauthorized absences and the efficiency of the service is so direct that proof of unauthorized absences generally is sufficient to establish the required nexus" \*Williams v. Department of Army 24 M.S.P.R. 537 (1984) "Unauthorized absence, by its very nature, disrupts the efficiency of the service" \*Crutchfield v. Department of the Navy 73 M.S.P.R. 444 (1997) "An agency is under no obligation to accommodate an employee's transportation problems" \*Williams v. Department of Health and Human Services 29 M.S.P.R. 525 (1985) It has been one of those weeks.

The kids missed the bus again, your socks don't match, your shirt is on backwards and you are late for work again. On top of that you are out of leave and your manager is waiting at your cubicle grinning like the Cheshire cat from Alice in Wonderland with a freshly printed AWOL slip. What are you to do? You have let your country down, you let your family down. Not to worry NTEU73 and the National Agreement have your back. You don't have to feel like a treasonous deserter, everyone has a bad day.

# Desertion

Per Article 33 Section 3(J) of the 2019 National Agreement the employer may charge the employee absent without leave (AWOL) or allow the employee to request that provisional leave be charged as leave without pay (LWOP) or charged as appropriate annual and/or sick leave. When the Employer determines that it will charge an employee Absent Without Leave (AWOL), it will notify the employee of the AWOL charge in writing as soon as possible, but no later than the end of the pay period or within two work days of the AWOL charge if the AWOL charge occurs during the last two days of the pay period. Get to know your contract. Make sure management is following it to the letter.



Absence without leave is a common cause of disciplinary action within the federal service. Since the unplanned and unexcused absence of employees from duty is inherently disruptive to organizational efficiency and productivity, the Merit Systems Protection Board has long recognized there is a nexus between these absences and the efficiency of the service. In most cases, disciplinary action for unexcused absence is deemed appropriate to promote the efficiency of the service. Not all situations are that simple. It is paramount that agencies must exercise caution before labeling an absence as unexcused. For example, a manager relying on JOC reports instead of direct observation to establish whether a Customer Service Representative is not on the phone with taxpayers is not exercising proper procedures to establish unexcused absence.

No organization can operate successfully without a reliable work force, nor can it achieve an efficient operation when an employee is frequently absent \*Sanders v. Veterans Administration, 82 FMSR 1386 (1982). For the service to prove a charge of AWOL it must show that the employee was absent and that the employee's absence was not authorized or that the employees request for leave was properly denied. Little v. Department of Transportation, 112 MSRP 224 (MSPB 2009). The employee bears the burden of proof to show that their absence was authorized, and conversely the service must prove that the denial of the request was reasonable.

When an employee has requested leave to cover their absence an AWOL charge will be sustained only if the agency establishes their requests were properly denied. Savage v. Department of the Army, 122 MSPR 612 (MSPB 1990). If an employee requested LWOP for the periods when they were placed in AWOL status the MSPB for example would examine the record and determine if the denial of LWOP was reasonable under the circumstances. Savage v. Department of the Army, 122 MSPR 612 (MSPB 2015). Be aware that the authorization of LWOP is a matter of administrative discretion and employees may not demand that they be granted LWOP as a matter of right. Desiderio v. Department of the Navy, 81 FMSR 5616 (1980). Although the service retains the right to approve or disapprove request for LWOP, denial of it must be reasonable in situations involving illness or injury. Joos v. Department of Treasury, 97 FMSR 5474, (MSPB 1985).

An agency may insist upon receiving sufficiently detailed medical information to enable the agency to make a determination of whether sick leave is appropriate. Medical documentation that fails to inform the service of the employee's prognosis, dates of incapacitation, restrictions on performance of their duties, and expected return to duty date has been deemed to be administratively insufficient to support a request for sick leave. Goens v. Department of the Army, 89 FMSR 5152 (MSPB 1989). An employee must provide adequate medical documentation to support a contention that she was unable to work during the period in which the agency placed them on AWOL. Such medical documentation must comply with 5 CFR 630.405 that provides the required supporting evidence for sick leave.

Remember NTEU is here for you. If management will not honor your leave or LWOP request and insists on giving you AWOL, please don't hesitate to come to your union office and fill out a contact sheet. Our door is always open, and we are here to keep management honest when it comes to contract adherence.

Chris Pierce

# **Opportunities for All at the IRS**

In looking at all the help that has been going on within the NTEU 73 Union and the Internal Revenue Service. There have been vast opportunities for jobs. There are many tools that are available here at the Service that can get you ready for USA-JOBS, job advancement, details, etc. Current training procedures were retained and improved, including the reimbursement of costs related to accreditation, CPA/CLE courses and dues for professional organizations. NTEU defeated IRS' efforts to tie the funding of training obligations to the budget.

So, take advantage of all the resources that the Service has to offer. Do your research.

Some of the services included are the LSR and the CLP. These tools help monitor the progress of workers and set goals, time-lines and actions items in an organized manner.

### **Continued from page 1**

Employees who are scheduled to report to the post of duty, but are prevented or delayed from arrival, are obligated to contact their supervisors as early as practicable to explain the circumstances and provide an estimated time of arrival at work. Employees on official travel who are prevented from safely traveling to or safely performing work at the temporary duty location may be eligible for weather and safety leave. In such circumstances, the employee must contact the manager as soon as practicable to receive further instructions.

When an employee with an approved Telework Agreement may reasonably anticipate that a weather or other safety-related condition may force the closure of his/her IRS facility, the employee must take reasonable steps (within an employee's control) to become Telework-ready - i.e., take necessary work equipment and necessary work files to his/ her Telework location - for the anticipated day(s) the facility may be closed. In such circumstances, managers may authorize employees who are not in their POD to travel on administrative time (duty time) to their POD to obtain necessary work equipment or files to become Teleworkready. When an employee is Telework-ready and a weather or other safety-related condition forces the closure of his/her IRS facility, the employee is expected to perform work at his/ her approved Telework location for his/her entire TOD. If the employee is not Telework ready for all or part of the tour of duty when a weather or safety-related condition forces the

These tools also help front line managers and upper management see what skill sets you have. It also shows management what you would be interested in learning. This is done through mentors and other developmental processes such as details into other jobs within the Service.



The LSR and CLP must be initiated by you and can be a little intimidating. However, I would say that it would be to your advantage to push through the process. Take your time and get it filled out to the best of your ability.

IRS facility, the employee may be granted an equivalent amount of weather and safety leave. When a teleworking employee experiences a weather or other safety-related condition that prevents him/ her from safely working at his/her Telework site, the employee must contact his/her supervisor as soon as practicable. The employee may be directed to travel to the employee's regular worksite - provided he/ she may safely travel under the circumstances - to complete his/her workday. If directed to travel during regular duty hours, he/she will receive administrative time (duty time) to do so. If the employee is not directed to report to his/ her regular worksite, the employee will be granted weather and safety leave. To be granted weather and safety leave under this provision, the employee may submit Form 10837or other appropriate documentation (e.g., email) in support of his/her claim. In the event the office has an early departure. employees who have a Telework Agreement and who are working in the office are working in the office are required to take their equipment and work files to their Telework location to finish their TOD. Employees required to travel to their approved telework location during regular duty hours will be granted weather and safety leave for the time required to travel home. Unscheduled Telework hours worked due to a weather or safety-related office closure or unscheduled Telework announcement will not count against the employee's maximum number of hours

Once you do your part, management will do their part and give the appropriate feedback and recommendations needed. This will be done by management as it relates to the information you provide. Also, the importance of checking the details of the Service Wide Opportunities Website. The importance is that it lists the different opportunities available throughout the service. These details, though temporary, could possibly give you the experience you need to qualify for a position in management, IT, etc. Therefore, the next time the job becomes open you will be prepared for your next level increase. These are just some of the tools that are offered here at the IRS. Continue to be diligent and do your research. Most of all, take action!

### Dr. Michael D. Reeves Jr.

permitted under the Telework Agreement. Unscheduled Telework hours worked due to a weather or safety-related office closure or unscheduled Telework announcement will not count against the employee's maximum number of hours permitted under the Telework Agreement. The unscheduled telework day will count toward the two day per pay period requirement to report to the POD. Employees who are required to work unscheduled Telework will not have their previous scheduled Telework days changed or canceled. Employees on a Telework Agreement may cancel pre-approved leave or paid time off and be granted the same amount of weather and safety leave as other employees if, the intended purpose of the leave or paid time off is frustrated by the same weather or other safety-related condition forcing the office closure; and the employees are not Telework-ready. The manager may request information or documentation to show that granting weather and safety leave is appropriate. Employees with a Telework Agreement are permitted to Telework even if there are dependents/family at the Telework site. However, any interruptions or time spent giving care to such individuals during the employee's tour of duty will not be considered hours of work. Employee is expected to account for such non-work hours as soon as practicable with appropriate leave. You can read more about weather and safety leave in Article 36, of your National Agreement. Provisions concerning weather and safety leave applicable to Telework employees are contained in Article 50, Section 7.

Jim Gregory

# Sick Leave for General Family Care (SLGFC) or Bereavement Purposes

We have noticed that some employees aren't sure of the difference between Family Medical Leave Act and Sick Leave for General Family Care. FMLA requires certification from your healthcare provider and SLGFC does not. Be aware, unforeseen situations do occur in our everyday lives and may not require an official certification from a physician. For example, if a close family member passes away there may not be a need for valid documentation from a doctor at that time.

Employees may request Bereavement Leave but are still required to follow the mandated leave procedures. I also want to note, that the SLGFC is not a separate 104 hours aside from all other

sick leave, you still max out at 480. For instance, if an employee already has 380 hours of approved FMLA that has been exhausted and they needed to use 104 hours of SLGFC, there would only be 100 hours available instead of 104.



Again, this is due to the 480-hour cap for sick leave usage in all occurrences. There is an explanation of this listed below

Explanation The employee may use up to a total of four-hundred eighty (480) hours of sick leave for all purposes (FMLA, SLGFC, bereavement, sick leave for the serious illness of a family

member) in a twelve (12) month period beginning with the date the employee first used leave. If the employee has used sick leave under any of the above programs within a twelve (12) month period, the amount used MUST be considered when determining the employee's current eligibility.

Likewise, any sick leave used for SLGFC bereavement purposes MUST be deducted from 480 hours for any subsequent requests for FMLA, or sick leave for the serious illness of a family member.) NTEU73 has also received questions with regards to "who are considered family members." The definition of family member is any one of the following individuals, Spouse, Parent(s), Spouse's parents(s), Child(ren), Child(ren's) spouse(s) and any individual related by blood or affinity whose close personal association with the employee is equivalent to a family relationship. We would also like you to know that the SLGFC leave is not a MAY be approved but rather a MUST under certain guidelines. "If the request for sick leave for SLGFC bereavement does not exceed 104 hours (equal to 13 days) in a calendar year, the request MUST be granted." If you are in need to request the Sick Leave

for General Family Care the OFP/SETR Code, it is as follows SLGFC - 990-59528

Charlene Robinson

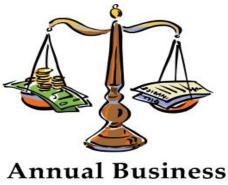
# Annual Business Meeting Held October 16

The Annual Business meeting of NTEU73 was held on October 16, 2019 at 4:30pm. The fiscal year 2020 budget was approved and the attendees were given updates on the various Chapter activities.

Per the NTEU73 Bylaws, the Chapter has four meetings per year. The October meeting is the annual business meeting and is considered the most important of the year.

The budget was approved by a quorum of members and the Executive Board. Members can get a more detailed report by requesting one from the union offices.

One of the discussions that took place during the meeting was whether or not the Chapter would continue having the



Meeting

was held at Coney Island which was a departure from our usual venue, Stricker's Grove. Coney Island has announced that they are getting rid of all of their rides,

annual picnic. Last year our annual picnic but would still like to charge the chapter

\$18.95 per person just for food and swimming. An email has been sent out to all members with the options available for our upcoming picnic. This is a big expense for the chapter and we believe our members should have some input.

As always, some very important legislative matters were discussed during the meeting. Our quarterly chapter meetings are one of the times where these issues can be discussed.

The Executive Board voted to fill the vacant board seat with Loretha Hudson, after Will Kohler accepted a job in the federal building. Everyone welcomed Ms. Hudson to the Executive Board.





Your Discount Ticket Pricing beginning Nov 16, 2019: \$15.00 per adult and \$10.00 per child/senior (ages 2-12 & 62 & up)

# Come visit the union office to recieve the discount code!

## **Build Lasting Memories with Family and Friends**

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## **NTEU73 Stewards Working for the Members**

Your NTEU73 Stewards work for you, and are available if not in person, by phone or email. There are multiple stewards located in most Cincinnati IRS Center location.

### <u>Gateway:</u>

- Chapter President Debbie Mullikin
- ♦ Vice President/Chief Steward Chris Pierce
- Secretary/Chief Steward Tanesha McCants
- Full time Stewards Tonya Morris, Shannon

### Lovins, Quiana McCoy

- Night Shift Chief Steward Charlene Robinson
- Night Shift Full time Steward **Jim Gregory** 
  - Industrial Road:

### Treasurer Janet Colwell

### Kentucky Drive Annex

### ♦ Steward Hope Osborne

### Day shift stewards Swing shift stewards

Allison Bowers Ronnie Clemons Loretha Hudson Jacqueline Johnson Rachel Lovins Angela Moore Hope Osborne Michael Reeves

Brandy Belew Erin Cooper Beverly Johnson Trisha Lawrence **Ronnie Clemons** won an AWOL grievance and had a memo removed from an employees file.

**Loretha Hudson** assisted several impacted employees find new positions when 4th street closed.

Jacqueline Johnson got an eval. raised to a 4.0.

Rachel Lovins had 20 hours AWOL removed.

Tanesha McCants Won a employee back pay, got overtime hours restored for a employee.

**Tonya Morris** got an employees suspension dropped from 14 days to a 3 day. Had 2 evals. raised one to a 4.2 and one to a 4.6.

Quiana McCoy had a removal reduced to a 20 day suspension.

Chris Pierce got a removal reduced to a 14 day suspension.

Michael D. Reeves Jr. got a removal reduced to an admonishment letter.