

# THE FORCE

## Merit Systems Protection Board (MSPB) Gets a Full Quorum



For the first time since January 7, 2017 (yes, you read that correctly, 2017) the 3-person [Merit Systems Protection Board \(MSPB\)](#) has a full quorum. On March 4, 2022, nominees Raymond Limon and Tristan Leavitt were each confirmed by the United States Senate. The board members will each serve 7-year staggered terms. Both Limon and Leavitt were supported by NTEU; we are looking forward to their service of resolving the nearly 3,400 cases that have been backlogged.

You may be wondering what the MSPB does or why it is important in the lives of agency employees. The Board was created in 1979 in reorganization efforts to replace the Civil Service Commission. This act replaced the Civil Service Commission with three new independent agencies: Office of Personnel Management (OPM), which manages the Federal work force; Federal Labor Relations Authority (FLRA), which oversees Federal labor-management relations; and, Merit Systems Protection Board (MSPB), which promotes an effective Federal workforce free of prohibited personnel practices. MSPB assumes the appeals function that was once part of the Civil Service Commission, adjudicating cases filed by employees against government agencies that were not appealed to arbitration through the NTEU-IRS National Agreement.

NTEU is thankful that the MSPB is once again at a full quorum. The multiyear delay has caused employee issues to sit stagnant waiting on resolution. At the time of Limon and Leavitt being appointed, there were approximately 3,600 cases waiting to be decided. This means that well over 3,000 employees were awaiting decisions that greatly impact their livelihood. We anxiously await as the backlog of cases are addressed and our members get the resolutions which they deserve.

Alex Walker

### INSIDE THIS ISSUE

- PTSP .....2**
- Social Media.....3**
- NTEU Stewards list ..3**
- 2022 NA FAQ's .....4**
- FAQ's .....5**
- Stewards Wanted.....5**
- Phones .....6**
- Phones continued ....7**
- United Benefits .....8**

# Taking Advantage of the Public Transportation Subsidy Program (PTSP)

I remember starting at the IRS years ago and was happy to find out that employees were offered a bus pass. This made getting to and from work a lot easier for me and was one less thing I would have to worry about. This benefit can be great, but it can also come with consequences if not used properly.



The IRS Public Transportation Subsidy Program (PTSP) was established to encourage employees to use public transportation when commuting to and from their residence and official post of duty (POD). Eligible employees using an authorized public transportation method will receive an employer-provided fare subsidy to apply toward their monthly transit costs.

IRS will pay the transit benefits from appropriated funding equal to the participant's actual monthly commuting cost, up to the maximum nontaxable monthly amount allowed by law. Senior citizens (65 and older) and persons with disabilities must have a valid WMATA Senior/Disabled ID card in order to receive the reduced fare offered under the senior/disabled SmarTrip guidelines.

As of January 2022, the current monthly maximum PTSP benefit amount is \$280. The program is open to all IRS employees, including full-time, part-time, and seasonal employees. You can apply by going to OS GetServices and submitting a ticket.

If you decide to sign up for the program, you will be agree that you:

1. Are employed by the federal government;
2. Are eligible for a public transportation fare benefit;
3. will only use the transit benefit for my daily commute to and from my residence and official POD;
4. will not use the benefit for local visits to other offices;
5. will not give, sell or transfer your transit benefit to anyone else;
6. will not use the government-provided transit benefit in excess of the statutory limit; and
7. will not include parking fees in the computation of the daily, weekly or monthly commuting cost.

If after signing up to receive the bus pass you decide you no longer need it, make sure to withdraw from the program. It is your responsibility to let management know that you no longer wish to be in the program. Failure to let management know may result in disciplinary action. Once you withdraw from the program you must return or destroy the TRANServe card, return the transit vouchers or any unused portion of the benefits received.

You can find more information by visiting the official PTSP policy and procedures in [IRM 1.32.15 \(.pdf\)](#) and **US Department of Transportation:** <https://www.transportation.gov/transerve/participants/irs>

Loretha Hudson

# Social Media



Since March of 2020, social media was one of the few ways we communicated with our friends and family. We were allowed to telework for fear of contracting COVID 19 in our building. We were told that spending time in person with friends and fami-

ly could cause an infection of the deadly disease. We were prohibited to visit sick loved ones in the hospital. If our loved one passed away, we were told it was safer if we did not go to the funeral. Our kids and grandkids had a virtual graduation. Restaurants and National Parks closed. Store shelves were empty. It was some of the saddest times I remember.

Isolation can cause sadness, fear, anxiety, frustration, and even anger. Because we are social beings these conditions could be reflected in our posts on Facebook. Expressing your feelings is absolutely part of your freedom of speech. However, like everything, there is a time and appropriate content for your posts.

Here are a few examples of what not to do. These examples could lead to an internal investigation. Do not post things during working hours. Do not threaten or try to intimidate co-workers or management by name. Do not post things like current pictures of vacation while you are on FMLA or sick leave. Do not post a picture of yourself or someone else in the workplace. Even if you work from home, you could have PPI in the background in your home office. Do not post things about your second job unless you already have permission to work that job.

Be responsible and respectful in all your posts. It could help to make your posts private to keep down the spread of content that is not intended for everyone.

As the seasons change and we are approaching warmer weather, the restrictions for COVID 19 are changing also. I know that Covid has different variants that are not as deadly as the first round of the disease. It appears more like a flu instead of a deadly disease. The buildings will open back up so the feeling of isolation will not be such an issue. Our family and friends are safe now. Masks sometimes do not need to be worn in our building and in public. It is time to get back outdoors and enjoy life. I am glad that I experienced this in my lifetime. It gives me a greater appreciation for the freedoms we all have in this great country.

Janet Colwell

## STEWARDS' CORNER

Your NTEU Stewards are here to fight for you! We are available in person, by phone, email, or skype!

### GATEWAY STEWARDS

President: Debbie Mullikin

Vice President: Chris Pierce

Secretary/Chief Steward:

Shannon Lovins

Day Shift Full Time Stewards:

Loretha Hudson, Rachel Lovins,  
Angela Moore

Day Shift Part Time Stewards:

Tonya Morris, Nicole Guethlein, Jennifer Smith, Hope Osborne, Thomas Bayer, Brandi Riggs

Swing Shift Chief Steward:

Alex Walker

Swing Shift Part Time Stewards:

Brandy Belew

### ISO BUILDING

Treasurer/Full Time Steward:

Janet Colwell

### NTEU EMAIL

[ctr.cov.cirsc.nfeu.73.covington@irs.gov](mailto:ctr.cov.cirsc.nfeu.73.covington@irs.gov)

# 2022 National Agreement - Frequently Asked Questions

## 2022 National Agreement – Whom does this apply to?

**Q:** There are many changes to workplace rules with the 2022 National Agreement. To whom do these rules apply?

**A:** These rules apply to "bargaining unit" employees. Usually, these are non-manager employees who do not work in CI, Chief Counsel, or involved in secure or HR-related work. You can find your bargaining unit status on your SF-50.

**Q:** I am a non-bargaining unit employee. The National Agreement contains many benefits for bargaining unit employees. Do any of these benefits apply to me?

**A:** HCO is working to make a recommendation for senior leadership as to which benefits "pass through" to non-**bargaining** unit employees. Once those decisions are made, we will immediately let you know.

## Article 11 – Use of Online Communication Tools

**Q:** The new contract gives management the ability to require that employees use online communication tools when management determines it would be useful in performing your work. Does this mean that management can direct me to turn on Skype for Business or Microsoft Teams to communicate with my team members or customers?

**A:** Yes. However, management has agreed that it will not use these tools to monitor/track employees, measure productivity, or act as a time and attendance tool.

**Q:** If required to use Skype for Business or Microsoft Teams, can I use the "Do Not Disturb" feature?

**A:** It depends. The "availability" feature of instant messaging – which shows an employee's status as "Available," "Away," "Busy," or "Do Not Disturb" – should show your current status. That is, employees need to be reachable through these tools, and employees cannot use this feature to prevent management, your colleagues, or your customers from communicating with you. As a result, the "Do Not Disturb" function may be used on a limited basis (e.g., to complete a specific task). If you are available, however, your status should show that you are "available."

**Q:** Can I be required to use a webcam for a meeting?

**A:** It depends. Management can require that employees use webcams for individual or group meetings, including training, where face-to-face meetings are warranted but impractical. That means that managers should not require the use of a webcam just to see a person. That would be inappropriate. Management can, however, require a team of employees to use webcams to attend a team meeting when, e.g., the team is not co-located. In addition, management could require an employee to use a webcam for a performance review since such a meeting would usually be held in person if the employee and manager were co-located. Management could also require an employee to use a webcam for a meeting with a taxpayer if such meeting would normally be done face-to-face but for some impracticality (e.g., COVID-19).

## Article 50 – Telework and Being Called into the Office

**Q:** Can my manager call me into the office on my teleworking day?

**A:** Yes, in certain scenarios. Your manager can call you into the office for a regularly scheduled team meeting (e.g., a weekly or monthly team meeting), or for a special circumstance – e.g., training, office coverage, filing season appointment. Your manager cannot, however, call you into the office just to see you. It must be a special circumstance or for a regularly scheduled meeting.

## Article 50 – Telework Location

**Q:** How far can my telework location be from my POD?

**A:** Your telework location must be within 200 miles of your assigned POD. Your manager does, however, retain sole discretion to approve teleworking outside of that radius for up to two pay periods in a calendar year. The two pay periods need not be consecutive – i.e., you can be approved for the exception for one pay period in December and one pay period in July. In such instances, you must use your own leave should you become unable to telework (i.e., you cannot get weather and safety leave if there is, for example, a power outage).

## Article 50 – Frequent Telework Schedules

**Q:** As a frequent teleworker, do I only have to regularly report to the office twice a pay period?

**A:** It depends. As a frequent teleworker, your work determines how often you can telework. The contract defines frequent telework as 80 hours or more of telework in a calendar month. For many employees, that may only mean two full days per pay period, which is the minimum you must report to the office. For other employees, you may be required to report up to twice a week (or four times a pay period) to perform certain job duties – e.g., check mail, meet with taxpayers, office coverage.

## Article 13 – First Consideration

**Q:** As a bargaining unit employee, am I still entitled to first consideration for bargaining unit positions?

**A:** First consideration is still applicable to many jobs at the IRS. The exception is entry level positions for many common job series. Please see Article 13, Section 2.C for a list of those positions exempt from first consideration.

## Referral Bonus

**Q:** If I refer someone to the IRS, will I get a bonus?

**A:** You will only get a referral bonus if you refer someone into a "hard-to-fill" position. Be on the lookout for communications about which positions are considered "hard-to-fill." Once you refer someone into one of these positions, you will receive \$250 on the person's six-month anniversary and an additional \$250 on the one-year anniversary.



The Chapter is looking for NTEU members interested in serving as Union Stewards beginning October 1, 2021! Appointed stewards will serve as advocates on behalf of NTEU members in management-employee disputes, write newsletter articles regarding workplace issues, and attend NTEU events and trainings on labor law and various workplace issues and policies.

If interested, please send Chapter President, Debbie Mullikin and Chief Steward, Shannon Lovins a short statement of interest (5-8 sentences) at [Deboraj.Mullikin@irs.gov](mailto:Deboraj.Mullikin@irs.gov) and [Shannon.K.Lovins@irs.gov](mailto:Shannon.K.Lovins@irs.gov) expressing why you would like to be a Union Steward, how long you've been working for the IRS, and what building you are working in. Prior experience is not required. Stewards will be trained by the Chapter President, Chief Steward, and NTEU attorney prior to handling any cases.

# Phones, Phones, and more Phones!

An NTEU73 member brought an email to the Union office from a manager in SBSE, Excise. But the email could be from any Business Operation with a phone product line. It said:

“Team,

Please see the attached revised phone schedule for today. Unfortunately, we had a couple people call in so that time has to be covered.

Be sure to sign in to the phone system daily at the beginning of your TOD in case you have any issues such as passwords.

Also, be in READY status five minutes before you are scheduled on the phones. We have not been meeting adherence and this will help and then we can work on trying to get phone time reduced.

If you are not ready for your phone time, you will be charged AWOL.

If you need to leave during your phone time, please give as much notice to the manager as possible so that the phone time can be covered.

Thanks,”

Let’s take this “well-meaning” email apart. The manager starts by telling the employees they have a new phone schedule. That’s reasonable enough. Then proceeds to state “a couple of people called in, so the time has to be covered.” This may be factual but is inappropriate. My coworkers do not need to know whether I called in or was scheduled off. They also don’t need an opportunity to blame me for their extra phone hours.

The manager reminds the Team to “sign in to the phone system daily at the beginning of your TOD in case you have any issues such as passwords.” Employees on the phones should log in and be ready to answer the phones, when necessary, but there are rules about switch over time and slippage. The Customer Service Agreement of 2012, says the following:

Sign On/Sign Off (Idle with Reason Codes)

## A. General Provision

Sign On/Sign Off (Idle with Reason Codes) will be administered in accordance with the procedures in Attachment 1 to this agreement. If the Employer elects to change Sign On/Sign Off (Idle with Reason Codes) procedures in the future, it will provide notice to National NTEU and bargain to the extent required by law.

## B. Form 3081 Preparation and End-of-Shift Activities

1. Employees will be given a total of eighteen (18) minutes per day for beginning and end of shift activities, including completion of Form 3081, etc. Supervisors may approve more time on an as needed basis. The eighteen (18) minutes will be in addition to the time provided in Subsection 1.E.5. below.

# Continued

## C. Sign-on Process

Employees who are required to use Voiceover Internet Protocol (VOIP) and ASPECT will sign on to their computers at the beginning of their TOOs and use the appropriate reason code while signing on to the IRS Intranet. Those employees on ASPECT without VOIP will sign onto their ASPECT telephones at the beginning of their TOO. Once the sign-on process is completed, the employee will then begin answering telephone calls.

Next the manager gives a directive, “Also, be in READY status five minutes before you are scheduled on the phones.” This is appropriate **IF** your phone schedule isn’t immediately after your start time, breaks or lunch. Federal employees must be paid for every minute they work. Signing on the phone is work. If you are required to sign on and be ready 5 minutes before your tour of duty, you would be entitled to 0.3 overtime because it rounds up from 7 minutes and it will take at least 2 minutes to log in and get to “ready.”

Now, we have the justification for the directive, “We have not been meeting adherence and this will help and then we can work on trying to get phone time reduced.” For this I would like to quote Mark Twain, “There are 3 kinds of lies: lies, damn lies and statistics.” Simply put, adherence is a statistic created from data in a system that records employees logging in and out of the system and compares it to data input by the Systems Administrators as to how many people were supposed to be logged in or out. This metric has nothing to do with number of calls answered/dropped, quality of responses or other measures that might explain operational performance. It is an indicator that a group of employees have been beaten into submission rather than how well they do at their job

Here it comes, you got it, the threat, “**If you are not ready for your phone time, you will be charged AWOL.**” Punitive use of AWOL (docking Pay) is cheating employees of pay. AWOL is, first and foremost, ABSENCE. Not being in a particular code on your phone is not absence from duty. AWOL is an unpaid leave status. You may be Absent With Out Leave because you failed to follow proper leave procedures, your leave request was not approved for valid business reasons, or you have created a pattern of misusing paid leave. But per the IRM 6.630.1.13, (4) Although **AWOL is not considered a disciplinary action**, it can form the basis for future disciplinary action.

The other issue with this punitive use of AWOL is that your manager can discipline you for AWOL if it happens often enough. So, while your pay was docked for not logging in quickly enough this week, it adds to the AWOL you got because your child was sick last pay period when you didn’t have leave, and the AWOL you got for being sick the day after a holiday, 2 months ago. So now you can be suspended for 3 days (another loss of pay), not be allowed to telework (if it becomes available) and not receive your performance award (more dollars down the drain) for the year. It really piles up. So please bring these to NTEU73 as soon as you get them. There are often ways to have AWOL removed.

The last thing the manager says is, “If you need to leave during your phone time, please give as much notice to the manager as possible so that the phone time can be covered.” <Sigh> If you are at work and need to leave, it’s probably an emergency. “How long will it take for the ambulance to get to the building? I’ll stay on the phone till they get here.” I don’t think so. But that’s just me.

The last word is “Thanks.” How does one respond? Is the manager truly grateful for the opportunity to lie, cheat and threaten employees in writing? Hmmm, maybe, lots of them seem to enjoy it, well enough.

In the words of Boss Spearman, “Most time, a man will tell you his bad intentions, if you listen, let yourself hear.”

This manager sure has let us know how they plan to move forward. You be ready to respond if your manager does the same thing to you. Ask you manager for time to come to the NTEU73 office, bring the email or AWOL if it’s gotten that far and let us help.

Debbie Mullikin

# Retirement Assistance for Federal Employees

Planning for your retirement starts the day you begin your career, but the path to retirement differs for everyone. Depending on your age, years in service, and needs, your retirement strategy will change to suit your situation.

While planning your retirement, you'll have to make irrevocable decisions. That's why it's so important to understand your options.

## Retirement Support

- Assisting with Retirement Paperwork and/or the GRB Platform
- Setting Retirement Goals
- Understanding Options Before and After Retirement
- Creating a Budget
- TSP and 401(k) Strategies
- IRA Options to Fit Your Goals
- Survivor Annuity Options
- Maximizing Your Pension
- Social Security Strategy
- Calculating Your Retirement Date

## Schedule a One-on-One Retirement Review

**Paul & Roxie Thornton**

[paul@unitedbenefits.com](mailto:paul@unitedbenefits.com)

Call: 423-309-2758

**Christopher Lee**

[chris@unitedbenefits.com](mailto:chris@unitedbenefits.com)

Call/Text: 256-740-2166



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