

# NTEU

The National Treasury Employees Union

## NTEU Chapter 49

Representing most employees of the Internal Revenue Service in  
the state of Indiana

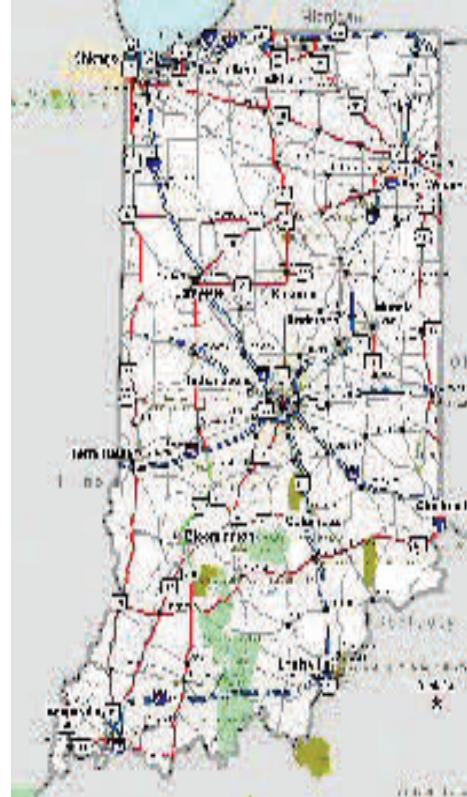
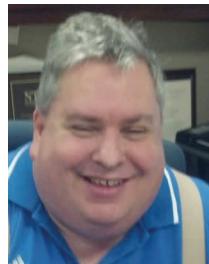
November 2015

### CHAPTER PRESIDENT'S CORNER

By

Duncan Giles

President NTEU Chapter 49



#### On this & that....

Allow me to start with some important help for our Chapter 49 members during FEHB open season. I would urge all members to look at the Consumer's Checkbook on the NTEU Website. There is a wealth of information included on plans and costs, so you can make the best decisions over what plans & coverages fit you and your family best. In this time of small raises, it really does pay to look for the best value.

Speaking of small raises, as most of you know, an Omnibus bill passed both the houses of Congress & was signed by the President. The good news is this—so far we are still on schedule for a 1.2% raise next year. The bad news? Well, since it's an omnibus bill our elected officials still haven't broken out who gets what money. Both the House & the Senate passed budgets that would cripple us even compared to the past couple of years. (Continued Page 2)

PRESIDENT

DUNCAN GILES

VICE PRESIDENT

(Vacant)

TREASURER

SCOTT CARDER

SECRETARY

GAIL GROVES

## CHAPTER PRESIDENT'S CORNER

(Continued from Page 1)

We are all hoping that with increased funding in the overall bill, the Agency bringing in 93% of the money to the government will be funded properly. Thanks for asking but no, I wasn't drinking when I wrote that last sentence. I would urge EVERYONE to go to [www.nceu.org](http://www.nceu.org) before or after work, not on a government computer & let your Congressperson & Senator know how you feel about it. You just need to ask yourself this — is having the funding for the tools to do your job worth 5 minutes of your time? So, if our federal lawmakers don't agree on how to partition the money into each spending bill, we could have a government stoppage on December 11th after all. I find it highly unlikely it would come to that but it is a possibility. If that becomes the case, Congress would have to enact another continuing resolution (that the President may or may not sign) or we could face a shutdown 2 weeks before Christmas. We should know something by the first couple of days of December, so stay tuned.

In addition to talking with you great folks I represent, a large part of my job is talking to management officials. The vast majority of the time, I am trying to solve issues. These aren't "protecting the bad employees" types of discussions. The vast majority of these exchanges are about how we solve issues that make everyone's work life better. These discussions may be with local managers, on national teams or talking to the highest reaches of our organization trying to make them see how a change that they are contemplating might have unforeseen circumstances. I also try to point management back in a direction that gets what IRS needs accomplished but not making things more difficult on those doing the work.

Much of the time I'm successful. Far too often to suit me, I am not. Sometimes the Service will not stop a change, even if common sense screams out it won't work. In those cases, NTEU both nationally (and where appropriate, myself) will push back harder & do everything in our power not to impose more needless work on you, the people NTEU represents. So if you have someone tell you that all the Union does is keep "bad" employees from being fired, don't believe it. The vast majority of the time we are working to make the job as "impediment free" as possible for all of you. You are busting your butt to keep the IRS going, even though we don't have the proper equipment & are woefully understaffed. NTEU is here to support you.

On that note, I'd like to say a huge THANK YOU to all of you for doing your jobs. You might not believe it because it isn't said or shown enough, but a great many people aside from myself are very appreciative of all that you do. Keep up the GREAT work! I hope all of you have a wonderful Thanksgiving with family & friends.

That's it for now.

## CONTACTING CONGRESS

There are plenty of reasons you may want to contact your member of Congress and both Senators. NTEU tries to make the process is easy as possible for you.

Chapter 49 provides easy access to your federal lawmakers. Here's how. Go to [www.nceu49.org](http://www.nceu49.org) and use the link in the upper left hand part of the page "How to Contact Congress." You will see a screen reminding you of the rules to observe as a federal employee in contacting your elected officials. After reviewing those rules, at the bottom of the page, access the link "Click here to find and contact your member of congress." You will then be sent to the national NTEU Web page and the Capwiz system. All you need to do is enter your zip code and you're on your way. You can generate an already-written e-mail or letter, or write your own. It's a simple system and we encourage all Chapter 49 members to use it. If you have any questions, contact any Chapter 49 officer or steward.

# PRIVATE TAX DEBT COLLECTION IS BACK

Our elected officials on Capitol Hill know more money is needed to fund highway projects and the gas tax isn't bringing in the money it once did with more fuel efficient cars on the road. These lawmakers refuse to raise the gas tax rate to fund these projects, so unrelated budget tricks have been the latest strategy to fund our roads.

A House-Senate conference committee will be meeting soon to write the final version of the transportation bill. One provision that passed both houses of Congress calls for the use of private debt collection companies to go after old tax debts.

As most of you know, this tactic has been used before and failed miserably on those occasions. NTEU firmly believes collecting tax debt is an inherently governmental function and the private sector should not be involved.

The members of the conference committee have a great deal of latitude in authoring the final version of this legislation. They could choose to remove the private tax debt collection if they so choose.

This is where you come in. It is very, very important that our local members of Congress hear your voice. Follow the instructions on the previous page and contact your local member of Congress and both Senators. It is crucial they hear your voice on this issue.

"As we learned from the last two times this was tried and scrapped, using PCAs (private collection agencies) will not raise revenue and will unleash an unpopular industry on low-income taxpayers who owe the IRS because they can't afford to pay their taxes," said NTEU National President Tony Reardon. "The third time will not be the charm. Congress should learn from the failed experiments of the 1990s and 2000s and give up this terrible idea."

IRS employees have all the tools under the law at their disposal to assist taxpayers in paying their tax debts. There is no need for private agencies to get involved in this process, we believe.

National Taxpayer Advocate Nina Olson told the Senate Finance Committee last year that nearly 80 percent of the cases PCAs handle will involve low-income taxpayers who lack the resources to settle their tax debts. Civil-rights groups such as the NAACP and the National Council of La Raza and consumer-advocacy organizations including the National Consumer Law Center also oppose the PCA provision.

## IRS WITH NO UNION?

Collective bargaining and union representation for federal workers have been enshrined in the law ever since the Civil Service Reform Act of 1979. Only a few parts of the government were exempted due to their national security and intelligence gathering responsibilities—such as the FBI and the CIA.

Now there are some federal lawmakers (only a handful, thankfully) pushing to take away your right to a union. Yes, bills have been introduced in the House and Senate to eliminate union representation at the Internal Revenue Service.

Despite the fact that multiple investigations regarding tax-exempt processing have found no political targeting or wrongdoing by rank and file IRS employees, some elected officials are attempting to use this as a way to advance an anti-union agenda. Non-management IRS employees simply cannot be blamed for findings of mismanagement at the agency, and it makes absolutely zero sense to eliminate employee workplace protections and further empower that same management.

IRS bargaining unit workers did not decide to produce that awful Star Trek parody video. No IRS rank and file employee took the fifth amendment before a Congressional Committee. Regular workers were not involved in lavish management conferences. It was IRS executives and management officials involved in all those highly-publicized situations.

NTEU will continue to defend your right to organize and to collectively bargain at the IRS.

It is once again important that your local member of Congress and both Indiana Senators know how important union representation and collective bargaining are to you. Again, the instructions are on the previous page of this newsletter. Contact your representatives in Washington.



Chapter 49 officers, stewards and others pose for a picture during the 2015 training session.

## CHAPTER 49 STEWARDS GATHER IN INDY FOR ANNUAL TRAINING SESSION

Once a year, Chapter 49 stewards from around the State of Indiana gather in Indianapolis for the annual training session. The 2015 session was held October 7th through the 9th.

There were a number of issues important to our members reviewed this year. They include the Hatch Act, a refresher on the National Agreement, handling employee questions on the hacking of records at the Office of Personnel Management (OPM), employee grievances over their performance appraisals and many more.

NTEU Attorney Anne Dasovic traveled from Chicago to assist in the training sessions.

Chapter President Duncan Giles updated stewards on the many national issues where he is involved. Susan Wright, newly-elected as th District 2 National NTEU Vice President, talked about her new duties on the national union's executive committee.

## NEEDLE IN A HAYSTACK

On August 25, 2015, TIGTA issued its report called the FISCAL YEAR 2015 STATUTORY AUDIT OF COMPLIANCE WITH LEGAL GUIDELINES PROHIBITING THE USE OF ILLEGAL TAX PROTESTER AND SIMILAR DESIGNATIONS (Source: Report Number 2015-30-067).

Congress enacted the IRS Restructuring and Reform Act of 1998 (RRA 98) Section 3707 to prohibit the IRS from labeling taxpayers as illegal tax protesters or any similar designations. Using illegal tax protester or other similar designations may stigmatize taxpayers and cause employee bias in future contacts with these taxpayers.

TIGTA conducted this audit because Congress enacted the prohibition against illegal tax protester designations, because it was concerned that some taxpayers were being permanently labeled as illegal tax protesters even though they had subsequently become compliant with the tax laws. TIGTA is required to annually evaluate IRS compliance with the prohibition against using illegal tax protester or similar designations.

The purpose of this audit is to determine whether the IRS complied with RRA 98 Section 3707 and its own internal guidelines that prohibit IRS officers and employees from referring to taxpayers as illegal tax protesters or any similar designations.

TIGTA found that IRS has not reintroduced past illegal tax protester codes or similar designations on taxpayer accounts. However, TIGTA found that out of approximately 4.8 million records and cases, there were four instances in which employees referred to taxpayers as "Tax Protester," "Constitutionally Challenged," or other similar designations in case narratives in the Appeals Centralized Database System.

As a result, TIGTA recommended that the Chief, Appeals, emphasize to all Appeals employees the importance of compliance with RRA 98 Section 3707 and reinforce that taxpayers are not to be referred to as illegal tax protesters or any other similar designations. This may include, but is not limited to, updating Appeals procedures, issuing a memorandum, and/or adding a module to an existing training course. In their response to the report, IRS management agreed with TIGTA's recommendation and stated that they plan to take corrective action.

All we can say is they issue a report citing 4 instances out of 4.8 million records? Really? Granted, no errors are acceptable, but this percentage is so minuscule (0.0000008333) it obviously is not a problem. If you go looking for a problem and none is obvious, I guess you keep digging and digging until you think you find one.

Human beings are not perfect, though this report suggests that the IRS employees have to be.

## LEAVE & FURLOUGHS

Many employees save their annual leave for the holidays at the end of the year. Unfortunately, federal employees cannot carry more than 240 hours of annual leave into a new year. The excess leave is known as use or lose leave. The contract mandates that employees notify their managers of their plans to take that leave by October 1.

This year could be different than past years because Congress needs to pass a budget or a Continuing Resolution (CR) by midnight on December 11, 2015; otherwise all federal employees will be furloughed and that could impact employees with use or lose leave.

In an effort to provide answers as to what the ramifications of such a scenario would be, we have provided the following information:

The OPM shutdown guide from 2013 gives the following answer regarding restoration of any Use or Lose that is impacted by a Government Shutdown. (Section F, Q10, p10):

*10. If an employee has properly scheduled "use-or-lose" annual leave before the start of the third biweekly pay period prior to the end of the leave year, but is unable to use some or all of the scheduled leave because of the furlough, does the furlough constitute an "exigency of the public business" that would permit an agency to restore the leave after the beginning of the new leave year?*

*Employees in this situation should make every effort to re-schedule "use-or-lose" annual leave for use before the end of the current leave year. However, if this is not possible due to a lapse in appropriations, agency heads (or their designees) are encouraged to use their discretionary authority to restore any lost annual leave by determining that the employee was prevented from using his or her leave because of an exigency of the public business— namely, the need to furlough employees because of the lapse in appropriations.*

While it appears as if the agency will restore such leave because the shutdown is an "exigent circumstance" it is very important to understand that the decision to restore lose or use annual leave is at the discretion of the Agency. Since it is uncertain what will happen at the lapse of the current CR, please consider this when scheduling your use or lose annual leave.

We would certainly hope that they restore the leave, but we have seen what they have done for the benefit of the employees in the past. Proceed and plan with caution. The term "Management Discretion" scares us.

*(We at Chapter 49 thank John Kelshaw, President of NTEU Chapter 60, for allowing us permission to reprint these articles from his award-winning newsletter "Watchdog")*



Above: Chapter 49 President Duncan Giles conducts a Call Site session on FEHB Health Plans

## CHAPTER 49 PRESENTS HEALTH INSURANCE OPTIONS TO EMPLOYEES

As our Chapter 49 President Duncan Giles mentioned in his article, NTEU offers our members resources to help in making health insurance plan choices during open season.

The NTEU national Web site has a section for members to evaluate the pluses and minuses of the many health plans available under the Federal Employee Health Benefits (FEHB) plans.

Duncan has been willing to provide a presentation with tips on utilizing the NTEU resources online. He did such a presentation at the Accounts Management call center located in Indianapolis.

If you are a member and have questions about how to use the FEHB open season resources on the Web, contact any Chapter 49 officer or steward.

## NTEU SCORES MAJOR WIN IN WEATHER- RELATED LEAVE

In February of 2013, a major winter storm ravaged the area around the IRS Kansas City Campus. Travel became close to impossible for 5 work days. The agency implemented a liberal leave policy for those days.

Once employees returned to work, the local NTEU Chapter filed for administrative leave under Article 36 of the National Agreement. IRS denied 90 individual and 3 mass grievances over administrative leave during these winter storms.

NTEU presented clear evidence on the severity of the winter emergencies, citing emergency declarations issued by the mayor of Kansas City and the governors of Kansas and Missouri, along with locally declared travel restrictions, to prove our case.

Management argued this was just a collection of individual cases, and used as authority the IRS "Decision Table" which is a unilateral policy issued by management.

The arbitrator called the decision table a "helpful tool" but ruled it does not trump the National Agreement language in Article 36.

The arbitrator was not kind in his ruling language to IRS management and how it handled these administrative leave requests. "...it is troubling that applicants were treated as suspicious strangers rather than trusted, often long-term coworkers," the arbitrator stated.

This will allow possibly hundreds of Kansas City campus workers to receive administrative leave during those nasty winter storms.

There is a link to the entire arbitration decision at our Web page, [www.nteu49.org](http://www.nteu49.org)

Just a reminder that this sort of legal case is only possible because you choose to join NTEU and support or legal battles such as this. If you are not a member, now is the time to join NTEU. See any Chapter 49 officer or steward for more information.

## MOVED LATELY? LET NTEU KNOW!

Here's something most NTEU members do not know. When you move, the IRS does not notify the union. We need your most current address to send materials to you. NTEU National sends regular updates through the mail. Chapter 49 conducts its elections via the U.S. Postal Service. If you do not update your address with NTEU, we cannot mail you any information or election ballots. To ensure your address is up-to-date, contact any Chapter 49 officer or steward. Another way of checking the address we have on record for you, and to change the address yourself, is by setting up a member account at [www.nteu.org](http://www.nteu.org) — if you need help on how, check with any Chapter 49 steward or officer.

## CHAPTER 49 NEEDS YOU

Are you interested in getting involved with Chapter 49 to help yourself and your fellow IRS workers? If so, we have an idea for you.

We are looking for volunteers to serve on Chapter 49's Legislative Committee. Many of you have often complained (with good reason) about what some of our elected officials have been doing to us in Washington. This is a chance for you to do something about it.

You are required to do this activity outside of work hours. But the rewards are many. You get the chance to work with fellow members of Chapter 49 with the same interest in shaping our arguments before our elected officials. You will be meeting members of congress and their staff.

If you have any interest in getting involved with our Chapter 49 Legislative Committee, contact Chapter President Duncan Giles at 317-685-7635

## Need Help? Have Questions?

NTEU Chapter 49 is here to help you. If you have questions about the work place or the contracts NTEU has negotiated for you, contact any steward. A list of stewards, their PODs and phone numbers is available at our Chapter 49 Web site, [www.nteu49.org](http://www.nteu49.org)

If you are not certain which steward to contact, get in touch with Chapter 49's Chief Steward Pam Clayton. Feel free to contact any of the local elected chapter officials listed on page one of this newsletter. We will do our best to answer any questions and address any concerns you may have. We are here to help you.

**Facebook:** [NTEU Chapter 49 Indiana](#)

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**Web Site:** [www.nteu49.org](http://www.nteu49.org)