



## NTEU Chapter 49

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

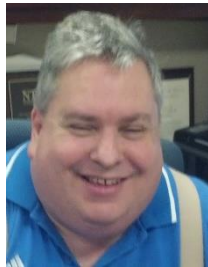
May 2016

### CHAPTER PRESIDENT’S CORNER

By

Duncan Giles

President NTEU Chapter 49



On this & that....

First off, I’d just like to commend all the Chapter 49 members for their efforts. The fact that this organization is still able to function with any semblance of efficiency is a testament to all of your hard work, despite being so short staffed. You may not hear this enough but I just want to say THANK YOU for all your hard work!

The Chapter lost a valuable member of our team when Chief Steward Pam Clayton took a job in Florida, still with TAS. Pam did a great job as Chief Steward and will be missed. In the short term we are playing “Back to the Future” & I will be assuming the mantle of Chief Steward in the near term. We just want to make sure that Chapter 49 members continue to receive the best representation possible. (Continued Page 2)

**PRESIDENT**

**DUNCAN GILES**

**VICE PRESIDENT**

(Vacant)

**TREASURER**

**SCOTT CARDER**

**SECRETARY**

**GAIL GROVES**

## CHAPTER PRESIDENT'S CORNER

(Continued from Page 1)

Speaking of representation, I just returned from the first NTEU National training I attended with Tony Reardon as President. The training was, as always, very informative. Tony, like Colleen Kelly before him, listens to what Chapter Leaders tell him about issues our employees are facing. He was already aware of the vast majority of those concerns. He has been working with the various heads of agencies where NTEU represents employees, working to address these issues. Just reinforced my belief that Tony is a very worthy successor to Colleen.

I'm sure most of you have heard about the enforcement jobs opening up. The positions to be filled include Revenue Agent, Revenue Officer & Tax Compliance officer. Unfortunately, there are very few Midwest locations on the list & none in Indiana. It's not that the "powers that be" don't realize how short we are of these crucial positions - on the contrary they do. It's just that the needs/high risk queues are so much greater in other parts of the country, based on data NTEU has been shown. Unless we get a decent budget, it's a huge unknown as to how long it will be before we even start to come close to decent staffing in Indiana.

As to the status of our budget, I'd say it's not much different than in the past several years. The President asks for adequate funding. Then congress (which likely will not be able to pass individual appropriation bills) will, I'm betting, once again put the budget for the IRS in an "Omnibus bill" with several other agencies. Capitol Hill lawmakers would then lower what the spending plan the President has requested. Just my prediction based on past years. If you want to know how to make your voice heard on these and other matters go to [www.nteu.org](http://www.nteu.org) to find out. It's easy to do & can be done using your phone.

Lastly, some gentle reminders.

You are entitled to do a self-assessment in the last month of your rating period. No one knows your work better than you do. It can only help you.

If you are called to meet with your manager and believe the meeting could lead to discipline, or you are meeting with TIGTA, you stand entitled to ask for Union representation to be there with you. We never recommend anyone go in alone in these types of meetings. The Stewards and Officers of Chapter 49 are there to help you.

That's it for now.

(Below, NTEU National President Tony Reardon)



# More Mumbo Jumbo

Portions of a recent message from the IRS' Deputy Commissions to all managers is shown below:

**From:** \*Deputy Commissioners **Sent:** Wednesday, April 27, 2016 12:45 PM  
**To:** &&Managers All **Subject:** reduction of paper-based processes

*The IRS is moving forward on the path to our Future State, continuing to transform operations so we can better serve taxpayers and equip our employees with the tools they need to do their jobs. As you know, there are a number of Future State projects underway across the business units, many of which touch on areas that we all have in common. This memorandum outlines guidance to assist you as you work within your own organizations and focuses on reduction of paper-based processes.*

## **Printing and Mailing**

*Guidance: Various factors have combined to lead the Service in looking for opportunities to revise the ways that we produce, share and distribute data and information. Technology capabilities and availability, steady increases in electronic transmission of data and information, and the continued reduction of federal printing and postage budgets have led the IRS to implement efforts geared toward reducing costs associated with producing, storing and distributing published products. Protecting taxpayer and agency information is an important consideration the Service must balance while implementing procedures to reduce costs that include paper, ink, copiers, printers, filing cabinets, envelopes, archive space, records destruction and waste management. Since 2011, we have made a concerted effort to reduce unnecessary printing and postage costs by reviewing and adjusting our related practices and procedures. While we have realized savings as a result, we still have opportunities to revisit our related practices and procedures and implement the following instructions to realize further savings.*

*Fusing data to paper increases risk that PII will be compromised as it leaves the encrypted online IRS environment. The National Archives and Records Administration no longer allows digitally generated records to be archived on paper.*

*NARA/OMB M-12-18, Managing Government Records Directive ("Directive") directs Federal agencies to report to NARA progress being made towards specific goals and requirements. This Directive requires that to the fullest extent possible, agencies eliminate paper and use electronic recordkeeping, including:*

*By 2019, Federal agencies will manage all permanent electronic records in an electronic format*

*By December 31, 2019, all permanent electronic records in Federal agencies will be managed electronically to the fullest extent possible for eventual transfer and accessioning by NARA in an electronic format.*

*Direction: How all employees can help:*

*-- Identify seldom used published products where print may be eliminated, reduced or converted to electronic format and read online.*

*-- Consider routing of one hardcopy print as a read-only team pass-around when appropriate.*

*-- Use discretion when using Next Day Air services for remittances and payments, forms, documents, and correspondence on imminent statute cases within 30 days of expiration or tax court cases scheduled for trial within 15 days; send ranking pack-ages and training materials via ground services. Refer to IRM 1.22.2.4.2 for additional guidance.*

*-- Scan and transmit documents, when appropriate, via secure email or fax to eliminate shipping/ mailing costs.*

*-- Ship ordered office supplies directly to employees when possible and do not reshipe between locations.*

*Do not ship small packages using carrier service supplies (i.e. UPS, FedEx) if it's not critical to send overnight; instead order and use small cardboard boxes and bubble packs. Carrier service supplies should only be used when necessary to ship using express services (2nd day air or Next day air.) Reuse packaging when possible; packaging must be in good condition and all previous labels must be removed. With your help, we can become more efficient and save valuable resources by taking better advantage of electronic technologies and only printing products that are essential to IRS core business. We expect you to seek and make use of the best ideas from your employees to help meet these challenges.*

*As the IRS moves forward, we need the help and support of all IRS employees in being more effective and efficient. Your support in helping us meet these challenges is necessary to our success to better position the agency for the future."*

We underlined several of the sections above to make the point that none of these actions make employees or the IRS more efficient. How does reducing taxpayer access to publications and forms make it easier for them to file their returns? We direct them to online services, but many poor and elderly taxpayers do not have computers. Slashed budgets do not "equip employees with the tools to do their jobs". We have no tools. We rely on computers, but when they break down, we have no IT support staff to repair them timely. They state that "Protecting taxpayer and agency information is an important consideration..." Oh yeah, to whom? Evidently the hackers who steal taxpayer and employee PII on a consistent basis due to our outdated and ancient "tools" that we use to do our jobs are two steps ahead of IRS at every turn.

Finally, they state "that fusing data to paper increases risk that PII will be compromised as it leaves the encrypted online IRS environment. Please refer to our comments above about the information that is hacked daily. Future State is a joke, but messages and suggestions such as this are not funny. Unfortunately, the joke is on us.

(We thank Chapter 60 President John Kelshaw in Newark for granting us permission to reprint this article from their award-winning newsletter "Watchdog.")



(L-R) Long-time Evansville Chapter 49 Steward Teresa Bohnert, NTEU National President Tony Reardon, Chapter 49 President Duncan Giles. This was at the New Orleans national training class held in early May.

## HOW TO CONTACT CONGRESS

When you need to contact your member of congress and senators in Washington, there is a very easy way to do that.

Go to [www.nteu49.org](http://www.nteu49.org) and go to the right hand side link "How to Contact Congress." You will be sent to a page with some basic rules about how and when you may and may not contact your elected representatives in Washington.

If you are following all the rules, access the link at the bottom of that page. All you need is your zip code, and you're ready to send an e-mail to people representing you on Capitol Hill.

Check with your favorite Chapter 49 official with any questions.

## CHANGE OF ADDRESS

When you change your address, you notify IRS. Did you know IRS does not share that information with NTEU?

If you move, and are a member of NTEU Chapter 49, you must notify the union. This allows you to receive regular mailings from us. Also, Chapter 49 conducts elections via the U.S. Postal Service. We need you current address to send you a ballot when local elections are held.

You can update your address if you have an account on [www.nteu.org](http://www.nteu.org) or just notify any chapter official and we will handle the address change for you.

## EXAMPLES OF TELEWORK

We at Chapter 49 have tried to keep you up to date on the latest information about Telework and some of the confusion swirling around the interpretations of Article 50 in the National Agreement.

Here are examples of how the rule is applied to certain work situations:

-- The employee is a frequent teleworker, and she works at her residence/telework site for the entire pay period, and never performs work at a taxpayer location or other work site. Here, the employee would have an obligation to report to the POD twice per pay period even where the location of the work performed is in the locality pay area of the official duty station.

-- The employee is a frequent teleworker and holds a position that requires her to make field calls to taxpayers or otherwise conduct some business at multiple locations other than her telework site. So long as this work is regularly performed in the locality pay area of her official duty station (POD), the employee does not have an obligation to report to the POD.

-- Similarly, if the employee is a frequent teleworker who splits time between two locations during the pay period e.g., home/frequent telework site and one taxpayer site, and that work is performed "within the locality pay area," then the work locations are "varying on a recurring basis" and the employee has no obligation to report to the POD at all during that pay period.

-- The employee is a frequent teleworker whose telework site is within RUS and so is their official duty station and the employee sits at one address (the residence/telework site) performing work for the entire pay period, and never performs work at a taxpayer location or other work site, the employee would have an obligation to report to the POD twice a pay period.

-- The employee is a frequent teleworker within the RUS and the employee's work location varies on a recurring basis, and that work is "regularly" performed within the employee's RUS area, the employee has no obligation to report to the POD in that pay period.

-- It is important to note that if an employee fails to meet their obligations for telework, he or she can be removed from telework.

If you have any questions about any of this, contact a Chapter 49 officer or steward.

## NTEU FILES ARBITRATION

### OVER QSI PAYMENTS

NTEU challenged an announcement last year that the agency would begin approving and processing Quality Step Increases (QSIs) one time a year. The long-time practice of management was to process these actions within 30 days. That means this year's crop of QSIs would be processed during the final three months of this calendar year.

NTEU filed a grievance at the national level challenging this action, based on language in the National Agreement and federal regulations.

The IRS recently denied this grievance in its entirety, claiming that QSI awards are discretionary and that the regulations only require that QSIs be processed within a "reasonable time" after they are approved. The IRS claims the discretionary nature of these awards means that they may be approved on an annual basis, rather than a rolling basis as in the past.

Needless to say, NTEU strongly disagrees with this interpretation of QSI rules. As a result, the national union has invoked arbitration and a neutral third-party will now render a decision. Unfortunately, this process takes some time. We at Chapter 49 will keep you posted on this.

## FEDERAL WORKER LEGISLATION

### WHERE IT STANDS

As federal employees, we are subject to the laws enacted by Congress. Below is a summary of measures currently under consideration. All are important to you.

#### **Federal Pay Legislation**

H.R. 4585 (Rep. Connolly-VA) and S. 2699 (Sen. Schatz-HI)- provide federal employees with a 5.3% pay raise in 2017. **NTEU Supports.**

H.R. 1137 (Rep. Rice-SC)-cuts certain federal salaries immediately by 8.7% and limits future pay raises. **NTEU Opposes.**

#### **Retirement & Health Care Benefits**

H. Con. Res. 125-Proposed House Budget for FY2017 (PriceGA) –disproportionately targets federal employee benefit programs, resulting in significantly higher retirement and health care employee contributions; including requiring current employees to contribute approximately 6% of salaries into FERS, reducing the value of the TSP's G fund, eliminating the FERS supplement, transitioning to TSP-only and basing FEHBP health care premiums on years of service and lowering the government's share of premiums. **NTEU Opposes.**

H.R. 1230 (Rep. Westerman-AR)-reduces federal pensions by basing annuity calculations on high-5 versus the current high-3 formula. **NTEU Opposes.**

H.R. 785 (Rep. Edwards-MD)-rolls back the increased employee retirement contributions for federal workers hired since 2013. **NTEU Supports.**

H.R. 2175 (Rep. Lynch-MA) –requires more transparency and oversight over prescription drug costs in the Federal Employees Health Benefits Program, lowering overall costs and premiums. **NTEU Supports.**

#### **Workforce Reductions & Agency Funding**

H.R. 417 (Rep. Lummis-WY)-cuts the federal workforce by 10% over two years, and requires three employees to depart in order to fill one position. **NTEU Opposes.**

H. Con. Res. 125-Proposed House Budget for FY2017 (PriceGA) –reinstates sequestration in FY 2018 and significantly cuts most federal agencies' funding over the next ten years, also cuts the federal workforce by 10% and limits new hires. **NTEU Opposes.**

#### **Workplace Fairness Legislation**

H.R. 4461 (Price-GA)-seeks to prevent federal employees from voluntarily joining unions—by not allowing them to deduct labor organization dues from their pay checks and by significantly raising the standard for union recognition. **NTEU Opposes.**

H.R. 1658 (Hice-GA)-weakens federal employee labor rights by restricting employees' abilities to receive workplace representation. **NTEU Opposes.**

H.R. 4083 (Gosar-AZ), S. 2245 (Gardner-CO), and S. 2246 (Scott-SC) would prohibit employees at the Internal Revenue Service (IRS) from being represented by a union. **NTEU Opposes.**

H.R. 4361 (Palmer-AL) could eliminate the ability for a union at a federal agency to bargain over any Information Technology (IT) issues. **NTEU Opposes.**

H.R. 3023 (Buck-CO) would significantly expand the required probationary period for newly-hired federal employees. **NTEU Opposes.**

S. 303 (Sen. Roberts-KS)-eliminates bonuses for federal employees who are behind in paying their taxes; compromises federal workers' private taxpayer information. **NTEU Opposes.**

H.R. 1563 (Rep. Chaffetz-UT)-requires agencies to fire federal workers who fall behind in paying their taxes; compromises federal employees' confidential taxpayer information. **NTEU Opposes.**

H.R. 1206 (Rep. Rouzer-NC)-prohibits hiring any new IRS employees until the Treasury Secretary certifies that no IRS employee owes back taxes. **NTEU Opposes.**

S. 742 (Sens. Ayotte-NH and McCaskill-MO)-restricts certain employee bonuses for five years and requires re-payment of some bonuses. **NTEU Opposes.**

H.R. 532 (Rep. Maloney-NY)-extends six weeks of paid parental leave to federal workers. **NTEU Supports.**

Each of the bill summaries above list the bill number at the beginning. Use that citation if you choose to e-mail your representative and senators.

As you can see, the NTEU Legislative Staff on Capitol Hill is working to stop a number of measures aimed at you and penalizing you just for being a federal employee...and in some cases penalizing you just for being an IRS employee.

Earlier in this newsletter, we provided guidance on contacting your elected officials in Washington. If any of the items cited above are important to you, it's up to you. Make the contact....and be careful to follow all the rules

## 2016 FILING SEASON

### BEHIND US

We've put another filing season behind us, but the lack of funding for our agency becomes more obvious each year. Calls for help on the toll-free lines go unanswered. Correspondence and referral responses don't get done timely.

At the same time, people cheat the system knowing enforcement resources at IRS are down. Identity thieves continue to sadly stay one step ahead of us and continue to victimize the public using the federal tax system.

"As millions of taxpayers race to beat the April 18 deadline for filing their federal taxes, IRS employees are doing all they can to help them figure out what they owe so they can pay their taxes on time. But it's clear that the IRS could and should be a lot more effective," NTEU National President Tony Reardon said in early April. "For that to happen, Congress must increase the IRS budget to an appropriate level. Otherwise, taxpayers will continue to be shortchanged."

The \$290 million funding increase Congress provided the IRS for fiscal year (FY) 2016 has helped somewhat, but there is still a long way to go, Reardon said. The IRS used some of those funds to hire 1,000 temporary employees to help answer phones. Commissioner John Koskinen said this uptick in hiring has helped the IRS answer about 70 percent of taxpayer calls, up from 38 percent last year.

"This clearly proves that investing in personnel pays off for taxpayers who need and deserve to get tax help over the phone," President Reardon said. "Unfortunately, the call-answer rate will fall back below 50 percent once the temporary employees are let go. The IRS needs a significant investment in its operations."

## **ANOTHER ARBITRATION WIN OVER UNACCEPTABLE PERFORMANCE**

When your manager believes you are not performing up to an acceptable level, based on your critical job elements, that manager has a responsibility to help you improve. Our contract language, and the regulations governing the federal work force, provide the guidance on how that should be done.

NTEU has represented a number of employees in cases where the management proposed termination, but once we look at the documentation, we often find little or no coaching was provided to that employee.

Before a management decision to fire or downgrade an employee for poor performance can be sustained, the agency must establish that the employee was given a bona fide opportunity to improve their performance. NTEU has once again prevailed in an arbitration decision overturning the removal of an employee for unacceptable performance, because the IRS failed to provide him with a meaningful opportunity to improve.

The arbitrator's ruling says that although the IRS met the contractual requirements for the content of the opportunity letter, the employee's manager failed to follow through on the promised assistance. The manager's reviews of the employee's performance were heavy on criticism and light on assistance and encouragement. More specifically, the arbitrator pointed out that the manager should have spent more time on showing the employee how to do his job better instead of simply repeating what he needed to do better.

As the most recent in a long line of NTEU victories in performance-based cases based on deficiencies in the opportunity period, the arbitrator's decision contains an excellent summary of other arbitrators' observations about the IRS's obligations during this critical time.

To view the entire text of the arbitrator's decision, go to [www.nte49.org](http://www.nte49.org) and use the top tab "Latest News."

## **NTEU RECOMMENDS YOU TAKE THIS SURVEY**

The Federal Employee Viewpoint (FVSS) Survey is now underway. NTEU strongly urges all our members to take this survey.

Even though many of us are jaded about surveys, and have good reason to feel that way, we believe there is value in the data this survey will gather

"I urge employees to respond candidly about the impact of inadequate pay raises and budget cuts, the lack of promotional opportunities, increased workloads and management actions", said NTEU National President Tony Reardon. "Please also be candid about the positive aspects of working for IRS."

The survey ends in mid-June. It takes about 25 minutes to complete.



## CHAPTER 49 WILL MISS

### PAM CLAYTON

Pam Clayton began her duties as a Chapter 49 steward in the 1990s and has held the post of Chief Steward for 10 years. So it is with mixed feelings that she has left Indiana and prepares to continue working with IRS in a Central Florida Taxpayer Advocate position.

Pam's husband, Keith Clayton, has been retired from IRS for several years.

Pam was an energetic advocate for employees during her tenure working with Chapter 49.

She listened to all employees approaching her with work place issues and worked to solve the problems when possible.

She admitted there were cases when the employee needed to hear an important message from her. "Sometimes, you have to tell an employee - you have to do your job," Pam said.

Pam's most rewarding work with NTEU centered on her assignment in negotiating national contracts with the Taxpayer Advocate Service. She describes her biggest bargaining responsibility as her appointment to a team negotiating the overtime article in the National Agreement.

She recalls her most important grievance as the changes in the Taxpayer Advocate Internal Revenue Manual (IRM). That 2007 case centered on employees having their performance appraisal scores lowered because management changed the IRM without training the workers on those changes. The grievance was settled to change the evaluations. Also, NTEU became part of the IRM update process for the Advocate office as a result of the grievance.

Pam has mixed emotions in leaving the Hoosier state.

"Indiana IRS employees are the hardest working in the nation," said Pam. "I will miss everyone."

## SOCIAL MEDIA AND BACKGROUND INVESTIGATIONS

If you have ever endured an IRS background investigation, you know it is not a pleasant experience. There is a ton of paperwork to complete.

The investigators will talk to your friends, relatives, neighbors, former employers...the list goes on and on. Then the investigators will ask those people for a list of other people that may know you.

If you have been reading recent media reports, it appears there will be scrutiny of social media posts (for example – Facebook, Twitter, Instagram, Pinterest, Snapchat, etc.). At this time, all the reports indicate this would apply to those needing Secret or Top Secret security clearances.

But if social media is scrutinized at that level, will such checks happen for IRS background investigations? At this point, no one knows.

In the meantime, it is Chapter 49's advice that you post on social media with some caution. Whatever you post could someday be the part of an investigation with your job at stake. Keep that in mind.

In the meantime, Chapter 49 will keep you posted on this issue in this newsletter and at [www.nteu49.org](http://www.nteu49.org)

## CHECK OUT THE NEWLY REDESIGNED CHAPTER 49 WEB PAGE

If you have not looked at Chapter 49's Web page at [www.nteu49.org](http://www.nteu49.org) recently, please do so. We have tried to update the look and attempted to make the site easier to use.

The home page features a picture of our officers and stewards taken at last year's local steward training class. If you are looking for the latest developments important to you as an IRS employee, use the "Latest News" tab near the top of the home page. You will also find a tab linking you to our listing of officers and stewards with contact information.

On the far right hand side of the home page, you will find two important links. One will take you to our easy-to-use software for contacting your congressional representatives and both senators. Next to that is a link to our most recent Chapter 49 newsletters.

## 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

**Twitter:** @nteu49

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