

## Your Dues at Work

An arbitrator has recently ruled that the Office of Chief Counsel improperly lowered a Senior Criminal Tax Attorney's appraisal from "Excellent" to "Fully Successful" because the Office of Chief Counsel failed to provide the counseling required by the NTEU/OCC contract.

This is a great victory for NTEU Chapter 46 and its members, especially those in Office of Chief Counsel. For those who may be unaware, the Office of Chief Counsel is under a separate contract that is different from that under the National Agreement.

This arbitration decision found that the Office of Chief Counsel contract has a counseling obligation similar to the National Agreement before an appraisal can be lowered. This decision establishes case law that will be used nationwide in the Office of Chief Counsel.

The grievant, a Senior Criminal Tax Attorney in Dallas, has worked for the IRS for over 20 years. NTEU argued that supervisor's notes were not counseling but rather the normal "give and take" between employees and supervisors. There was nothing in these notes that indicated any dissatisfaction with the grievant's performance. It was not until nine months into the rating period that any information was provided about a possible lowering of her appraisal. More importantly, the supervisor never provided counseling about how to improve her performance to maintain her rating and simply telling the employee her rating would decrease and telling her to come to him with "questions or concerns" is not sufficient.

The arbitrator found that counseling requires three elements:

- 1) notice of performance deficiencies with an explanation of why, unless it is obvious, that something is a deficiency (i.e., notice element);
- 2) notice that the deficiencies may or will result in a lower performance rating (i.e., impact element); and,
- 3) an explanation of what must be done to bring performance back up to its previous level (i.e., improvement element.)"

In this case the arbitrator found that although the manager gave notice of the deficiencies, he did not provide sufficient notice that linked the deficiencies to a lower evaluation and did not provide any explanation of how to improve performance. Even though the supervisor provided an e-mail nine months into the appraisal cycle that the employee could expect a lower evaluation, he effectively shifted the burden of providing advice from him to the grievant by telling her to come to him with "questions or concerns." The arbitrator ordered the grievant's evaluation raised to her previous rating of "Excellent."

With any victory there is a cost. This case is no exception. This arbitration was heard by the arbitrator at a cost of over seventeen thousand dollars (\$17,000). Payment if these expenses are divided between IRS, Nation NTEU and our local chapter as follows:

IRS \$8,777.20  
National NTEU \$4,388.60  
NTEU Chapter 46 \$4,388.60

Our NTEU attorney did a great job on this one. Her good work was backed up, of course, by the outstanding work of the stewards and officers of chapter 46.





## John's Column

By John Darden  
Chapter President

# Retirement IQ Test

In daily interactions with employees, I have noticed that many members have little or no knowledge of their Federal Retirement Benefits. I have decided to write a series of articles that should provide our members with some useful retirement information. Let's begin by testing your current knowledge.

There are two systems for Federal Employees. They are Civil Service Retirement System (CSRS), including CSRS Offset, and the Federal Employees Retirement System (FERS). This quiz will apply to employees covered under either system.

- 1.) A CSRS or FERS retirement is computed based on the following factors:
  - a. High-three average salary and age
  - b. Contributions and length of service
  - c. Length of service and high-three average salary
  - d. Length of service times your average annual appraisal over the past three years.
  - e. Length of service and age equal to 85
  - f. Shoe size and hair color
  - g. It does not matter, I will be working here until I die.
  
- 2.) If you die after you retire, your spouse will be able to continue Federal Employees' Health Benefits (FEHB) if:
  - a. He/She is a federal employee
  - b. He/She is disabled
  - c. He/She is automatically entitled to coverage
  - d. You provide him/her a survivor annuity and he/she is covered as a family member at the time of your death
  - e. He/She is good looking and is at least 10 years younger than you at the date of death
  - f. He/She is listed as a health benefits beneficiary in your pre-nuptial agreement and your marriage does not violate any state laws in the state in which you reside.
  
- 3.) Under FERS, what is a special retirement supplement?
  - a. A vitamin table designed for people over 60
  - b. Supplemental payments to help bridge the years between your retirement and when you qualify for social security.
  - c. Sick leave credit for retirement
  - d. An additional factor of 0.1% for retiring after age 62

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# NTEU NEWS

Published Bi-Monthly

Website: [www.nteu46.org](http://www.nteu46.org)

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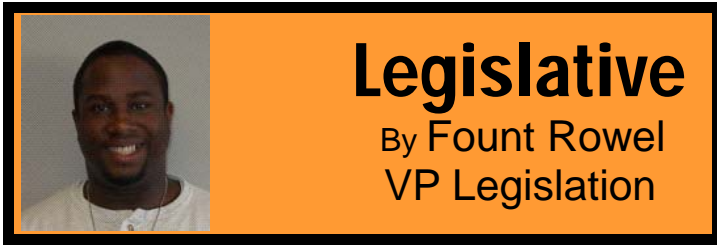


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**NTEU**  
The National Treasury Employees Union



### Election Day IS COMING Time to VOTE

Every eligible citizen has the right and privilege to vote. The Service allows each employee the opportunity to exercise this right without loss of either leave or pay. The time needed for employee to cast his or her vote is covered under our contract as an authorized excused absence (administrative leave). The amount of administrative leave allowed for voting generally depends on the time the voting polls open and close, which varies depending on the area the employee lives. The rules for granting excused leave for voting purposes is when the polls are not open at least three (3) hours before or after an employees regular tour of duty, whichever requires the lesser amount of time away from the work site.

Each employee is expected to respect this privilege by requesting only the time needed and using that time to vote. Guidelines regarding excused leave can be found in the National Agreement, Article 36 Section 2 and the Employee Personnel Resource Guide

on page 23 under Excused Absence.

If a manager refuses to allow an employee administrative time off to vote, contact your local steward or call us here in the Union office at 214-413-5555 so that the matter can be quickly resolved.



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**"If I walk past your desk without criticizing you, that counts as a compliment!"**



Pictured (left to right) from a Legislative Meeting are NTEU Board Members Jim Harris, Candis Cardenas, Andy Rittler, Aid for U.S. Senator John Cornyn, James Rucker and Fount Rowel. Addressed during the meeting were several key NTEU issues including Retiree Issues, Government Privatization, Federal Employee pay and Health benefits. We all know that in order to make a change, it starts with your VOTE, so please exercise your right!





## Membership

By Sharon Wilson  
VP Membership

# Picnic In the Park

WOW! Great people! Great food! Great Environment! If I must say so myself, the Chapter annual picnic was just great. On Saturday Evening July 26, 2008 members of the National Treasury Employee Union Chapter 46 and their families got together at River Legacy Park Arlington, Texas for our annual general meeting (Chapter Picnic).

Our chapter president, John Darden, and National VP District 3, Jim Littlejohn, grilled over 180 hot dogs and 180 hamburgers. Fount Rowel, VP Legislation, prepared a mountain of beans and rice for our member. He also assisted with many other tasks. There were chips, cookies, popcorn, sodas, water etc. James Rucker, Executive VP and Chief Steward, made several runs for more ice, soda, and water. Children bounced in the bounce house until they just couldn't bounce any more. There were little painted faces running though out. The three legged race, the sack race, spoon race and, the softball throw were a success. There were 1st, 2nd and, 3rd place winners. Several of the young boys started football game in the back of the pavilion. We played cards and dominoes, each of the winners received prizes of NTEU paraphernalia (T-shirts and bags).

I enjoyed everyone who attended and missed those of you who did not. We will continue to have our annual picnic each year with your support as NTEU Chapter 46 members. I would like to thank everyone for their support and hard work. Special thanks to Ms. Sharlindra Fowler and family, a long time union member who extended a helping hand, everyone who has ever come in contact with her knows that she can not help being so kind. Last, but not least, Mrs. Da-

**See Picnic on Page 5**

## Answers from Page 2

### Answers

1.) c.

The main ingredients to computing a CSRS or FERS basic retirement benefit are the high-three average salary and total creditable service. It is important that the employee has made retirement contributions covering the creditable service, but this is a secondary factor in the computation.

2.) d.

If a survivor's benefit is not provided for a spouse, the surviving spouse will not be able to continue the health insurance upon the death of the retiree. Additionally, the spouse must be covered as a family member at the time of the retiree's death, or employee's death if death occurs before retirement.

3.) b.

Social Security is a significant part of the FERS benefit. However, Social Security retirement benefits are not payable before age 62. Since you may retire before age 62, a special retirement supplement in addition to the basic benefit will be paid by OPM until you reach age 62.

The special retirement supplement is payable if you retire with an immediate benefit and have at least one calendar year FERS service.

- At the Minimum Retirement Age with 30 years service
- At age 60 with 20 years service

Employees who separate on an Involuntary or "Early Out" retirement may begin receiving this supplement upon reaching MRA.

The supplemental benefit payable before age 62 is subject to the same *earnings test* as is applied to Social Security benefits for recipients age 62 - 65. In the year 2008, the minimum earnings level is \$13,560. If you work after retirement, you can earn up to \$13,560 without losing any portion of the special retirement supplement. If your earnings exceed this amount, your supplement will be reduced by \$1

for every \$2 that is earned above the minimum level of \$13,560.

The special retirement supplement is calculated by *estimating* the amount of Social Security benefit you would earn if you had been employed for a full career under Social Security, and retiring at age 62. Supplemental Benefit Formula is:

Estimated Full Career Social Security Benefit divided by 40 times Retiree's Years of Service under FERS

Example:

$$\begin{aligned} \text{Estimated SS Benefit by Age 62} &= 10,000 \text{ per/annum} \\ &\div 40 \\ &= \$250 \\ \text{times } 20 \text{ Years Svc.} & \\ &= \$5000 \text{ per/annum} \end{aligned}$$



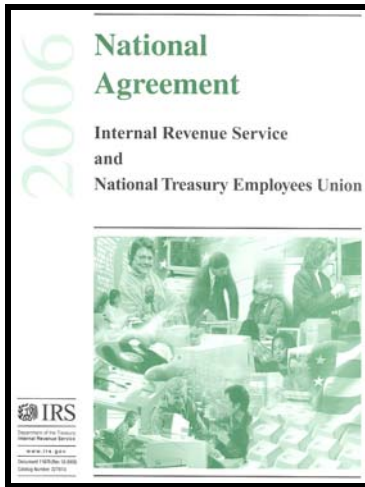
Go to:  
<http://www.nteu.46.org>  
to view all the pictures from the picnic.

### Picnic from Page 4

vanna Rowel was there to assist me in so many ways, much thanks to the both of you and your families. We had a great time and there was a large turn out in spite of the fact that one week prior to the picnic Saturday overtime was offered in the call site. Sabotage, it may or not be! It didn't matter. We have learned from our past experiences that "UNITED" we will withstand, but "DIVIDED" we will surely fall.

If you know someone that is not yet a member on National Treasury Employees Union Chapter 46 please invite that person to join.



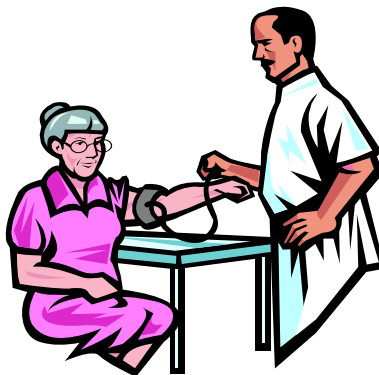


## Blood Donation

Article 36, Section 9 of our National Agreement allows an employee who donates blood to receive four (4) hours of administrative leave immediately following the donation for recuperative purposes. This is in addition to administrative leave for reasonable travel to and from the donation site and to actually give blood. Additional recuperative time will be provided if necessary on an as needed basis. **However**, the total administrative leave granted is limited to the remaining scheduled hours of duty on that day.

If an employee is not accepted for blood donation, the employee is entitled to the time necessary to travel to and from the donation site and the time needed to make the determination.

Please note that Section 10 of Article 36, further states that notwithstanding the above, nothing contained in this article will restrict the Service's ability to require the presence of an employee, pursuant to its right to assign work under 5 USC § 7106(a) (2)(B), should the Service determine that the employees' services are necessary.



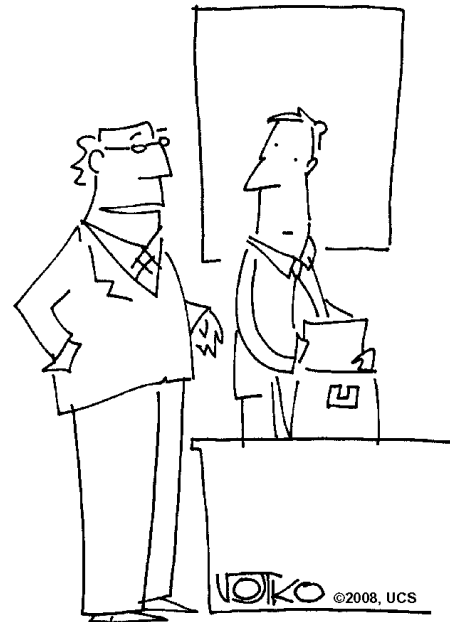
## Thumbs Up/Thumbs Down



Thumbs up to Mary Thomas, the acting SCR. When informed that the air conditioning was not working properly in the North Ft. Worth office she replied, "I will take care of it." The office was closed one hour later. A thank you from the employees in the North Ft Worth POD.



Thumbs down to IRS, W&I, Dallas for mandating both verbally and in writing, 8 hours of overtime training on Paper Inventory and then not having the caseload to do it because of an excessive amount of Contact Representatives. This also caused a disparity in the compensation/hours worked by employees. It is extremely unfortunate that the inconvenience suffered by nearly 200 employees was due to management's prior, continuous and subsequent miscommunication. This entire process was a debacle and NTEU Chapter 46 regrets that there are no legal ramifications to pursue. We do empathize with all the affected employees!



"I'd like to hear what the workers think before we do what we've already decided."