



# Harbor Views

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## I Guess The Winter Has Arrived

And just like the snow arrives every year, the questions about administrative leave come up. And rightfully so this year. Because we have a new contract that attempts to look out for our rights. Here is the relevant part of Article 36. **Make sure you read on after this long section to get my comments.**

### **Article 36 Section 15 Office Closures and Emergencies**

**A. Whenever it becomes necessary to close an office because of inclement weather or any other emergency situation and to grant administrative leave to those who are excused because of emergency, reasonable efforts will be made to inform all employees by private or public media, including email, the IRS Emergency Hotlines, and other methods as appropriate and available. An emergency situation 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.**

**B. The Employer has determined that if the emergency conditions described above exist and prevent an employee from arrival at work and the post-of-duty is not closed, the employee will be granted excused absence for absence from work for a part or all of the employee's workday** upon providing the Employer with reasonably acceptable documentation that the employee made reasonable efforts to reach work, but that emergency conditions prevented timely arrival. To request excused absence, the employee may submit Form 10837, Request for Administrative Leave Due to Emergency conditions (Exhibit 36-1) or other documentation. Factors which shall be considered by the Employer when determining if an employee will be granted excused absence and uniformly applied to all employees within the area affected by the emergency include the following:

**1. the fact that the employee lives beyond the normal commuting area;**

**2. the mode of transportation normally used by the employee;**

**3. efforts taken by the employee to come to work;**

**4. the success of other similarly-situated employees;**

**5. any physical disability of the employee; and**

**6. any local travel restrictions.**

The Employer at its option may waive the above requirement for documentation for absences of four (4) hours or less. This provision does not apply to employees who are away from their post-of-duty for personal reasons and are prevented from returning to work due to emergency conditions. Any grievances filed must include an explanation of why the employee failed to arrive at work.

**C. Employees are obligated to contact their supervisors as early as practicable to explain the circumstances and provide an estimated time of arrival at work.**

D. If the President, the Office of Personnel Management, or other appropriate authority declares a natural disaster area, employees who are faced with a personal emergency caused by that natural disaster will be eligible for a reasonable amount of administrative leave, based on the facts and circumstances of the personal emergency. An employee requesting administrative leave under this Section may be required to provide an explanation and/or documentation in support of his or her claim.

#### **E. Leave without Pay**

An employee who is on leave without pay (LWOP) on a day when the IRS is closed will be given administrative leave and will not be charged LWOP, if the employee is in a pay status the workday prior to or the next workday after the day the office is closed. In addition, if an employee is scheduled to take LWOP beginning after the early departure announcement, the employee will be granted administrative leave commencing at the time of the early departure.

#### **F. Closures Affecting Telework Employees**

When an emergency condition forces the closure of an IRS facility and employees thereof are granted administrative leave as a result, an employee of that same facility (a) who is working at home on an approved Telework program and (b) **who is prevented from accomplishing work because of that same emergency condition** (for example, where a power outage forces the closure of an office, and that same power outage prevents a Telework employee from completing his or her work assignments at home), **that Telework employee will be provided the same amount of administrative leave granted employees who were working in the closed facility.** A Telework employee claiming administrative leave under this provision is responsible for providing appropriate documentation in support of that claim.

#### **G. Office Open with Early Closure**

**1. In the event of an "open with early departure" operating announcement, all employees working in the office (i.e., the official duty station) up to the early departure time will be granted administrative leave for the period from the departure time to the end of their Tour of Duty (TOD).**

2. When an early departure time is announced and the employee experiences circumstances warranting special consideration, consistent with workload and staffing

needs, the manager may grant administrative leave from the time the employee leaves work through the remainder of the TOD, provided that the employee provides the manager with reasonably acceptable documentation.

#### **H. Delayed Opening of Office**

An employee who is on **scheduled leave** for the entire day but chooses to come in at the start of his or her TOD following the delayed arrival will contact his or her manager via telephone or will follow any other mutually agreed upon process to advise the manager of his or her intent to come in to the office, will receive administrative leave up until the time of the delayed arrival, and will have the remainder of the scheduled leave cancelled.

One of the most important sections that have a big impact on whether a member will get administrative leave is section C. That's the section that says you are obligated to call your manager and explain the circumstances you are experiencing and giving your ETA at the office. Don't just agree to the use of your precious annual leave. Let me give you some additional pointers:

1. First the decision logic table is outdated and does NOT encompass the new contract. It is not in your interest to even consider using it. Explain to your manager the considerations mentioned in Section B (above.) Second a liberal leave policy might be simpler to just suck it up and take leave but why should you?
2. I have also received the memo from Dan Riordan regarding "Interim guidance for IRM 6.800.2 Telework Program." While most of it is reasonably accurate, there are a couple of things I want to bring to your attention:
  - a. In Paragraph 3 Scope: **"Should the guidance herein conflict with any provisions in a collective bargaining agreement, the terms of the CBA ARE CONTROLLING for bargaining unit employees."** That's NTEU members friend! Follow the contract, not the memo.
  - b. One significant difference in the treatment of nonbargaining unit (NBU) employees vs. bargaining unit (BU) employees is when the office shuts down early. **The contract states in Article 36 section 15 G that any employee who is working at the POD at the shut down, then they will receive administrative leave until the end of their shift.** NBU employees don't get administrative leave and are expected to go home and make up the rest of the day at their Telework site.
  - c. The requirement to take home additional work so as to keep you busy at your Telework site is not absolute. In the context of the memo, it would only apply to those who have to work off their day at home. BU employees who have to be ready to work from home still must be told to be ready to work from home the next day, and that will only apply to frequent teleworkers and recurring teleworkers. There is no requirement for an ad hoc teleworker to be Telework ready to work from home. Ever.

**Your Officers & Stewards Take Advantage Of The Union Negotiated Telework & Compressed Work Schedules. And We Are Always Available to Help:**

Brockton & Hyannis	Chief Steward	John Cashman – SBSE RO 508-357-7047 Mike Lowden – SBSE RA, 508-513-3603 Will Egan – SBSE TCO, 508-513-3556
Fitchburg POD		Gerry Lavoie – LBI RA, 978-342-6051
JFK Boston POD		Marie Brown – W & I ITAS 617-316-2676 Timothy Dailey- TEGE RA, 617-316-2901 Robert Gerrig - W & I ITAS, 617-316-2680 Pamela Chester-Smith – ITS, 617-316-2040 Lucy Marchese – SBSE TCO, 617-316-2477
Southborough POD		Matt Curewitz – SBSE RO, 508-357-7014
Springfield POD		Mark Rodowicz – W & I ITAS, 413-785-0168
Stoneham POD		Rocco DeRose – SBSE RO, 781-876-1058 Joseph Jarosz - LB&I RA, 781-876-1100 David Knight – SBSE RO, 781-876-1109
Worcester POD		David LaJoie – Retired steward at large 508-386-6481

**Any Of Your Officers Are Also Willing To Assist You:**

President	Edward Filistowicz - 617-316-2234
Executive Vice President	Robert Stinson – 617-316-2644
Vice President of Exam & MITS	Linda Candela – 508-357-7026
Vice President of Collection & Chief Steward	John Cashman - 508-357-7047
Treasurer	Jill Regan – 617-316-2466

**Address Changes**

One of my primary goals is to increase your awareness about chapter happenings, both locally and nationally. One of the best ways that I can do this is to encourage you to update your address which is on file with the union. That can be done in two ways:

1. Register at NTEU.ORG, and update your own addresses.
2. E-mail me at [Edward.Filistowicz@NTEU23.com](mailto:Edward.Filistowicz@NTEU23.com) we'll work it out from there.

Chapter 23 will not sell or share with anyone outside of NTEU the information. We will use it when there is a need to contact you without going through your .gov email address. You have to let us know your home email address, at least. If you want to be in the know, then let us know the best way to contact you! You NEED to give us your home email address.

## **Liberty Mutual Insurance**

NTEU and Liberty Mutual have partnered to give our members a discount on home and auto insurance. Michael Lawlor can be reached at the number below or by e-mail. Please remember do not contact him while on the clock or using your government computer. But Mike comes to Boston regularly, and by appointment. Maybe you've seen him in the Cafeteria.

30 Nagog Park, Acton, MA 01720 Tel: 978-264-0234 x 52165

[Michael.Lawlor@libertymutual.com](mailto:Michael.Lawlor@libertymutual.com)

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