



DEPUTY COMMISSIONER

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

July 29, 2013

The Honorable Charles Boustany Jr., M.D.
Chairman, Subcommittee on Oversight
Committee on Ways and Means
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am responding to your letter dated April 18, 2013, regarding spring training conferences held by the National Treasury Employees Union (NTEU). We provided an interim response dated May 9, 2013, and indicated we were working on responding to your specific requests. I am providing responses to your questions below.

1. Since the start of Fiscal Year 2012, how many IRS employee official hours were spent on union activity?

In Fiscal Year (FY) 2012, we reported to the Department of the Treasury that IRS employees used 573,319 hours for union activity. In FY 2013, through June 2013, IRS employees have used 399,772 hours for union activity.

2. Since the start of Fiscal Year 2012, how much has the IRS spent on travel expenses for union activity?

In FY 2012, we spent \$687,400 on travel expenses for union activity. In FY 2013, through June 2013, we spent \$437,548. We did not include expenses for the August 2013 NTEU Convention in the FY 2013 expenses as we have not received nor processed travel vouchers for this event.

3. Provide all material related to the March-May 2013 NTEU training events.

I am enclosing the NTEU Request for Official Time for the 2013 Spring Training dated January 31, 2013, as well as our response granting official time dated February 13, 2013. The NTEU request includes its agenda and course descriptions.

4. Provide all dates and locations of NTEU conferences in which IRS paid for travel expenses or union members were on official time during the past two years.

In FY 2012, we paid travel expenses for union stewards to attend the following training events on official time:

- February 2012 – NTEU Legislative Conference, Washington, DC
- March 2012 – NTEU Spring Training and IRS-NTEU Agreement Training, Arlington, VA
- April 2012 – NTEU Spring Training and IRS-NTEU Agreement Training, Saratoga Springs, NY
- May 2012 – NTEU Spring Training and IRS-NTEU Agreement Training, New Orleans, LA
- May 2012 – NTEU Spring Training and IRS-NTEU Agreement Training, Las Vegas, NV (two sessions)

In FY 2013, through May 2013, we have already paid or will pay travel expenses for union stewards who have attended or will attend the following training events on official time:

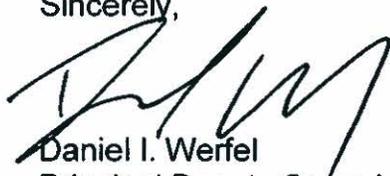
- October 2012 – NTEU Fall Training, San Antonio, TX
- February 2013 – NTEU Legislative Conference, Washington, DC
- March 2013 – NTEU Spring Training, Arlington, VA
- March 2013 – NTEU Spring Training, New Orleans, LA
- April 2013 – NTEU Spring Training, Saratoga Springs, NY
- May 2013 – NTEU Spring Training, Las Vegas, NV (two sessions)
- August 2013 – NTEU Convention, Boston, MA

5. What training occurs at NTEU conferences that would not take place at IRS?

All NTEU training occurs offsite from the IRS. The NTEU conducts the training with union steward participants from the various federal agencies NTEU represents.

If you have any questions, please contact me or a member of your staff may contact Catherine M. Barré, Director, Legislative Affairs, at (202) 622-3720.

Sincerely,



Daniel I. Werfel
Principal Deputy Commissioner

Enclosures (2)

NTEU

The National Treasury Employees Union

January 31, 2013

Phyllis Brown
Director, Workforce Relations Division
1111 Constitution Avenue
Washington, D. C. 20224

Re: NTEU's Request for Official Time; 2013 Spring Training

Dear Phyllis:

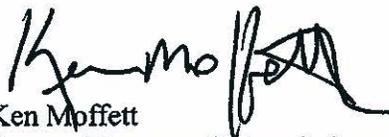
NTEU hereby requests official time for Chapter representatives to attend National NTEU Spring Training for 2012 on the dates and at the places set forth below:

March 19-22, 2013 - Arlington, VA.
March 26-28, 2013 - New Orleans, LA
April 23-25, 2013 - Saratoga Springs, NY
May 15-17, 2013 - Las Vegas I
May 20-22, 2013 - Las Vegas II

The specific schedules for each day of each training session, as well as the course descriptions, are attached to this letter. NTEU specifically requests 20.5 hours of official time per representative as follows: eight (8) hours of official time to attend training classes on Day 1; eight (8) hours of official time to attend training classes on Day 2; and four and one-half (4.5) hours of official time to attend training classes on Day 3.

Thank you for your attention to this matter.

Sincerely,


Ken Moffett
Deputy Director of Negotiations
NTEU

Attachments

**2013 NTEU National Training Conference Agenda
Planning Agenda**

Revision: 201301101524

Tuesday Day 1 (8:00)	Stewardship Breakout A	Representation Breakout B	Leadership Breakout C	Seminars Breakout D	Vegas II Centers - Stewardship Breakout E	Vegas I Centers - Advanced Breakout F
8:00 – 9:00	Registration -- Foyer					
9:00 – 10:15	General Session -- Ballroom					
10:15 – 10:30	Breakout					
10:30 – 11:15	Meeting with the National President	Advanced Leave Issues	First Amendment Issues	Legislation	Stewardship	Case Law Update
11:15 – 12:00	Stewardship	Meeting with the National President	First Amendment Issues	Legislation	Stewardship	Case Law Update
12:00 – 1:00	LUNCH					
1:00 – 2:00	Stewardship	Advanced Leave Issues	Meeting with the National President	First Amendment Issues	Stewardship	1:00 - 2:30 Legislation
2:00 – 3:15	Stewardship	Communications	Case Law Update	2:00 - 3:00 Litigation	Stewardship	2:30 - 3:15 Meeting with the National President
3:15 – 3:30	Breakout					
3:30 – 4:15	Stewardship	Legislation	Representing Employees w/ Technology Issues	3:15 - 5:00 Chapter Administration 1	Stewardship	Advanced Leave Issues
4:15 – 5:00 (0:45)	Stewardship	Legislation	Representing Employees w/ Technology Issues	Chapter Administration 1	Stewardship	Advanced Leave Issues

**2013 NTEU National Training Conference Agenda
Planning Agenda**

Revision: 201301101524

Wednesday Day 2	Stewardship Breakout A	Representation Breakout B	Leadership Breakout C	Seminar Breakout D	Centers: Stewardship Breakout E	Centers: Advanced Breakout F
8:00 – 9:30	Legislation	Grievance Problems	Mid-term Bargaining	Communications	8:00 - 8:45 Meeting with the National President 8:45 - 9:30 Labor Law	Mitigation and Douglas Factors
9:30 - 9:45	BR/BAK					
9:45 – 11:15	Labor Law	9:45 - 10:45 Litigation	Legislation	Mid-term Bargaining	Labor Law	9:45 - 10:45 Communications
11:15 - 12:00	Labor Law	10:45 - 12:00 Duty of Fair Representation	Litigation	Mid-term Bargaining	10:30 - 12:00 Legislation	10:45 - 12:00 Duty of Fair Representation
12:00 - 1:00	BR/BAK					
1:00 – 2:30	Grievance Handling	Protected Activities	ADA Class	Meeting with the National President	Grievance Handling	1:00 - 2:15 Litigation
2:30 – 3:45	Grievance Handling	Protected Activities	Communications	Meeting with the National President	Grievance Handling	2:15 - 3:00 Formal Meetings
3:45 - 4:00	BR/BAK					
4:00 – 5:00	Grievance Handling	Investigatory Interviews	Duty of Fair Representation	Meeting with the National President	Grievance Handling	3:15 - 5:00 Investigatory Interviews

**2013 NTEU National Training Conference Agenda
Planning Agenda**

Revision: 201301101524

Thursday Day 3	<u>Stewardship</u> Breakout A	<u>Representation</u> Breakout B	<u>Leadership</u> Breakout C	<u>Seminar</u> Breakout D	<u>Centers - Stewardship</u> Breakout E	<u>Centers - Advanced</u> Breakout F
8:00 – 9:00	Grievance Handling	Disciplinary / Adverse Actions	Case Study	8:00 - 9:15 Chapter Administration 2	Grievance Handling	Case Study (IDRS / UNAX)
9:00 – 10:30	Grievance Handling	Disciplinary / Adverse Actions	Case Study	9:15 - 10:45 Case Law Update	Grievance Handling	Case Study (IDRS / UNAX)
10:30 - 10:45	****BREAK****					
10:45 – 11:30	Grievance Handling	Disciplinary / Adverse Actions	Case Study	11:00 - 12:30 Bullying	FMLA	Case Study (IDRS / UNAX)
11:30 – 12:30	FMLA	Disciplinary / Adverse Actions	Case Study	Bullying	FMLA	Case Study (IDRS / UNAX)

2013 Course Descriptions

Track: Stewardship

Course	Description
Stewardship	Stewards will learn techniques, skills, and methods to effectively represent employees under the NTEU collective bargaining agreements and the law. The class will explore the variety of ways the NTEU stewards perform their roles in the context of their rights and duties under our contracts and the law, depending upon the settings and issues. This course is designed for newer stewards.
Grievance Handling	This course will cover the nuts and bolts of grievance handling, including investigating, researching, drafting, presenting, and appealing grievances. Participants will also discuss settlement considerations and terms.
Legislative	This course will cover the legislative process as it pertains to pending legislation that directly affects employees' working conditions.
Family Medical Leave Act	This course will cover fundamental FMLA eligibility rules, as well as procedural requirements such as providing notice of FMLA leave and medical certificate content.
Labor Law	The class will review must-know sections of the Federal Service Labor Management Relations Statute for stewards, covering topics such as a bargaining unit status, ULP charges vs. grievances, options for resolving disputes other than the negotiated grievance procedure, requirements for obtaining information to represent employees, when agencies must bargain mid-term, and much more.
Meeting with the National President	NTEU's National President will discuss NTEU's efforts to address nationwide issues affecting employees represented by NTEU, and will solicit feedback on cross-cutting issues that warrant NTEU's attention at the national level.

Course Descriptions

Track: Representation

Litigation Update	This class is a discussion of significant court and administrative cases handled by NTEU's Office of General Counsel. It will cover both recently decided cases and those currently in litigation, and how those cases impact NTEU representatives as employee representatives.
Investigatory Interviews	This class will review the basic requirements for entitlement to union representation at "Weingarten" or investigatory interviews. It will also cover the role of the NTEU representative and such interviews and how to address violations of the right to representation.
Protected Activity	This course will review the various forms of protected activity in the federal workplace. Participants will learn to analyze whether protected activity rights have been illegally infringed upon and how to respond.
Legislation	This course will cover the legislative process as it pertains to pending legislation that directly affects employees' working conditions.
Duty of Fair Representation	This class will review the Union's duty of fair representation to non-members and explore the Steward's obligations under that duty.
Communications	This class will explore how NTEU representatives can use available communication tools to better represent employees' interests. This course provides materials and ideas to help chapters solicit those interests and use that information to perform their representational responsibilities.
Disciplinary/Adverse Actions	Working with an actual case problem, this class will review the procedural rights of employees faced with disciplinary/adverse actions and outline the concept of "elements," the agency's burden of proof is in disciplinary and adverse actions, and affirmative defenses to adverse or

	disciplinary actions. The class will also cover the mechanics of preparing for and presenting oral replies to proposed actions.
Advanced Leave Issues	This class will address a dozen specific leave related issues, from the degree of documentation necessary to support various types of leave requests to the circumstances under which employees may be charged AWOL or even disciplined for approved leave.
Grievance Problems	This class will addresses recurring issues that NTEU stewards encounter when handling grievances, including: the role of labor relations specialists at grievance meetings; an agency's failure to respond or provide timely responses to information requests; subjects that are not grievable; addressing refusals to respond to the merits of a grievance; and, if and when new issues may be raised at later steps of the procedure.
Meeting with the National President	NTEU's National President will discuss NTEU's efforts to address nationwide issues affecting employees represented by NTEU, and will solicit feedback on cross-cutting issues that warrant NTEU's attention at the national level.

Course Descriptions

Track: **Leadership**

Americans With Disabilities Amendment Act	A class on working with employees on accommodations under the EEOC's new regulations implementing the ADAA. Besides reviewing the regulatory changes, it will cover how to request an accommodation, the documentation necessary to support accommodation requests, the interactive process, addressing accommodation denials, and the interplay between the ADAA and other related laws.
Litigation Update	This class is a discussion of significant court and administrative cases handled by NTEU's Office of General Counsel. It will cover both recently decided cases and those currently in litigation, and how those cases impact NTEU representatives as employee representatives.
Case Law Update	This course will review significant federal court, EEOC, FLRA, MSPB and arbitration decisions handed down in 2012. In addition to the basic facts and holdings in the cases, participants will discuss how these decisions have or may impact their roles as NTEU representatives.
Communications	This class will explore how NTEU representatives can use available communication tools to better represent employees' interests. This course provides materials and ideas to help chapters solicit those interests and use that information to perform their representational responsibilities
Legislation	This course will cover the legislative process as it pertains to pending legislation that directly affects employees' working conditions.
First Amendment Issues	This course will cover substantive First Amendment and defamation principles relevant to federal employees and NTEU representatives. Participants will learn how these principles apply by working through a series of hypotheticals.
Mid-Term Bargaining	This course will cover the statutory and

	<p>typical contractual process for mid-term bargaining, from notice of proposed changes to statutory and contractual impasse resolution mechanisms. Changes that may be substantively negotiated versus impact and implementation bargaining will also be discussed, along with actual proposals that may be submitted in to address specific types of changes.</p>
Meeting with the National President	<p>NTEU's National President will discuss NTEU's efforts to address nationwide issues affecting employees represented by NTEU, and will solicit feedback on cross-cutting issues that warrant NTEU's attention at the national level.</p>
Duty of Fair Representation	<p>This class will review the Union's duty of fair representation to non-members and explore the Steward's obligations under that duty.</p>
Representing Employees in Matters Involving Technology Issues	<p>This course will cover the use of technology, including social media, to better represent employees. It will also include a discussion of job rules applicable to employees' use of e-mail, social media, and internet accesses, as well as whether such activity may be "protected" under the law.</p>
Case Study	<p>This class involves a more advanced, in depth discussion of investigating, researching, preparing and presenting a reply to a proposed disciplinary or adverse action, using an actual case problem. After a brief review of the applicable law, the course will be devoted to skill-building in each of these areas. This year's course will look at agencies' legal burdens of proof under Chapters 43 and 75 of the CSRA</p>

Course Descriptions

Track: Seminar

First Amendment Issues	This course will cover substantive First Amendment and defamation principles relevant to federal employees and NTEU representatives. Participants will learn how these principles apply by working through a series of hypotheticals.
Meeting with the National President	An in depth discussion with NTEU's National President about NTEU's efforts to address nationwide issues affecting employees represented by NTEU, and will solicit feedback on cross-cutting issues that warrant NTEU's attention at the national level.
Mid-Term Bargaining	This course will cover the statutory and typical contractual process for mid-term bargaining, from notice of proposed changes to statutory and contractual impasse resolution mechanisms. Changes that may be substantively negotiated versus impact and implementation bargaining will also be discussed, along with actual proposals that may be submitted in to address specific types of changes.
Case Law Update	This course will review significant federal court, EEOC, FLRA, MSPB and arbitration decisions handed down in 2012. In addition to the basic facts and holdings in the cases, participants will discuss how these decisions have or may impact their roles as NTEU representatives.
Chapter Administration 1	This class will include a discussion of a variety of laws, rules and regulations for which labor unions are responsible, including preparing and maintaining reports required under 5 USC Section 7120.
Chapter Administration 2	This course will cover how to access and use various web-based tools available to help chapters satisfy their legal obligations covered in the Chapter Administration 1 course.

<p>Communications</p>	<p>This class will explore how NTEU representatives can use available communication tools to better represent employees' interests. This course provides materials and ideas to help chapters solicit those interests and use that information to perform their representational responsibilities</p>
<p>Addressing Bullying in the Workplace</p>	<p>This course will review legal and contractual provisions that are implicated by bullying in the workplace, whether committed by supervisors or coworkers. It will also include practical tips for addressing and preventing such behavior.</p>
<p>Legislation</p>	<p>This course will cover the legislative process as it pertains to pending legislation that directly affects employees' working conditions.</p>
<p>Litigation Update</p>	<p>This class is a discussion of significant court and administrative cases handled by NTEU's Office of General Counsel. It will cover both recently decided cases and those currently in litigation, and how those cases impact NTEU representatives as employee representatives.</p>

Course Descriptions

Track: Stewardship Centers

Stewardship	Stewards will learn techniques, skills, and methods to accomplish the goal of effectively representing people under the NTEU collective bargaining agreements. The class will explore the variety of ways the NTEU stewards perform their roles in the context of their rights and duties under the contracts, depending upon the settings and issues. This course is designed for newer stewards.
Grievance Handling	This course will cover the nuts and bolts of grievance handling, including investigating, researching, drafting, presenting, and appealing grievances, as well as settlement considerations.
FMLA	This course will cover fundamental FMLA eligibility rules, as well as procedural requirements such as providing notice of FMLA leave and medical certificate content.
Legislation	This course will cover the legislative process as it pertains to pending legislation that directly affects employees' working conditions.
Labor Law	A course that will take participants through a series of case problems designed to familiarize them with some basic labor law concepts that are important to front-line stewards. Topics will include official time, bargaining-unit status, protected activity, the duty to bargain in good faith, and the union's status and obligations as the exclusive representative.
Meeting with the National President	NTEU's National President will discuss NTEU's efforts to address nationwide issues affecting employees represented by NTEU, and will solicit feedback on cross-cutting issues that warrant NTEU's attention at the national level.

Course Descriptions

Track: **Advanced Centers**

Communications	This class will explore how NTEU representatives can use available communication tools to better represent employees' interests. This course provides materials and ideas to help chapters solicit those interests and use that information to perform their representational responsibilities.
Advanced Leave Issues	This class will address a dozen specific leave related issues, from how much documentation must be provided to support a certain type of leave request to whether an employee may be disciplined for approved leave.
Duty of Fair Representation	This class will review the Union's duty of fair representation to non-members and explore the Steward's obligations under that duty.
Legislation	This course will cover the legislative process as it pertains to pending legislation that directly affects employees' working conditions.
First Amendment Issues	This course will cover substantive First Amendment and defamation principles relevant to federal employees and NTEU representatives. Participants will learn how these principles apply by working through a series of hypotheticals.
Mitigation and Douglas Factors	Participants will review the factors that affect the severity of the penalty in misconduct cases. They will learn which factors are particularly important in certain types of cases that NTEU stewards typically encounter in a Campus environment.
Case Law Update	This course will review significant federal court, EEOC, FLRA, MSPB and arbitration decisions handed down in 2012. In addition to the basic facts and holdings in the cases, participants will discuss how these decisions have or may impact their roles as NTEU representatives.
Investigatory Interviews	This class will review the requirements for entitlement to union representation at "Weingarten" or investigatory interviews

	under Section 7114 and Article 5 of the NTEU/IRS contract. It will also cover the role of the NTEU representative and such interviews and how to address violations of the right to representation.
Formal Meetings	What are formal meetings? What is the NTEU representative's role at these meetings? What contract provisions apply to specific types of formal meetings? This class will answer these and other questions.
Case Study	This class involves a more advanced, in depth discussion of investigating, researching, preparing and presenting a reply to a proposed disciplinary or adverse action, using an actual case problem. This year's problem will involve a UNAX fact pattern. After a review of the applicable law, the course will be devoted to skill-building in each of these areas.
Meeting with the National President	NTEU's National President will discuss NTEU's efforts to address nationwide issues affecting employees represented by NTEU, and will solicit feedback on cross-cutting issues that warrant NTEU's attention at the national level.



Human Capital Office

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

February 13, 2013

Mr. Kenneth E. Moffett, Jr.
Deputy Director of Negotiations
National Treasury Employees Union
1750 H Street, NW
Washington, DC 20006

Re: Time for the 2013 NTEU Spring Training

Dear Mr. Moffett:

We have reviewed the agenda and the workshop descriptions for the 2013 NTEU Spring Training and have approved time for stewards to attend the training as follows:

Arlington, VA March 19 – 21, 2013

The Service has approved 20.5 hours of official time for this training. Participants will receive official time (bank time if the Service is paying for the travel) for the training to the extent that they are otherwise in a duty status.

New Orleans, LA March 26 – 28, 2013

The Service has approved 20.5 hours of official time for this training. Participants will receive official time (bank time if the Service is paying for the travel) for the training to the extent that they are otherwise in a duty status.

Saratoga Springs, NY April 23 – 25, 2013

The Service has approved 20.5 hours of official time for this training. Participants will receive official time (bank time if the Service is paying for the travel) for the training to the extent that they are otherwise in a duty status.

Las Vegas, NV (Session I) May 15 – 17, 2013

The Service has approved 20.5 hours of official time for this training. Participants will receive official time (bank time if the Service is paying for the travel) for the training to the extent that they are otherwise in a duty status.

Las Vegas, NV (Session II) May 20 – 22, 2013

The Service has approved 20.5 hours of official time for this training. Participants will receive official time (bank time if the Service is paying for the travel) for the training to the extent that they are otherwise in a duty status.

Training participants will be granted a reasonable amount of official time (bank time if the Service is paying for the travel) to travel to and from the training to the extent that they are otherwise in a duty status. Participants not in a duty status on the dates of travel are not entitled to official time for the travel.

No credit hours, overtime or compensatory time can be approved for the training or for the travel to and from the training. Participants will work with their managers to ensure that their tours of duty conform to the training schedule. That will ensure that they are on official time (or bank time if the Service is paying for the travel) for both the training time and the travel time to the greatest extent possible. Advanced annual leave may not be granted to participate in this training.

Union officials and stewards who wish to attend this training must first receive managerial approval to be away from the office.

Pursuant to Article 9, Section 6, the Service will pay the travel and per diem for one (1) steward per chapter per calendar year to attend NTEU National Office training. Bank time, including bank time for travel to and from the training, will be authorized for those representatives for whom the Service pays the travel. The Official Time Coordinators will receive the name of the participant for whom the Service is paying the travel and per diem and will ensure that the participant's manager knows that the time is to be charged to bank time and that a properly prepared travel voucher is appropriate. Only those participants for whom the Services pays the travel may use bank time to attend the training. All other participants will receive official time pursuant to Article 9, Section 2(C)13.

The representatives for whom the Service pays the travel must charge that travel to their Citibank Government Travel Charge Card. If they do not have a government charge card, common carrier transportation must be charged to the IRS Corporate account, through their servicing Travel Management Center (TMC). All other participants must not charge their travel to the government travel charge card or to the corporate account.

In reviewing the agenda for the various sessions, we have approved eight (8) hours for Tuesday, eight (8) hours for Wednesday and four and one half (4.5) hours for Thursday for each session. Please note that we have made a determination to approve time for the Legislative class provided that it is in keeping with the intent of Article 9, Section

2E13, in that this training is to promote an understanding of the legislative process. Additionally, we have approved time for the Representing Employees in Matters Involving Technology Issues class provided that it is in keeping with the Service's Limited Use Policy.

We will be issuing guidance to the Official Time Coordinators and to managers on how time related to the 2013 NTEU Spring Training should be treated.

If you have any questions, please contact me or a member of your staff may contact Debbie Oldewurtel via e-mail at Deborah.R.Oldewurtel@irs.gov.

Sincerely,

Phyllis Brown

Digitally signed by Phyllis Brown
DN: cn=Phyllis Brown
Date: 2013.02.13 13:47:08 -05'00'

Phyllis Brown
Director, Workforce Relations Division