

## **NTEU Chapter 207 News**

**Volume 2.4**

**Friday, March 5, 2004**

### **Chairman Speaks Out**

Chairman Don Powell again eloquently states his opinion of FDIC employees.

The following is an excerpt from an article in the American Banker by: CRAIG LINDER.

"Rep. Oxley's comments at a hearing to assess the FDIC's performance buoyed Donald E. Powell, the agency's chairman and the hearing's main witness. Overhauling the deposit insurance system has been the FDIC's main legislative priority since August 2000.

"Mr. Powell also used the largely complimentary hearing to ask lawmakers to pass a series of changes to the way the FDIC manages its employees.

"He said his proposal, which he will send to Congress in the next four weeks, would allow the agency to rely more heavily on merit pay and give it more flexibility to retain employees based on job performance, rather than seniority, if it undertakes another round of layoffs.

"Speaking with reporters after the hearing, Mr. Powell said he realized the need for increased employment flexibility at the FDIC after a round of layoffs forced the agency to lay off less-experienced but talented workers while retaining less effective employees."

### **Negotiations on Weekend Travel**

On February 19 and 20, NTEU representatives met with FDIC management to continue negotiations on the FDIC's proposal to begin treating certain employee return trips home on the weekend as taxable "personal travel." No agreement was reached.

Management insists that return travel to the employee's home constitutes a taxable benefit despite, as NTEU pointed out, no other agency seems to treat weekend travel that way. To which management responded " ... the fact that other agencies may be doing it wrong does not excuse the FDIC from its obligations under the tax laws to properly withhold taxes from income, once they become aware that such reimbursement should be treated as income." Management also asserts that this change may only affect 10 to 20 percent of weekend trips.

President Colleen Kelley, in a message to FDIC Chapter Presidents, stated "Although NTEU does not accept the FDIC's position or explanation, we have acknowledged that we cannot win this battle at the bargaining table - the FDIC is unyielding in its position, and even if we took this issue to impasse, the Federal Service Impasses Panel would refuse to take sides on this tax law issue. NTEU therefore continues to seek the appropriate legal forum in which we might contest the FDIC's position on this issue, and at this point we have continued to leave all our options open to pursue such a legal challenge.

"In the meantime, our strategy at the bargaining table has been to try to eliminate any impact on employees, by providing a valid "business reason" for employee trips

whenever possible, and to get the FDIC to cover all costs to the employee from treating the remaining weekend trips for "personal reasons" as taxable income. NTEU has asserted that if an employee spends more than an hour or two in the office on Friday performing any type of legitimate agency work, which could include exam-related work or administrative functions, that this is sufficient to establish a business reason for the return travel. We are fighting to have this recognized in the policy and to establish guidelines so that this is clearly recognized and permitted by supervisors."

The message continues to discuss the 10 to 20 percent issue, that this change would only affect 10 to 20 percent of weekend travel. And President Kelly made a request Chapter presidents to collect statistics from the bargaining unit on travel, and concluded with the following sentiment "In the meantime, please reassure your members that NTEU has not agreed to anything on this issue with FDIC management, and that we will continue to fight to ensure that, bottom line, employees are not adversely affected by any of this."

### **URGENT: New Performance Criteria**

NTEU has learned that employees are being given new performance criteria. We need feedback on this issue. Unofficial documents are being given to employees that list new requirements that managers are using to evaluate performance. These documents do not have the FDIC form number at the bottom and include a list of criteria that managers will use to assess you in support of your performance evaluation. Many are calling them new performance measures or new performance standards. Please let us know immediately if you have received this type of form, how it was presented, when it was presented and what was said during this exchange. This is very important and can affect every employee and their job security with the FDIC. If you have received one of these documents or have had this issue discussed with you, please contact NTEU through the [Chapter Mailbox](#).

### **Health & Safety in 801 & H Street**

In a recent memorandum to all DOF Employees, Director Fred S. Selby encourages employees to complete the Epidemiological Study.

"As a reminder, in response to employee concerns about the work environment in the 801 17th Street and 1717 H Street buildings, FDIC is conducting an epidemiological study headed by Dr. Christopher Holland of the U.S. Public Health Service. The epidemiological study is a two-part survey that has been distributed to all current 801 and 1717 H street building occupants, as well as former building occupants that are still currently employed by FDIC, but work in different locations. To date, more than 800 surveys were sent to current employees; however, only 208 have been completed and sent to Dr. Holland. In order for the results of the epidemiological study to be meaningful, more surveys need to be completed and mailed to Dr. Holland. As a result, if you worked at either of the two buildings at any time during your FDIC career, I urge you to complete the attached epidemiological survey and mail it to Dr. Holland at the address listed below by March 5th; even if you have no concerns."

NTEU seconds Mr. Selby's sentiments. Please consider completing the study if you have worked in either building. Copies may be obtained from Brian Yellin, (202) 942-3153. Complete studies should be mailed to Christopher Holland, MD, MPH c/o Federal Occupational Health, U.S. PHS, 4350 East - West Highway, 3rd Floor, Bethesda, MD 20814.

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## Did you Know...

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*You are entitled to a Position Description that accurately reflects the regular and recurring duties you perform.*

### **Article 43, Position Classification**

The two most important protections in Article 43 of the Negotiated Agreement are your right to an accurate position description. Your PD must reflect the duties you are actually assigned. In this day of standardized PDs, sometimes this can be a stretch. However, this doesn't negate your right to an accurate PD. The burden for determining whether your PD is accurate is shared by you and your supervisor. If you feel that your PD is not accurate, you should discuss this with your supervisor and request appropriate.

The second protection is your right to have changes to your position description negotiated with union. It is management's right to assign work, which means that management may change your duty assignment's without negotiating to a point. When those changes become substantive, particularly if they involve changes that may be grade or series determining, management must negotiate with the union over what is called impact and implementation. Management can still make those changes, but the union negotiates to mitigate the impact those changes may have on you.

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If you would like to see a specific topic addressed in this column, send your suggestions to the [Chapter Mailbox](#).

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### **Deadline for CSA Grievances is March 26!**

If you are interested in filing a CSA Grievance, please send an E-mail as soon as possible to the Chapter Mailbox.

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NTEU is here to support you!      Contact us [NTEU 207 HQ](#)