

[http://www](http://www.napfe.org)

NAPFE Newsletter

November 2015
Vol. 7 - Issue 11



National Alliance of Postal and Federal Employees – 1640 11th St. NW – Washington, DC 20001-5008
Ph.: (202) 939-6325 – Fax: (202) 939-6372 – Email: headquarters@napfe.org – Web: www.napfe.com



Wilbur L. Duncan, National President



HAPPY THANKSGIVING From The Officers, Staff, and Employees

This is the holiday when families gather together and give thanks for family and all the good things that have happen during the past year. You'll feast and watch football, unless of course you work in the Post Office. The U. S. Postal Service is open 24/7 in order to get the mail out for distribution on Friday. Black Friday! And, now we have Blue Monday. That is when everyone goes on line to order all that good stuff for Christmas.

By now every member of the NAPFE Credit Union that has a Christmas Club account has received their check to go out and purchase their gifts. Are you a member of the credit union? The next check to go out will be from the Vacation Club. You can start now to make your plans for your vacation in 2016. Your Christmas Club will begin automatically if you

are already a member, if not, it isn't too late to open a Christmas Club account. You have until December 31, 2015.

As NAPFE member, I urge you to take advantage of your credit union products. And urge your spouse to join, too.

While you're eating that Thanksgiving dinner, tune in to NAPFE Internet Radio Show. Warren Powell is your host - Janice Robinson and Gale Thames are co-hosts. For the past few months we have had a young fellow on to provide us Black history or interesting history of people some of us have heard of some of us have not. Besides learning about Postal and Federal news, you may hear from Teddy the Taxman and Dr. Lerla G. Joseph, talks about current topics in medicine.

NAPFE
All



Thanks
Our

Veterans and Active Military for Their Service

To Our Country.

From the Desk of the 1st Vice President

Janice F. Robinson

It is my duty to constantly remind our officers and members that recruiting is an important responsibility for the entire NAPFE family. It's not just one person's responsibility to continue to make sure the great legacy of the men that started the NAPFE at the foot of Lookout Mountain is shared, it's all our responsibility. We took on this challenge when we signed our 1187's, and federal applications. Be very mindful, if today's society is willing to challenge our president, then what makes us think we, as small taxpaying Americans, think we are exempt.

We must inform our family, friends and co-workers that NAPFE is here to make sure you are fairly represented in whatever statutory arena you elect to appeal the charges lodged against you by your employers. If you are not sure where your complaint should be appealed, contact your local, district or national Alliance officers for guidance.

If you have been passed over by your employer on a promotion and you feel/or you know you were best qualified, you should know that you can appeal your employers' decision. Don't sit back and accept an employer's decision.

If you have family/friends who work in the postal or federal services and are in need of job-related advice, mention the NAPFE to them. You need not be afraid to talk about us to anyone. We deal with retaliation, too.

I want to thank the Locals that that did a splendid job of recruiting during the month of September. They are: Local 305, Atlanta, Ga; Local 316, Fayetteville NC; Local 405, Jackson, MS; Local 510, Pittsburgh, PA. Our thanks to all of you, keep up the good work. To the rest of the Locals, take note, you only have to ask. Recruiting is the lifeline of any organization!

The National Alliance is not only for the craft employee, we also have a management division. Even as a supervisor or manager you, too, can also be passed over, or be told that once you become a supervisor or manager you are at the mercy of your superiors. If you are being made to work any and all hours, you can make a complaint. The other side to this scenario is - if that is not the job you applied for and your manager is placing you on any tour, working outside of your original assignment, this is called an "involuntary assignment" by the USPS. Then you may appeal the action. If this is the case with you, please contact headquarters ASAP! 202-939-6325 ext. 246, 247, or 248.

Not only can USPS employees belong to the NAPFE, but any federal employee can also join. For more information again, call our office 202-939-6325 ext. 246, 247, or 248.

We stand willing and ready to represent you.

**We are the union that cares
about every member.**

Janice F. Robinson
1st National Vice President
(202) 939-6325 -- Ext. 247/248

Early-Out Retirement Offers for Federal and Postal Employees

“Voluntary Early Retirement Authority (VERA) allows agencies that are undergoing substantial restructuring, reshaping, downsizing, transfer of function, or reorganization to temporarily lower the age and service requirements in order to increase the number of employees who are eligible for retirement.” Should an agency receive permission from OPM to proceed with the downsizing, it may do so within the parameters set by OPM.

(Continued on Page 5)

From the Desk of the Second Vice President

How Would You Decide

What is the remedy for discriminatory termination during probation?

Schedule A hiring under 5 CFR (code of federal regulations) 213.3102 (u) is designed to place qualified individuals with severe disabilities in federal positions on an expedited basis. Ideally, this is a win-win situation where an individual gets a job and an agency is able to quickly onboard a qualified employee. Increasing its workforce diversity is an additional plus for the agency.

A Schedule A hire is entitled to reasonable accommodation and typically serves a probationary period. But what happens when a supervisor refuses to provide reasonable accommodation for a Schedule A hire and unlimitedly terminates him for substandard performance? A recent Equal Employment Opportunity Commission decision addresses the proper remedy for this violation of the Rehabilitation Act.

Consider this scenario: The complainant, an individual with diabetes, was hired as clerk with the Postal Service under Schedule A. His application included all the medical documentation necessary to qualify him for placement under Schedule A as a person with a serious disability. The application also included a request for the accommodations of an ergonomic chair, an ergonomic keyboard, voice recognition software, and a flexible schedule that would allow him to eat and monitor his diabetes as needed. The requested accommodations were never provided.

The complainant subsequently requested other accommodations, including a training plan and a transfer to a different tour where the supervisor agreed to ensure that he was properly trained for his position. His requests were denied, and his

supervisor decided to terminate him based on his failure to progress before his probationary period ended.

An administrative judge found the complainant was subjected to discrimination, concluding in part that the supervisor failed to engage in the interactive process as required by the Rehabilitation Act. The AJ noted the hostility of the complainant's first – and second-level supervisors, including their disbelief that his diabetes was a disabling condition.

As a remedy, the AJ ordered the agency to provide the complainant with back pay, \$120,152 in compensatory damages, and attorney's fees. The agency adopted the AJ's findings and remedies.

However, the complainant appealed, arguing that he was also entitled to front pay or reinstatement.

Is the complainant entitled to an additional remedy?

- A. Yes. He is entitled to front pay because the supervisor's hostility prevents him from returning to work at the agency.
- B. No. The complainant is not entitled to additional relief because he was a probationary employee when terminated, and there is no way to judge if he would have been successful.
- C. Yes. He is entitled to reinstatement with a different supervisor and a continued probationary period.
- D. No. He was terminated based on his inability to do his job, so he is not entitled to front pay or reinstatement.

How did the EEOC rule?

If you chose C, you agree with EEOC's decision. Although the complaint's supervisor was found to be hostile, the EEOC determined this was not a bar to the complainant's reinstatement because there was a different supervisor willing to help him be successful.

(Continued of Page 5)

ANSWERS FROM TEDDY THE TAX MAN

Q: I received an IRS letter that said I omitted a W2 from my 2013 tax return, and that I now owe them some money. I did find that W2 after I received the letter. Should I amend my return at this point?

A: If, on the original return, you itemized, AND if you had state taxes withheld from the omitted W2, consider amending the return and deducting the state taxes. Moreover, if you have some other deductions that you omitted on the original return, now is the time to write them off. If you did NOT itemize on your original return, the IRS' calculation is probably right.

Q: I know that under normal circumstances, credit card interest is not tax deductible, but I use my credit cards in my small business. Doesn't that change things?

A: Yes it does. That interest is tax deductible because you incurred it while using it for business. I recommend not using the card for

any personal items at all. The reason is because it becomes difficult to separate the personal interest from the interest incurred under business use.

Q: One of the beneficiaries on my TSP has fallen out of favor with me. That's probably the best and most diplomatic way to put it. Anyway, how do I remove him as a beneficiary?

A: Contact your HR department. It's normally not a long drawn-out procedure at all. While you're at it, check the beneficiaries on your life insurance and other retirements as well. And if any of them have gotten on your bad side, well, you know what to do.

Teddy Prioleau is a registered representative, Enrolled Agent and the founder of Hunt Valley Retirements, LLC. You can reach him at 410 931-2004 or send an email to teddy@hvretirements.com. You can obtain additional information at www.hvretirements.com.

Early Out Retirement News for 2016

Interested:

1. Meet the minimum age and service requirements –
 - At least age 50 with at least 20 years creditable Federal service, or
 - Any age with at least 25 years creditable Federal service;
2. Have served in a position covered by the OPM authorization for the minimum time specified by OPM (usually 30 days prior to the date of the agency request);
3. Serve in a position covered by the agency's VERA plan; and
4. Separate by the close of the early-out period.

Voluntary Early Retirement Authority (VERA)

(More on Page 5)

Second Vice President (Continued from Page 3)

A is incorrect because front pay is only available under limited circumstances where the complainant is able to work, but reinstatement is not possible.

B is incorrect because the complainant's probationary status could be included in his reinstatement, properly placing him in the same position he would have occupied in the absence of discrimination.

D is incorrect because the complainant was not provided with reasonable accommodation as required by law, so his ability to succeed was not accurately determined.

How did you do? We will give these quizzes each month, because these situations do arise in the workplace, either to you or one of your co-workers.

If you have questions about probationary employees (PSE's and CCA's or MHA's), contact my office.

Gale E. Thames
National 2nd Vice President
(202) 939-6381
Email: gthames@napfe.org

Early Retirement (Continued from Page 3)

Early out retirement offers apply to employees covered under both the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS). An employee who meets the general requirements may be eligible to retire early.

[\(SEE REQUIREMENTS ON PAGE 4\)](#)

If you are considering early retirement, you must consult with your human resources office and follow agency procedures to receive an annuity estimate and obtain advice on your individual case. CFRS and FERS Annuities are

Early Retirement (continued)

offered here.

CSRS Annuity Information

- Commencing date of annuity – If the employee retires on the 1st, 2nd, or 3rd day of a month, annuity begins the following day. Otherwise, annuity begins the first day of the month following retirement.
- Calculation of annuity – Annuity is calculated based on the average high-3 salary and years and months of creditable service. Unused sick leave can be used for additional service credit. If the employee is under age 55, this calculation is reduced by one-sixth of one percent for each full month he/she is under age 55 (i.e. 2% per year).

FERS Annuity Information

- Commencing date of annuity – Annuity begins the first day of the month following retirement.
- Calculation of annuity – FERS Basic Annuity is calculated based on the average high-3 salary and years and months of service of creditable service. Under FERS, unused sick leave can not be used for additional service credit, unless the employee is a FERS transferee with a CSRS component. A FERS transferee with a CSRS component receives credit for unused sick leave; the amount of credit will be the lesser of:
 - The employee's sick leave balance as of the date of transfer to FERS;
 - or
 - The employee's sick leave balance as of the date of retirement.

HR will be able to provide you with more information. Ex: (Health benefits, must have been under FEHB program for the last 5 years immediately prior to request for retirement.) There are exceptions.