

NTEU & NCUA Responses to OSCUI

Frequently Asked Questions

October 2011

- 1. When we are unable to take part in NCUA furnished meal (i.e., when there is one person conducting training at a clinic, workshop, roundtable; or short staffed at a training; etc.), will we be expected to deduct M&IE allowance? Are there guidelines in place for such instance? If so, where can we find the guidelines?**

Yes per section 32 article 14 of the CBA: [“Section 32 – Meals provided during TDY](#)

When meals are furnished and/or paid for by the Agency as a part of conference fees, tuition, or training without charge to the employee, the employee will deduct the amount of the meal from the travel voucher pursuant to the current GSA M&IE Breakdown for the TDY.” (<http://www.gsa.gov/portal/content/101518>)

Per Article 11, section 9 “Employees must take a lunch break that is not less than 30 minutes when working eight (8) or more hours in a day.”

Therefore, if you are working at least 8 hours on the day of the provided training you must be given a lunch break and if the agency is providing lunch the break time should be during the time the lunch is available. Per section 301-11.18(c) of the Federal travel Regulations: “In your agency’s discretion, and in accordance with administrative procedures prescribed by your agency, you may also claim the full M&IE allowance if you were unable to take part in a Government-furnished meal due to the conduct of official business.”

While it is not written it would be common sense that if you are not given your required lunch break while the provided lunch is available but before or after this time that you would not need to deduct for the provided lunch.

Note: CBA Article 14, Section 1 states the FTR will cover any matter not addressed in the Article.

- 2. There may be a time when a NCUA furnished meals could be box lunches (i.e., sandwich, chips, and drink). In this instance, will we be required to deduct \$18, which is the maximum lunch M&IE allowance, for a meal that cost less than \$10?**

While it would seem reasonable that the agency would only require you to deduct the cost of the meal, the letter of the CBA would require you to deduct more if the table at gas.gov says so. Hopefully the agency will operate sensibly and not require you to deduct more than the cost of the meal.

Note: CBA Article 14, Section 32 requires the employee to deduct the amount of the meal pursuant to the current GSA M&IE breakdown. If the agency determines a different amount to be deducted this would be addressed.

- 3. If my regularly scheduled tour of duty is Monday through Saturday and we are required to travel on Sunday during regular working hours, are we entitled to earn TCT for travel?**

Yes. See section 15.A.3 of Article 11 for more info.

Note: For employees covered by FLSA (CU-9 and below), the travel time on Sunday within the 6:00 am – 10 pm time band is compensable as OT or, at the employee's request, Comp time (no commute offset). See Article 11, Section 14(B)(4)

- 4. When we have to travel on Sunday, does all our time (including commute time to the airport which is less than 40 miles) count as travel compensatory time (TCT)?**

No, you must first deduct your commute time.

Note: For employees covered by FLSA (CU-9 and below), the travel time on Sunday within the 6:00 am – 10 pm time band is compensable as OT or, at the request of the employee, Comp time (no commute offset). See Article 11, Section 14(B)(4)

- 5. When we have to travel on Sunday and leave our residences at 5:00 am, is the commute time (which is less than 40 miles) to the airport TCT?**

No, you must first deduct commute time. TCT would begin upon arrival at the airport up to two hours prior to scheduled departure.

Note: For employees covered by FLSA (CU-9 and below), the travel time on Sunday within the 6:00 am – 10 pm time band is compensable as OT or, at the request of the employee, Comp time (no commute offset). See Article 11, Section 14(B)(4).

- 6. When we have to travel before 6:00 am on a regular workday, is the commute time to the airport or credit union TCT?**

No, you must first deduct commute time. After the first 40 miles (which is the commute), any travel time prior to 6:00 am is TCT.

- 7. Currently, we are charging up to \$30 for broadband cost; however, some of us are paying more than the \$30. What is the current amount we may request for broadband at my home? Someone thought he/she recently saw we could request up to \$45. If so, does this increase apply to the EDS staff?**

Field staff is limited to \$30 reimbursement for home broadband if they are using the ATT Tethering and \$25 reimbursement if they are using Verizon. If field staff have the hotspot they are not entitled to reimbursement for home broadband. Remote duty teleworking employees are reimbursed for up to \$50 per month for communications devices (which would include phone and broadband).

- 8. We have requested training on our individual development plans (IDPs), but we do not always get to take our training due to workload. Is training optional due to workload? What are the rules involving cancelled training due to workload?**

Workload is a management right and they solely determine what we do. Training is not a right and if you are not able to attend training due to workload you should work with your supervisor to try to get it rescheduled where possible.

- 9. In the past, we have requested training on our IDPs, which we have had to present at the training/conference requested on our IDPs. Should we be required or expected to present/train at training classes approved on our IDPs?**

Normally, when you attend training it should be for your individual development. We understand that occasionally you may be called upon to be one of the speakers at a training class you are attending. If this is the case the time you are presenting should not count towards your training time (generally 80 hours per person per year).

- 10. We are requested to put 40 hours on our IDPs for the regional conference; however, the regional conference is only 32 hours. The additional 8 hours allocated for the regional conference would not allow us to take another training class. Therefore, we are wondering what the CBA states about the 80 hours of annual training. What are the rules about receiving our 80 hours of training each year?**

Assuming the national conference is 32 hours long, then 32 hours is all the time that should be included in the IDP. The training time on the IDP is exclusive of travel time.

- 11. There will be times when we choose not to stay overnight in our temporary duty station (TDY) and wish to travel back to our residences (one-time or daily) when we perform contacts greater than 40 miles from our residences. For example, the credit union is > 40 miles from our residences. When we choose to do so, can we charge travel time on days other than the first and last days?**

Yes, subject to completion of a cost comparison that supports your ability to charge costs up to what it would cost of staying in the TDY. The cost comparison shows the costs of staying in the TDY versus the cost of traveling home each night upon completion of daily assigned work as planned and expected. The cost comparison may include e charged travel time after deducting for commute time. The amount of travel time that can be claimed is in arbitration. Once this decision is known NTEU will let members know the results. NTEU claims that you do not need to deduct commute time, while NCUA claims you need to deduct commute time for any round trip home between the first and last day of any TDY travel assignment.

- 12. Our alternate work schedules (AWSs) are maxiflex. Our band of hours is 6:00 am – 10:00 pm as well as a 12-hour workday limitation. For example, during the 1st week of the pay period, we are in training, which includes ½ day training on Friday. We plan to travel from**

our temporary duty station airport at 1:00 pm (Friday afternoon) and arriving home at 12:30 am (Saturday morning).

- Does the 12-hour limitation include all hours (including travel hours) or does it exclude travel hours? .

Travel is part of your 12 hour workday. In the above case any time over the 12 hour limit would be TCT. In addition, you are not required to work/travel over 12 hours in a day so if the travel extends the day, you could request an additional night of lodging and travel home on Saturday.

13. There seems to be some confusion about the Conditions of Compensable Travel Time (Article 11; Section 14 (C)) of the CBA. Could you explain how the following statements apply to Sunday travel to an airport?

- It states commuting time (as defined in this Article) must be deducted from compensable travel time (C;2).
- It states normal commute time must be deducted from time spent to an airport or other transportation terminal, excluding Section B(4) above (C;6).

Article 11 section 14 is not for TCT but for regular 'compensable' travel time. Section 15 is for TCT. Section 15 requires you to deduct commute time to and from your home to the terminal or for the first 40 miles of driving time. The point here is that you have to deduct commute time when driving to the airport. Commute time is neither compensable as hours of work nor credited for the earning TCT.

Note: The exception to this rule is for employees covered by FLSA (CU-9 and below), which states that the travel time on Sunday to the airport is compensable as OT (or Comp time at the employees request). See Article 11, Section 14(B)(4).

14. Is there a maximum regular compensatory time we can earn before it turns into premium (paid) compensatory time? If so, how is it calculated?

Yes the maximum would be 12 hours in a day. As a maxiflex field employee you are limited to working 12 hours in a day. So once, you reach 12 hours worked from 6 am to 10 pm and you are in travel status at the time you go over 12 hours you would earn TCT. For instance if you started your day at 8 am working in a CU until 2:30 pm with a ½ hour lunch and then started traveling with ½ hour to reach the terminal you would go on TCT at 9pm if you had not reached your home (all times based on the time zone of where you started your work day).

15. We know regular compensatory time and TCT have to be used within 26 pay periods after it is earned and credit hours \leq 24 hours has no expiration. If we have earned regular compensatory time and TCT, are we required to use compensatory time before using annual leave?

No, you determine which leave you wish to use.

16. There will be times when we may choose to travel to locations other than our residences while in an official travel status. What is the process for

- **SE notification -**

- i. **Is the itinerary in Outlook sufficient notice?** There is no requirement to get SE approval. See section 10 of article 14.

- ii. **Assuming, we complete an appropriate cost comparison analysis if/as required. Is SE approval required for 'detours' either before or after official travel?**

- 1. **For example, if the traveler is working in a rural area in Pennsylvania and wants to visit with family over the weekend before returning to his/her residence on Sunday, does the traveler need to receive prior approval from the SE?** No prior SE approval is required for indirect routes but TCT would be earned for the travel time as it occurs on Sunday.

- 2. **Another example, if the travel requires airfare (i.e. the traveler is working in Florida and wants to spend the weekend at Disney World), does the traveler need prior SE approval?** No SE approval is required for indirect travel. However, reimbursement is limited to that allowed in the cost comparison and cannot exceed the cost of the direct route.

- **cost comparison (including supporting documents for airfare, POV mileage, travel time, hourly compensation, etc.) –**

- i. **Is the travelers' hourly compensation appropriate in the cost comparison analysis, when an indirect route for personal reasons results in less travel hours (i.e. stay over a weekend vs. return to residence)?**

Yes.

- **could we charge compensable time for retuning rental car, and**

Yes, your travel time begins when you reach the rental car facility at the airport if you had not yet traveled 40 miles.

- **could we charge personal trips to our official issued travel card?** Yes, article 14 section 18 F states: “Personal trips that are reimbursed via a cost comparison schedule in accordance with Section 6 of this Article may be charged on the official Agency issued travel charge card.”

17. What is the process for submitting travel vouchers? Can we submit more than one a month? Do we need to submit our travel vouchers at month end or anytime during the month? If once a month submission is sufficient and we are asked to submit another travel voucher at the first of the month, do we need to comply or what?

Yes you can submit more than one voucher a month per section 2 of article 14 which states: “Employees must submit travel vouchers once each calendar month to their supervisors and in compliance with the provisions contained in this Article except when OCFO designates an earlier submission deadline (normally for September and December) to meet agency audit requirements. Employees who incur \$1,500.00 or more in expenses may submit travel vouchers as often as they deem necessary and supervisors will promptly process the vouchers.”

You can submit your voucher at anytime during the month.

You need to comply with a lawful order from your supervisor. However, your supervisor should not be requesting a voucher more than once per month from employees and should not specify any particular date during the month.

18. When submitting travel vouchers to our SE, do we attach cost comparisons, rental car approval requests, exceeded lodging per diem approval requests, etc.?

You must send your cost comparison to your SE when you submit a voucher containing a cost comparison. As for rental car and **lodging waiver** requests these do not need to be sent to the supervisor when you were preapproved for these items as the supervisor has that approval. However, the traveler should maintain these approvals for their records in case they are asked for them when an audit of their voucher is done. **Note: Also can notate in the comment section of the voucher re: approval.**

19. Can we claim mileage reimbursement and or compensable time for returning to the airport for delayed baggage, to FedEx for mailing packages and making copies for training, to office supplies stores for purchasing supplies, etc.? Yes.

20. What is the process for recording lodging with friends and family? You can claim \$25 per night to stay with family or a friend as long as the cost of staying with them is no more than staying in the TDY. For instance if it is 50 miles roundtrip to your family members home at 50 cents per mile your total cost of staying there would be \$50 (\$25 for lodging and \$25 miles for mileage). As long as the hotel rate is more than \$50 you can stay with family. In the Comments section of the travel voucher for each lodging night you would include something to the effect of "staying with family, \$25 W2." The W2 is to alert OCFO that this is a taxable reimbursement. Note: Article 14, Section 30 addresses non-commercial lodging. Regarding the process, OCFO has issued two memos that are located on SharePoint (CO/OCFO/Travel/Travel Document Library/Travel Policy-Misc. Policies). The memos were issued February 10, 2008 and June 30, 2009.

21. Since the major shutdown in DC (2010), there have been some concerns about how NTEU was going to address severe weather conditions not only in the DC area but also in other parts of the United States. Instead of a catch all by duty stations, consideration should be given to where we are working or live when inclement weather occurs. Is there still "discrimination" by the agency on this subject?

Not sure what you mean by discrimination. The parties signed a Memorandum of Understanding on the issue of administrative leave due to agency closing that can be found under "Agreements" at nteuchapter303.org. Hopefully this answers your questions.

22. Are our time reports due by 10:00 pm on the last day of the pay period (Saturday)? If so, does this mean by 10:00 pm at the location/time zone where we are working? Yes

23. During the 1st week of the pay period, are our time reports due by 10:00 pm on the 1st Saturday of the pay period? Yes, by 10pm each Saturday.

24. There will be times when we cannot take our office hours during the current week, which would cause us to have a surplus at the end of the month or year-end. What is the process for getting prior SE approval for taking more than 3 hours office hours during one week? If SE does not approve the additional office hours and we continue to bank office hours, do we lose our office hours? Could you share reasons why SEs would not approve additional office hours per week?

Section 2 BB of Article 11 of the CBA states: ". Office time, as defined by this NCUA Instruction, may be carried over for up to one month, but employees may use up to 3 hours of such carried over time in any given week (apart from the number of weekly hours budgeted) unless additional office time is authorized to be used by the supervisor. Office time does not carry over from calendar year to calendar year." SEs "approval" is not required to use 3 hours current and 3 hours carryover from the prior month in any week. SEs should fairly administer the above provisions and if you feel they have not treated you fairly you have the right to file a grievance.

- 25. We are in the process of updating/revising our current EDS manual. Do changes to the EDS manual need to be reviewed not only by Management but also by NTEU before implementation?** If there were any changes to working conditions, then yes, the implementation of the manual would need to be negotiated between NTEU and NCUA. The manual should not cover areas addressed in the CBA. The CBA is the controlling document.
- 26. Could you explain how negative locality adjustments impact our pay? For example, the Detroit area shows a negative number for 2011. Does this translate to a cut in pay for employees in the area for the rest of the year?** Locality rates will not change in 2012. The Detroit locality calculation for 2011 was 23.25% or a (-3.44%) decline from the 2010 locality rate. However, the CBA provided for a maximum 3% up or down adjustment. This resulted in a downward adjusted cap rate of 23.69% for a 3% decrease in the applied locality rate for 2011 compared to 2010. The actual current rate of 23.69% will continue to be the Detroit locality rate for 2012.
- 27. Could you summarize how the new CBA would impact our pay – in particular raises and whether we would be subject to the freeze?** Please plan to listen to one of the CBA training webinars that will be held on November 16 from 9 am to noon or on November 17 from 1:30 to 4:30pm.