

How to Resolve 3 Different Pay Problems

See also the Flow Chart on Page 2

1. Pay Lane, Step, Recon, anything related to pay other than debt collections. DoDDS owes you interest on any pay that is more than 30 days late. The only way you are ever going to get that interest or any TSP Lost Earnings is to file and elevate a Pay Grievance. File a Pay Inquiry first. If that does not work, do not hesitate to file a grievance. It will get others at DoDDS and DoDEA HQ involved to more rapidly work your problem.
2. You receive a Debt Letter. Do not be intimidated into paying money you do not owe. The FEA Form invokes all the rights they conveniently fail to tell you about. Those rights are substantial. More than 90 percent of these alleged debts are invalid in some way. Even if you know you owe money, the question is always how much. It is DoDDS' burden to prove the debt, not yours to disprove. After invoking your rights, do not worry. If you do, they win. If they illegally take your money, FEA will get it back one day with interest. Try to see it as a forced savings plan until we do. SEND A NEW FEA FORM in response to any subsequent debt letters no matter what they say. DO NOT USE ANY OF THEIR FORMS which could buy you into their bogus procedures WHERE YOU HAVE NO CHANCE. Then send copies to me. If you are satisfied you owe the money, pay by payroll deduction with the form accompanying the debt letter. Do not pay by check. They will cash your check and collect from your LES too.
3. Watch your LES's for negative "retroactive earnings" positive "deductions" and "Remarks" about debt collections. You may never receive any other notice or debt letter. If they collect, follow the flow chart.

I cannot offer any opinions on the validity of your "debt" without the "full audit" records I will eventually win in an arbitration..

LET ME KNOW IF YOU CHANGE EMAIL ADDRESS. Please be prepared for a very long wait. DoDDS' game plan is simple: willfully disregard the law and drag this out as long as possible. They are making us arbitrate each case and then filing bogus appeals. The wheels of justice grind very slowly, especially when that is one party's sole motive. FEA will win everything you deserve one day. You will continue to earn interest until we do.

Final words of advice: **1. KEEP COPIES OF EVERYTHING...THE STATUTE OF LIMITATIONS FOR DEBT COLLECTIONS HAS BEEN REPEALED. 2. FILE AND ELEVATE A GOODBYE GRIEVANCE (P 7 and 6) BEFORE YOUR LAST DUTY DAY IF YOU ARE RETIRING, SEPARATING, OR TRANSFERRING TO DDESS OR THE MED.**

How to Resolve 3 Different Pay Problems

<p>#1 You discover a pay problem (e.g. Lane Step, Recon, etc)</p> <p>File a Pay Inquiry through your School Secretary Wait 2 weeks, one LES period, to see if problem is resolved; if not file a Pay Grievance and elevate as described below (P 3,6)</p>	<p>#2 You receive a Debt Collection Letter</p> <p>Mail the FEA Form letter to invoke your Debt Collection Rights with DFAS and your DoDDS CSR. Send this Certified, return receipt requested. Mail a new FEA Form in response to any subsequent debt letters no matter what they say. Do not use any of their forms. They could buy you into their bogus procedures where you have NO CHANCE (P4)</p>	<p>#3 You have money taken from your LES without prior notice</p>
---	--	---

Money is taken from your LES. File a Violation of Debt Collection Act Grievance with your Principal. (P 5) PLEASE wait to the end and then send everything to FEA

Wait for your principal's response, and then immediately give your principal the "Grievance Elevation Memo." (If you do not receive a principal's response, then give your principal the elevation memo on the 8th day after filing your grievance.) (P6)

Then, email or mail a copy of the grievance, your principal's response, the elevation memo and any supporting data, e.g. debt letters, responses, emails, recons and receipts, LES's where money is taken, to me. FEA will handle the rest, but be prepared for a long wait (up to several years, if FEA must litigate this pay concern. You will get paid all you are owed with interest. Let me know if you move)

Bill Freeman,
Bfreeman@nea.org, 3202 Waverly
Road, Pawleys Island, SC 29585

PAY GRIEVANCE

DATE:

TO: Principal:

SUBJECT: Employee Grievance Initiated Under the FEA/DoDDS Negotiated Agreement

Paragraph 1: This grievance is being submitted under step 2 of the grievance procedure.

Paragraph 2: Grievant's name:

Grievant's duty location: _____

Grievant's work phone: _____

Grievant's home phone: _____

Grievant's Social Security Number _____

Paragraph 3: I have been experiencing the following PAY problem(s):

- a) Nonpayment and/or incorrect LQA.
- b) Nonpayment and/or incorrect TQSA.
- c) Deductions were incorrect
- d) I did not receive my Leave and Earnings Statement for pay period ending _____.
- e) I was not paid on the correct step for the pay period ending _____ .
- f) My pay was not deposited into my authorized account.
- g) My pay was incorrectly figured.
- h) My leave was not properly recorded. Enclosed is a copy of my LES with corrections noted.
- i) Non-receipt of travel claim which was submitted to the Finance office on _____.
- j) I am not on the correct pay lane.
- k) Other: _____

Paragraph 4: The relief sought from DoDDS is as follows:

- a) correction of the above errors;
- b) interest on all back pay and attorneys' fees in accordance with the Back Pay Act;
- c) any other and further relief deemed appropriate to make me whole.

Paragraph 5: Grievant's Association Representative:

Paragraph 6: Documents attached that help explain the problem.

Signature of Grievant or Association Representative

FEA Form Invoking Rights

Date: _____

To: ADDRESS LISTED ON DFAS LETTER:

Via Certified US Mail-RRR

From: _____
_____ School

Subject: Alleged Overpayment, Invocation of All Rights

Reference: Letter from DFAS Dated

I have received the above letter stating that I was overpaid \$ _____ for the period _____ through _____. The letter further stated that I need to repay this sum immediately or have \$ _____ taken from my paycheck starting _____.

I hereby invoke the Debt Collection Act (5 U.S.C. 5514), the Back Pay Act (5 U.S.C. 5596) and Article 45 of our Collective Bargaining Agreement, and request the following:

1. A copy of all "full audit" records relating to this alleged "debt"~including but not limited to any memoranda from DoDDS relied upon by DFAS in calculating this "debt."
2. An full "explanation" accompanying all "full audit" records from the civilian payroll office (DFAS) - after receipt of which I will exercise my right to submit a written statement and an administrative review.
3. A "waiver" of any amount I may have been "overpaid." Please consider this letter with attachments as my request for a waiver. I never received any explanations for these payments. If there has been an "overpayment," it was an administrative error, and I had no way of knowing about it.
4. An oral hearing at my work site on the validity of this alleged "debt" in accordance with Article 45 of the Collective Bargaining Agreement.
5. A "suspension" or stay of all collection proceedings, including the accrual of interest, pending my records request, waiver request, explanation request, submission of written statement, hearing request, and outcome of any administrative reviews and hearings.

Thank you,

cc: _____
Customer Service Representative
District Office

4

Violation of Debt Collection Act Grievance

DATE:

TO: (Principal's name)

SUBJECT: Employee Grievance Initiated Under the FEA/DoDDS Negotiated Agreement.

PARAGRAPH 1: This grievance is being submitted under STEP 2 of the grievance process.

PARAGRAPH 2: Grievant's name:
Duty Location:
Work Phone:
Home Phone:
SSN:
Address:

PARAGRAPH 3: My pay has been deducted in violation of the procedures provided for in the Debt Collection Act as well as other laws, rules, regulations and the CBA.

PARAGRAPH 4: Relief sought:

Back pay plus interest; Attorneys' fees plus costs; Any other relief deemed appropriate just and fair

PARAGRAPH 5: FRS's
Name:
Duty Phone:
Home Phone:
Address:

PARAGRAPH 6: Copies of LES's and correspondence on this matter attached.

Signature of Grievant or Authorized Representative

Request to Elevate to Step 3

TO: Principal
FROM: Teacher_
DATE:
RE: grievance filed

Please elevate my grievance to Step 3 as I did not receive the relief sought.

(signature of grievant)

6

Goodbye Grievance

DATE:

TO:

Principal

SUBJECT:

Employee Grievance Initiated Under the FEA/DoDDS Negotiated Agreement.

PARAGRAPH 1:

This grievance is being submitted under STEP 2 of the grievance process.

PARAGRAPH 2:

**Grievant's name:
Duty Phone:
Home Phone:
SSN:
Address:**

PARAGRAPH 3:

DoDDS has expressed their intent to collect an alleged overpayment from me. I believe DoDDS could actually owe me back pay, interest, and/or lost earnings I could apply toward any alleged overpayments. I hereby invoke all of my rights under the Debt Collection Act and Article 45 of the CBA, as well as other laws, rules, and regulations. I hereby preserve all of my rights as a bargaining unit member.

PARAGRAPH 4:

Relief sought:

I hereby request a "full pay and benefits" audit covering the last six years and payment of any back pay, interest and lost earnings owed to me, so I can apply the proceeds toward any alleged overpayments. I also hereby request that I be afforded all of the rights above before any deductions or collections are made. If deductions or collections are made, I request a refund plus interest in accordance with the Back Pay Act, Attorneys' Fees plus costs, and any other relief necessary to make me whole.

PARAGRAPH-5:

**FRS's Name:
Duty Phone:
Home Phone:
Address:**

Signature of Grievant

7