



The Force



Awarded First Place, National NTEU Newsletter Competition

A publication of NTEU, Chapter 73

December 2006

Chapter 73 Files Grievance Over Information Requests

Covington, KY

NTEU 73 President Jackie Huff has filed a grievance to bring to light the problems the Chapter's stewards are having obtaining the information needed to proceed with the resolution of grievances. The National Agreement requires that Labor Relations notify the steward within ten working days as to whether or not the information will be provided. What has been occurring is that weeks or even months pass and then the steward is informed that all or part of their requests are being denied. This is done in part because at times management is not providing Labor Relations with the material requested. "This is not acceptable, the contract is very clear on what is required. LR/ Management needs to be

held accountable for impeding the grievance process." Ms. Huff told *The Force*. "This is just one of several mass grievances that we have filed over the last few weeks to protect employees' rights" Jackie added. Labor Relations and or management whether by design or accident has managed to bog



down the grievance process. The time that it takes to move a grievance from first step to the final resolution should be measured in weeks not months. Over the years Labor Relations has assumed a larger role in providing information to the stewards. Previously, the only information that was funneled through Labor Relations was material that needed to be sanitized. Management provided the steward all other material directly. "This concerns us as it adversely affects the bargaining unit employee. It interferes with the employee's right to have issues settled expeditiously" Ms. Huff stated.

This grievance can only affect the acknowledgement of the request and what information will be provided. "This does not guarantee that the information will be provided timely. However, it will allow the steward to address refusals of information in a more timely manner. In order to decrease the time it takes to actually receive the information, all parties involved in supplying the requested information must develop a sense of urgency that seems to be lacking" continued Ms. Huff.

Chapter 73 will continue to confront all issues that adversely affect our membership. This issue and the other mass grievance issues have a direct impact on the employees' quality of work life. It is imperative that the information a steward needs to resolve their issues are provided timely and just as important is the knowledge as what will be provided.

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Peace on Earth



President's Corner

Jackie Huff

The Union office is scurrying with the hustle and bustle unfortunately it is not the byproduct of the season. Management is bound and determined to try to take advantage of this flux created by the IRS National Office. We at NTEU are bound and determine not to let them. There are several issues that have pushed their way to the forefront. PPS wants to double encumber, of course this is management's right. However, this still has to be negotiated. Ms. Barbers put an end to local negotiations, which has put management in a bind. They will have to negotiate at the national level. If the negotiations were local, they would have to be completed in thirty days. This does not apply to national negotiations. IRS has already lost an arbitration case over Article 15 and local negotiations regarding space negotiations, which they are appealing. The difference here is that when NTEU loses an arbitration hearing and appeals it, we abide by the decision while the appeal is pending. IRS in their arrogance will not abide by the decision during its appeal.

Dan Myers has announced that Accounts Management would be implementing CIS. In 2004 NTEU National negotiated a LOU which allowed for local negotiations over this issue. Dan wouldn't negotiate in 2004, now he wants to negotiate. The problem is that LOU cited Article 15 as the basis for local negotiations. As it stands now, Ms. Babers from the National Labor Relations terminated local negotiations. The bottom line Dan has to negotiate this issue nationally. This of course he refuses to follow. He instructed Bill Jefferson to issue an email stating that they were going forward with the CIS implementation. Chapter 73 has filed a ceased and desist until CIS is negotiated. Don't look now Dan but once you start to implement CIS, NTEU 73 will file a grievance.

Accounts Management has been busy. Managers are telling their employees that when they request their vacation that they must already have the leave to cover it. Not at the time they take it, which has been the past practice, but when they request it. Your Chapter has already filed a mass grievance on that issue.

Normally, at this time of year it is fairly quiet. We are all busy with celebrating the season with family and friends. Our attention is turned to those less fortunate and helping make their holiday a little more merry. This year is the exception. But let us not lose that holiday spirit amid all this turmoil. Chapter 73 will defend your rights with one hand and celebrate the season with the other. I want to take this opportunity to wish each of you a merry holiday season and the happiest of new year.

The Force

“NTEU73’s Hard Hitting Newsletter”

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“To Organize Federal Employees To Work Together To Ensure That Every Federal Employee Is Treated With Dignity and Respect.”

The Force Awards Its First Annual Scrooge Awards

In the past the Force has refrained from being too critical of management. We did this out of respect for the relationship that NTEU Chapter 73 had with management forged by our partnership agreement. Since the expiration of the National Partnership Agreement, both National Internal Revenue leadership and local CIRSC leadership has declared that they will no longer participate in partnering with NTEU. The Force no longer feels that we must temper our articles by anything but the truth and good taste. With this in mind, the Force proudly announces its Annual Scrooge Awards.

The Ghost of Christmas Past Award: Accounts Management Director Dan Myers, he and his management team controls the telephone teams as if they were running a sweat shop. They maintain their telephone schedules apparently with little regards to their employees' well being. He seems to have no idea what compassion means when the choice is between having a full complement of phone operators or their personal or family needs. A visit from the Ghost of Christmas Past may just instill that compassion.

The Ghost of Christmas Present Award: Commissioner Mark Everson recently gave the Internal Revenue Service a black eye. In an article published by the *New York Times*, revealed that in an internal memo Mr. Everson instructed the Compliance Division to curtail collection activities until after the election. This action fosters the taxpayers' cynicism. It creates a public image that the IRS is a political agency. Shame on you Mister Commissioner! Let us hope that a visit from the Ghost of Christmas Present will help you, in the future, to toe the Civil Service line.

The Ghost of Christmas Future Award: Compliance Director Renee Mitchell has been chosen to receive the *Ghost of Christmas Future Award*. It has been reported to the Force by a confidential reliable source that Renee in a meeting with managers said that there are too many high evaluations and too much money is going to bonuses. The managers were instructed to do whatever they had to do to lower the evaluations. Renee the bargaining unit awards pool is negotiated and the same amount of money will be given out whether it goes to 100 employees or 100,000 employees. This attitude toward employees receiving bonuses is truly worthy of Mr. Scrooge. Hopefully a visit from the Ghost of Christmas Future will help to transform this thinking.

The Scrooge Award: This dubious honor goes to Sue Hansen, Submission Processing Director and Senior Commissioner's Representative. Sue earned this honor when at a LMRC meeting shot down the suggestion to train the employees on FMLA. Sue's reported reasoning was that enough employees utilize FMLA now. That she didn't want anyone who didn't know about their rights under the Federal law to become aware of them. It was also reported that Sue felt that she had enough employees who were absenting their selves from work. Sue, Bah Humbug! You earned this honor by displaying an attitude worthy of Ebenezer Scrooge.

Penny Wise and Pound Foolish

Employees in Account Management were told that management would not order blotter type calendars for them. The explanation, to save money on the budget. Forget the fact that the blotter calendar protects the desktop.

Along this same line, a unit clerk in Kim Billups' unit has been using an outdate receive date stamp putting a line through the 5 in 2005 and writing a 6 above it. When a new stamp was requested, it was denied to save budget money. Forget the possible legal problems. This is confounding since each department must spend this money or get less next year. There is no reason to cut corners.

We Got A Winner!

Covington KY

Congratulations to Carol Turner who won the 27 inch color television that NTEU Chapter 73 raffled during this year's Combine Federal Campaign. Carol is a member of CAWR team 305 on swing shift.

When contacted and informed that she won, Carol was very delighted and said . "I'm very excited about the prize and very happy to give back to the community through my donation."

Carol is not the only winner. All the proceeds from the raffle went to the Charities Foundation. The Charities Foundation provides assistance to needy IRS employees. Over the years the Charities Foundation provided employees with food vouchers and emergency money to pay for rent and utilities.

Colleen Kelley Announces Another Benefit for NTEU Members

Washington

In a memo to Chapter Presidents Colleen Kelley announces that NTEU members known have access to Consumer Checkbook's *Online Guide to Health Insurance Plans for Federal Employees*. This feature can be found in the Members Benefits and Members Only sections of the NTEU website throughout open season. It will allow the employee to make comparisons to be better informed when choosing their health insurance.

Compliance Director Renee Mitchell Gives Captain Q His Walking Papers

Covington KY

In a memo dated November 29, 2006, Compliance Director Renee Mitchell informs Compliance employees that Compliance will no longer participate in the Captain Q program. She cites Employee Suggestion Program, Employee Resource Center and SERP Feedback as alternatives. Knock, Knock is any one at home? Renee you just don't get it. Yes some employees use it for suggestions, however it afforded many employees the opportunity to bring issues to light or ask questions anonymously. Your alternative closes that avenue to Compliance employees. Let us chalk it up to lack of Service Center experience. Captain Q is very much part of this Service Center's environment. Accounts Management and Submission Processing is continuing the program. Could it be that Dan and Sue recognize the value of Captain Q. This concept has been embraced and brought to operations and even team levels. Captain Q has survived 13 years for a reason. It works and it is needed. Chapter 73 has sent a cease and desist to Renee asking her to contact National NTEU to negotiate Captain Q. Renee it is not too late to rethink this position and allow Compliance employees the same opportunity employees have in other Directorships to express their views safely and without fear. Do not fire Captain Q, but accept him as a tool to help better the work place.

Don't forget, your income is important, protect it!

Don't miss out on our new income protection plan during open enrollment
for:

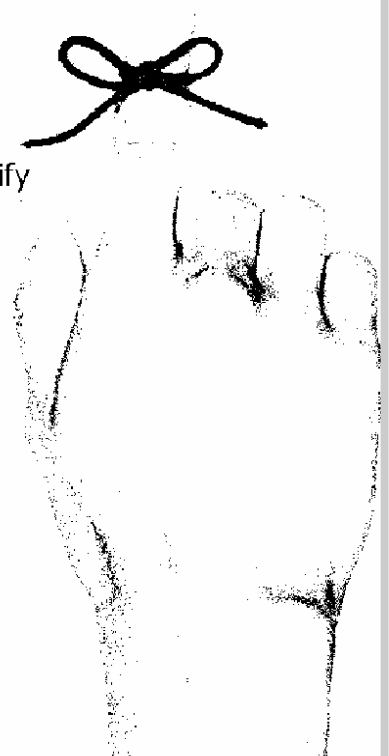
Enrolling now, you can qualify

- Up to 60% of your income - Max. \$2,000 monthly.
- Choose a plan that will pay benefits up to 24 months.
- Starts after 14 days of disability, (First day if hospitalized).
- Does not offset for other benefits.
- Pays 50% of the benefit if hurt on the job, in addition to workers compensation.

**Guarantee Issue if actively at work full-time.
With NO medical examination or health questions.**

Schedule a meeting at the NTEU 73 office by calling:

(513) 842-0705





Editorial

Heather J. Phillips, Editor

This is mere madness: And thus awhile the fit will work on him; (Hamlet Act 5 Scene 1) William Shakespeare could have easily been describing the IRS in the year 2006. It is sheer madness the way management is conducting themselves. It seems management perceives that they have an attendance problem. So they decide to apply Article 34. However, do they understand that article? Let's give them a test. Employee A has had some health problems. She has used all her leave and has borrowed as much as she could. She had FMLA, but has depleted her 480 hours. Now she needs follow up care that will require her to miss two days a week. Employee B during the summer months calls in sick every other Friday so she doesn't have to use her annual leave, since she has 50 hours that she wants to use it for vacation and her sick leave balance is 100 hours. Who would be suspect of leave abuse and be a candidate for leave usage counseling? Based on their current behavior management would counsel A and charge her AWOL each time she is off. Eventually they would try to discipline her for her leave "abuse". B would probably continue on her way without a word said to her. Let's see what Article 34 has to say.

Section 2

Approval of sick leave will be granted to employees when they are incapacitated for the performance of their duties by such reasons as sickness, injury, pregnancy, or a period of emotional bereavement caused by the death of a close relative or equivalent.

This states the purpose of sick leave, simply stated it is use to cover medical time off.

Section 3

C.

1. Where the Employer has reasonable grounds to question whether an employee is properly using sick leave (for example, when sick leave is used frequently or in unusual patterns or circumstances), the Employer may inquire further into the matter and ask the employee to explain. Absent a reasonably acceptable explanation, the employee will be orally counseled that continued frequent use of sick leave, or use in unusual patterns or circumstances, may result in a written requirement to furnish acceptable documentation for each subsequent absence due to illness or incapacitation for duty, regardless of duration.

Here is where management falters. They are only looking at leave balances. They are ignoring the documentation that it is being used properly. Instead they are compounding the employee's problems. The bottom line is that management cares more for the computers than the individuals sitting in front of them. If a computer breaks down, management scurries to put in a ticket to get it fixed, let an employee have serious health problems; they want to discipline them. This is a disease that seems to be permeating the CIRSC campuses. It has created a phobia that is more damaging than any virus that could infect the employees or the computers. It causes management to look upon employees that need to use their leave as malingerers. Thus creating distrust and hostility in the work place. As Oliver Hardy would say here's another fine mess you gotten us into.



Letters To The Editor



Bravos and Boos

From GT

Your information was not true. The employee did get to attend the funeral.

The information was submitted to The Force by the steward handling the case. It is obvious to us that the outcome was due to the union's involvement. Ed.

Tale of Two Teams

From LM

Way to go! I enjoyed the article. Way to tell it like it is.

Thanks Ed.

Around Florence

Innocent Spouse has New Operations Manager

Florence Innocent Spouse Operations welcomes Vivian Fox as new Operation Manager replacing Tim Lynn who accepted a promotion to the Atlanta Georgia Office. Vivian is a former Department Manager in Wage and Investment's Accounts Management in St Louis Missouri, which she calls home. On November 14th Vivian celebrated her twentieth anniversary with the Internal Revenue Service. This is Vivian first experience in a Service Center as her career previously had been in field offices and call sites. Recently the Force interviewed Ms. Fox.

Force: Ms Fox, many of the campus Divisions have chosen not to partner with NTEU73. What is your position?

Ms. Fox: It is true that we have no Partnership Agreement, but I intend to deal professionally with all NTEU representatives. I believe that mutual respect is a key to a successful relationship.

Force: There is a controversy brewing concerning full time union stewards and their annual appraisals. Will you follow Article 12 and give them an annual appraisal based on 120 program hours worked?

Ms. Fox: No, I will follow our current guidelines which require that any full time union steward will work 240 program hours in order to be evaluated.

Force: Do you or will you have an "open door" policy for stewards to discuss issues and try to resolve them before they become grievances?

Ms. Fox: I will do whatever I can to keep the work process going. If discussions with stewards will be productive for both the Service and the employees, then I will do it.

Force: Are you planning any changes for Innocent Spouse?

Ms. Fox: I am too new to know yet. I have only been here a little over a month and I am still learning the work and the climate.

Force: Do you have any message for the NTEU membership?

Ms. Fox: I am happy to be here and I feel very lucky to have so many experienced employees working with me. Together we can do great things in Innocent Spouse.

Files Gets an Eleventh Hour Stay Of Execution

November 20th IRS and the private contractor announced that it will be phasing in the turnover of the files operation more slowly. December 1 the files operation in Kansas City and Ogden ceased to exist as an IRS operation, but was under the control of the private contractor. Centers in Andover, Atlanta, Austin, Fresno and Cincinnati will not be phased in until June 30, 2007. The start of the filing season and staffing levels being lower than what is required was cited as the reasons for this delay. This was received with mixed emotions. Many employees were relieved that they still had their jobs. Yet the inevitable is still hanging over their heads. The uncertainty of the future is sure to raise the stress levels. It is also expected that there will be defections which could impact the level of service. Working for a private contractor does not offer the level of job security traditionally associated with Federal employment. The employees will not be eligible to be members of NTEU and therefore not afforded their representation. It is only natural that the employees will be seeking and taking more lucrative offers. Not just for more money, but with more security. IRS has two other major operations housed in the Florence complex, Innocent Spouse and SOI. It is conceivable that the federal employees and the private employees will mix during breaks and lunches. That they will talk about the rights that they have spawning the inevitable comparison. Once again, it appears that not much forethought was given to the negative impact that this outsourcing will bring. Another area of concern should be the training facilities. They are located in the files side of the building. Most CPE has a class or two to IRM changes. This could lead to a security problem. Several years ago IRS cutback on security guards. They removed them from the Florence site. Sharing a facility with non IRS employees could create all kinds of security problems. Ok guys you have six months to solve these problems.

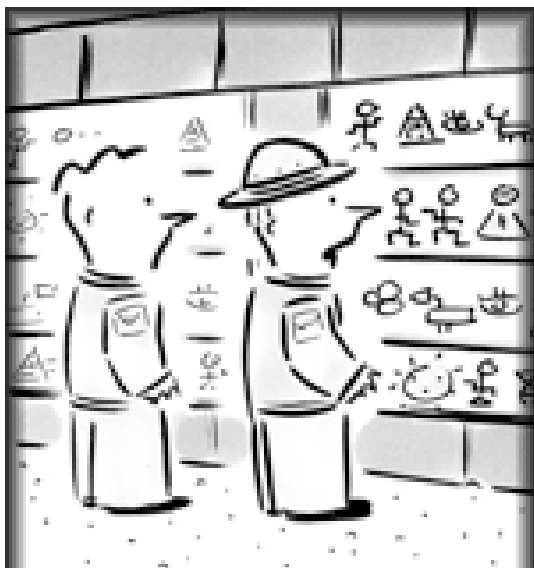
Innocent Spouse Managers Commit A No No

Dwight Cornett, Steward NTEU73

Managers in Innocent Spouse were sending emails to non-supervisory employees containing the number of cases closed at various periods during a week at lower than the Operational level. One of the managers involved even had plans to have employees start sending out these email reports each week. Steward Dwight Cornett in a meeting on 11/17/2006 expressed the employees and NTEU's concern that these emails were in fact ROTER violations. After a brief discussion the Operations Chief, Vivian Fox, assured NTEU that the emails to non-supervisory employees with numbers of other than an Operational indicator would be stopped quickly. Within 2 days managers were Informed of this agreement and informed employees these reports would be stopped.

Wanted

An experienced webmaster to help maintain Chapter 73's web site. This is a volunteer position with no monetary compensation. If you are interested contact the Union Office at (859) 669-5700 or (859) 669-5370.



It says a violation of Article 12

Another IRS Turkey

On November 22, 2006, an unnamed but titled individual "Acting Deputy Commissioner for Operations Support" granted administrative leave to all IRS employees in the DC Metro Area beginning at 2:30 p.m. ET. The Acting LMSB Division Commissioner, Douglas W. O'Donnell, extended that administrative leave to all LMSB employees nationwide. The situation escalated from that point as rumors and reports literally flew across the country. Some managers granted administrative leave, some didn't. No rhyme or reason existed, and the inconsistencies happened as low as from one group to another within the same business unit and geographical area.

NTEU Chapter 73 is filing a grievance on behalf of all known and unknown negatively impacted employees defined by those employees who did not receive administrative leave from 2:30 PM to the end of their tour of duty. This includes employees on annual leave, credit hours and/or sick leave

Chapter 73's grievance is being filed by Dwight Cornett Assistant Chief Steward in Florence. Chapter 73 joins a number of Chapters nationwide filing a grievance over this issue. National NTEU is researching this issue and will possibly file a national grievance over this issue. Local grievances then will be held in abeyance pending outcome of the national grievance.

Correction

The article on RA parking was submitted to Richard Thompson to verify that the information was correct. After publication Larry Heller contacted the Force to state that temporary RA parking in excess of two weeks requires medical information. NTEU reminds employees that medical information should only be given to the nurses in the Health Unit.

NTEU73 Union Office Hours

Fourth Street Office

Monday—Friday 6:00 A.M. –1:00 A.M.
(859)669-5370

Gateway Center Office Room 511

Monday-Friday 6:00 AM—4:00 PM and
7:30 PM—11:00 PM
(859)669-5700

Industrial Road Retention Center

Monday-Friday 12:30 PM –2:30 PM
(859)669-5024

Not a Union Member?

*Missing out on all the benefits Union membership brings?
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Have You Recently Moved?

If so, you should complete this address change form and return it to: NTEU 73 Membership Coordinator, Stop 77

Name: _____

Home email address

(street)

(city)

(state)

(zip)

Note: IRS Personnel does NOT inform NTEU when they are given a change of address form by an employee who is also an NTEU member. It is your responsibility to get your new address to the union so that you may continue to receive any mailings.

The Force moves into the Twenty-First Century

Have your own copy of the Force home delivered. The Force is offering its readers for the first time in its history the opportunity to receive the Force at your home via email. If you would like to take advantage of this offer just complete this form and drop it off at the Union Office and the Force will be emailed to your home each month.

Name

Home Email Address

Member

Retiree

White House Sends 2.2 Percent Raise to Congress

Washington

NTEU harshly criticized a very disappointing alternative pay plan for 2007 that the White House last week sent Congress. The plan provides an average 2.2 percent federal pay raise, but changes the formula for how the locality portion is distributed. The president has put in place a plan that will give roughly half the federal workforce a raise of only 1.8 percent. Those employees are located in what is called the "Rest of the U.S." locality area and will bear the brunt of what is the smallest federal raise in 18 years.

Under federal pay law if the president had not issued an alternative pay raise plan then the Federal Employees Pay Comparability Act (FEPCA) would have kicked in and employees would have received an average 8.6 percent increase. FEPCA provides a loophole for setting a raise smaller than called for in the law by declaring a national emergency. Every president has used the loophole to avoid the higher raises outlined in FEPCA.

In mid-October the Federal Salary Council joined with NTEU President Colleen M. Kelley in rejecting this change in formula because the full range of information from a newly reconstituted survey process on the wage gap done by the Bureau of Labor Statistics is not yet available. The Council's rejection of this approach coupled with the small amount of money in the overall raise should have indicated to the White House that this was not the year to change the formula but the administration apparently was uninterested in this reasoning.

The president's pay plan also ignores congressional action on the federal increase. NTEU's efforts at securing a higher 2007 increase resulted in approval by both the House of Representatives and the Senate Appropriations Committee of a 2.7 percent raise for federal civilian workers. NTEU will continue to pursue a fair 2007 pay raise for civilian employees and members of the military—who also received only a 2.2 percent increase—when Congress completes its 2007 appropriations work early next year. At that time the union will also begin to address the question of federal pay for 2008.

"Overall, the action by the White House is a disservice to the talented, dedicated and experienced federal employees who serve the public every day. When you consider the sacrifices military families are making and the important contributions of the civilian workforce in the fight against terrorism, this 2.2 percent pay raise is simply unacceptable," Kelley said.


*Seasons
Greetings* 

From NTEU Chapter 73 Officers, Staff and Stewards to all our members