



# The Force

Chapter 73's Award Winning Hard Hitting Newsletter

A publication of NTEU, Chapter 73

Vol. 10 No. 1

January 2007

## Colleen Kelley Seeks Remedy For Turkey Day Fiasco

In a memo to Chapter Presidents Colleen stated that she had met with Linda Stiff, Deputy Commissioner in which they had discussions over the situation that occurred on the Wednesday before Thanksgiving. As reported in the Force last month, some IRS employees nationwide were given administrative leave from 2:30 PM until the end of their tour of duty. When this became known to NTEU, several chapters filed grievances including Chapter 73. The National Office of NTEU immediately open conversation with IRS management regarding this issue. Ms. Kelley sought and was granted an extension of time to file a national grievance, if a satisfactory resolution can not be reached. In an effort to resolve this matter Linda Stiff is encouraging manager to grant 59 minutes to their employees.



Force File Photo

Locally, Dwight Cornett, Assistant Chief Steward in Florence had filed a mass grievance over this issue. In response to the encouragement of Ms. Stiff, Jean Valenti, Andover Compliance Director authorized her operations to grant the 59 minutes. This included Innocent Spouse in Florence. Vivian Fox, Operations Manager announced that Innocent Spouse would follow this policy in order to resolve the issue. Sue Hansen also announced that Submission Processing in Northern Kentucky would grant the fifty-nine minutes. This was sent in a email to all her managers. Dan Myers, Director of Accounts Management also granted this administrative time off to his employees. When the acting Compliance Director, Regina Owens was contacted by Chapter 73, she stated that the Director Renee Mitchell had not issued a statement as to whether or not Compliance in Covington would grant this time off. She further stated that Renee may wait until after the

first of the year to grant the time off as to improve the bottom line for 2006. If this be the case then Business Results leg gets longer while Employee Satisfaction gets smaller. Thus bringing Balance Measures closer to toppling over.

### Don't Miss This One! Telephone Excise Tax Credit

Covington, KY

The 2006 tax return features a one time credit for Federal Excise paid on long distance and bundled telephone services. If you were billed for these services after February 28, 2003 and before August 1, 2006, you may qualify for the credit. If your telephone serviced already refunded you the Federal excise tax or credited your account, then you are not eligible. If you take the tax credit, you can not ask your phone service provider for a refund or credit. If you have already requested this credit or refund from your provider and you would rather have the tax credit you should contact your provider and withdraw that request, If you have your receipts and the amount you paid was greater than the standard credit, then you will need to complete form 8913. As always save those receipts. Otherwise you can take the standard credit based on the total number of exemptions claimed on your 1040 line 6d. You will find this credit on line 71 of your 1040. If your exemptions are zero, you can still claim actual expenses.

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# President's Corner

*Jackie Huff*

It would be easy to say that 2006 was a great year for NTEU, focusing on the enormous victories won by NTEU impacting the entire federal workforce-and, in a very real sense, the entire country. With NTEU legal work to stop this administrations attempt to rewrite decades of civil service rules. The new rules-intended initially for the Department of Homeland Security (DHS), but ultimately destined to cover the entire federal government under the Working for America Act-would have weakened employees' workplace rights. The year also saw a show of great strength, drive and unity, as NTEU came together to as one for federal employees and its successful campaign to win the largest union representation election ever among federal workers. Locally, Chapter 73 has continued to represent the bargaining unit vigorously. In 2006, the Chapter filed and processed countless grievances on behalf of members of the bargaining unit, held elections, and participated in negotiating for our hard working members.

WHAT A YEAR!!!

With contract negotiations and over 50 National Grievance ready to go to arbitration 2007 looks to be quite an entertaining year. This year already National NTEU President, Colleen Kelley is taking a proactive approach and met with Treasury Secretary Henry A. Paulson, for the first time.

During this initial meeting, NTEU directed the secretary's attention to a "short list" of IRS-related issues that pointed out the need for appropriate (larger) agency funding and staffing levels.

The four major issues raised relating to the IRS were:

1. PRIVATE DEBT Collectors -- The Service's continued proposal to use of private debt collectors. This policy is not a cost-effective use of the Government's resources. Rather than have separate funding to pay the collection agencies outside of the appropriations process, these funds should be used for the IRS to keep and reinvest some portion of the taxes collected by IRS personnel.
2. THE TAX GAP -- The continuing gap between the amount of taxes owed to the Government and that received. This estimated \$345 billion annual gap is in a large part due to inadequate funding of the IRS to hire employees who will do this work, and close the tax gap. *Continued on page 8*

## **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.”***

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## Flu Shots Sting In More Ways Than One

*Covington, KY*

Once again the IRS has provided its employees the opportunity to be immunized against the flu at no cost to the employee. However, for some employees this was not a satisfying experience. A series of events has led us to question the value of this service to the employee. Lets start with why is it necessary to have a Labor Relations employee at the front desk screening the forms. These forms contain confidential medical information Labor Relations has no right to be privilege to this information. As stated by Lona Rackley, a NTEU73 steward, "Persons who are currently acting as 'filtering agents' between management and FOH doctors should not have this kind of potential and factual access to employee health information. I can see first hand potential where an employee with leave issues calls in with the flu and we have an LR rep who can attest that the person had a flu shot on site. We will ignore the fact that not all flu shots prevent contracting the flu and do not protect against all strains." To compound this breach of confidentiality Ms. Rackley observed that LR representative Denise Weed as asking employees about medication they took and left off the form in front of other employees waiting in line. This Lona reported promptly to Vice President Eric Johns, who promptly contacted LR manager Debbie Baker-Whittle and the practice of questioning the employee in front of other employees was discontinued. Of course it still leaves the bigger question as to why Labor Relations was involved in the process at all.

Yet, FOH is not immune to the problems that employees encountered. Personally I witnessed bureaucracy that far exceeded any exhibited by IRS. An employee came to the health unit and explained that she was scheduled for the next hour. That she had to leave before that time and that she would be off work during the entire make up period. In the past when this situation occurred IRS nurses would have allowed this employee to get in line and receive her shot with the current group. What was the FOH response? With complete lack of compassion for this employee, she was denied a flu shot. In a similar incident some employees from Accounts Management were not given the application for the flu shot until the day that the flu shots began. When the scheduled time that came and they presented their form, they were told that they had to be submitted in advance and that they would have to return during the make up session. Never in my experiences have I seen such lack of compassion by a profession that is suppose to be dedicated that end. Rules are rules attitude is supposed to be tempered in the medical profession by the compassion for their fellow man. Obviously, this is lost in the FOH bureaucracy. This is another example of how out sourcing of IRS jobs have led to decrease service to the customer.

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January marks the start of the 2007–08 Federal Employee Education & Assistance Fund (FEEA) scholarship program, which in the past has provided awards ranging from \$500 to \$1,500. But this new crop of applicants stand to receive even more cash for education. For the first time, at least five \$5,000 scholarships will be awarded next year to top candidates under the [FEEA-NTEU Scholarship Fund](#). The endowed fund, announced Oct. 11, came from leftover administrative costs from NTEU's special rates case.

### **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?  
Join Today!*

## My experience with deafness

By Alta Marie Miller

Steward

My name is Alta Marie Miller, and I am hard of hearing. I wear hearing aids, and sometimes I can read lips and hear at the same time, but it depends on the person's lip movements and the changes in their tone of voice, whether it's high, moderate, or low voice. But if I don't wear hearing aids, I am out of the loop. Also, my speech is not really good sound as vowels, pronouns, etc., because I cannot hear my own speech, only loud sounds. Some hearing employees misunderstand what I am saying.

When I was first hired at the tape library, there was no interpreter. I tried to do the best I could at the interview with my manager. After being hired, I was frustrated trying to learn my work, my old manager handed me the materials to read. Sometimes, they blamed me if I made any little mistake on the job. When I tried to use my phone, it was frustrating because I didn't want the hearing employees knowing my personal business and there was no TTY equipment to use. I was disgusted, and asked every deaf employee where were the TTY's (telecommunication telephone for the deaf) and interpreters?

I got involved with the EEO annual disability month programs by signing a song. The IRS System finally changed when they decided to acquire the TTY' equipment and hire a full-time interpreter. After they installed the TTY equipment and hired the interpreter, all the deaf employees were much happier.

I held several different positions such as computer operation, Receipt & Control/Extracting; there were no interpreters for meetings, conversations, training and so forth. After I was hired as the financial aids/ remittance perfection clerk, it became much better because they had interpreters for meeting, training and so forth.

I requested updates every day when I was hired as the excise clerk because the case building procedures were updated everyday. The Operation manager decided to set up an interpreter every Monday to Friday from 9 to 10 am. Our communication improved a lot, and my manager now understands my work performance. *Continued on page 7*

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

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

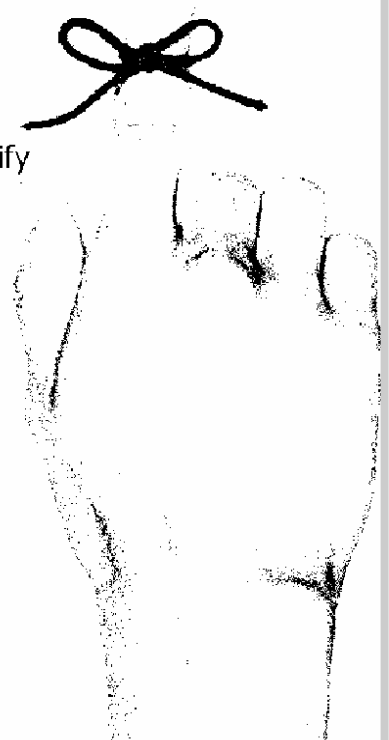
Enrolling now, you can qualify

- 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



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## What Every IRS Employee Should Know About Tax Compliance

By Eric Johns  
NTEU73 Vice President

The coming of a new year is a doubly important time for all IRS employees. First, it is the beginning of the IMF filing season, when we, as an Agency, take in the bulk of the tax revenue that funds the government. More personally important to all of us, though, is this is the time we all need to focus on filing our own federal and state income taxes.

Sadly, one of the most common ways IRS employees find themselves facing disciplinary or adverse actions proposed by their employer is by experiencing Employee Tax Compliance (ETC) problems. In the NTEU73 offices, we often see employees with many years of service faced with the possibility of losing their jobs because of mistakes made in the preparation or filing of their taxes. This is primarily because since 1997, when the IRS Reform and Restructuring Act was signed into law, late filing (a 1203 (b) (8) violation) or underreporting of income (a 1203 (b) (9) violation) on a tax return forces the IRS to propose the removal of any employee believed to willfully have committed these actions.

While NTEU currently enjoys a great success rate in defending employees charged with violations of Section 1203 (b) of the IRS Reform and Restructuring Act, there are several simple steps employees can take to avoid being caught up in the nightmare that results from being charged with a 1203 violation.

First and foremost, file your federal taxes before the due date of April 16, 2007. (April 15<sup>th</sup> falls on a Sunday this year.) If you don't have all you need to file by that date, make sure to timely file a Form 4868 asking for an extension until August 15, 2007. A second extension until October 15, 2007 may also be available, but it also must be filed for timely and approved by the IRS. The first extension is automatic. Remember, as IRS employees, we are required to pay our taxes timely. An extension to file is not an extension to pay. IRS employees who can not file on time, but owe taxes are still expected to pay on time. These employees should do their best to estimate their tax debt and pay it with the Form 4868 extension request. A good suggestion is to overestimate rather than underestimate. You can always get any amount you overpaid back as a refund and still remain in tax compliance.

If possible, always e-file your return. You will have proof it was timely filed and accepted by the IRS. As IRS employees, we have the ability to e-file our returns free of charge here at work. If you are unable to e-file for some reason, it is a good idea to send the return certified mail to have some proof that it was timely mailed. This practice has helped several employees over the years who the IRS originally charged with late filing of a return, only to drop that charge after the employee offered proof in the form of the certified mail receipt.

Do your best to make a list of all the income you received during the year before beginning the preparation of your return. If filing a joint return, make sure to check with your spouse to ensure you are aware of all the income they received as well. One of the most common ways employees are charged with underreporting income on their returns is simply forgetting to list income received they do not normally receive during the year. Employees omitting such income as early withdrawals from Thrift Savings Plan (TSP) or 401(k) accounts, sales of stocks or real estate, interest earned from savings, or gambling winnings have all resulted in employees being charged with 1203 violations.

Employees who have spouses who are self employed or report Schedule C business income might want to consider filing separately, especially if the spouse has a history of receiving estimated tax penalties. While these are not 1203 violations, they are ETC violations and are against the employee code of conduct.

If you are ever contacted by the Employee Tax Compliance Branch or asked by a member of management to answer questions about your personal tax filing, as a bargaining unit employee, you have the right to NTEU representation and assistance. Come to the NTEU office immediately. We often see employees try to handle these issues themselves, only to find themselves in a deeper hole.

Good luck to everyone in getting your taxes timely and accurately filed this year. I hope you all get refunds much bigger than mine!

### **The Next (Ahem) IRS Survey**

Management is in the process of soliciting employees to serve in various capacities as part of the next annual survey. NTEU continues to oppose the annual survey for all of the reasons we cited when we first withdrew our support for it. The Force was surprised to learn of management's action as they seem content to waste thousands of dollars to conduct a survey that the majority for employees find as a waste of time. Last year, the overall participation was only in the 40% range. The Force urges employees to bring out the not to be used for IRS survey pencils again this year. If IRS management continues to see diminishing results maybe they will get the point, or again they may just continue to bury their heads in the sand and waste tax payers' money. At least we can say we didn't participate in this waste. So when you are asked to take the survey; just say no!

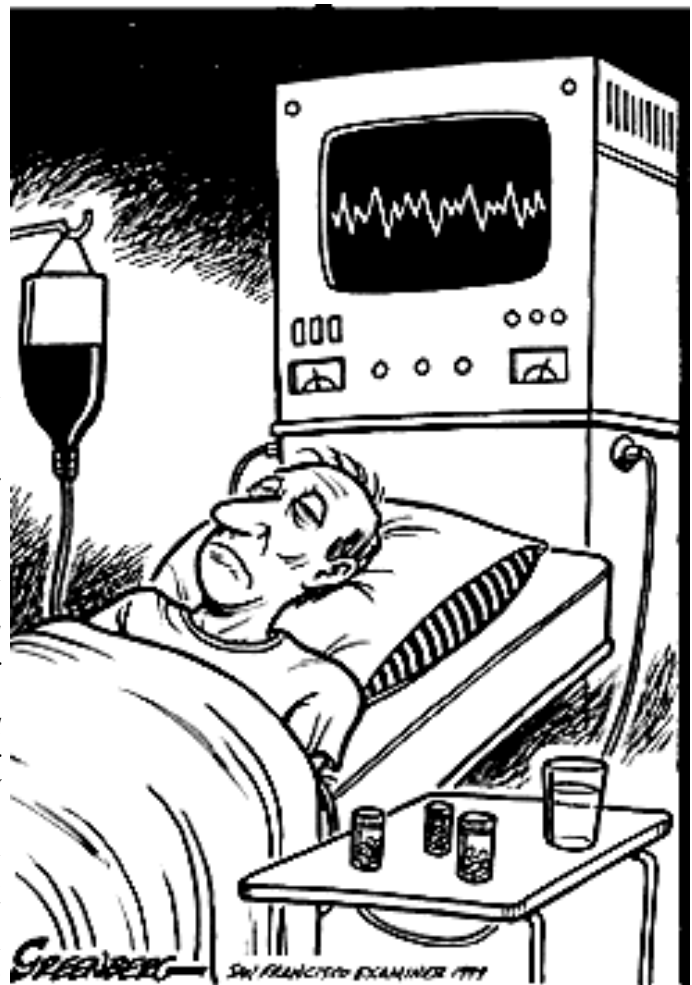


## Editorial

Heather J. Phillips, Editor

Recently, we have seen abuse of management's administration of the Family Medical Leave Act. Management is placing restrictions on an employee's use of this law. Management is hiding behind OPM guidance. No agency has the right to modify Federal law unless the law specifically grants them the authority to do so. An agency can administer the law more favorably than what the law allows, however it can not be more restrictive. This is a matter of law.

The intermittent use of FMLA seems to be providing the biggest problem. Management is relying on reports from Labor Relations who receive reports from FOH (Federal Occupational Health). Employee's believe that the information provided by their doctors are taken out of context or ignored completely. An employee is entitled to inspect the information contained in their file. *Receive access to PHI. Individual rights include inspections of records and the provision for copies of PHI about the individual in a designated record set, for as long as the PHI is maintained in the designated record set, except for psychotherapy notes, information compiled for use in civil, criminal, or administrative actions, and PHI maintained by a covered entity subject to the Clinical Laboratory Improvement Amendments of 1988 [42 CFR § 263(a)]. In the majority of cases, covered entities must accommodate a request or provide a process of denial, subject to review [45 CFR § 164.524].* This is part of the Privacy statement which governs FOH. Yet, employees are routinely denied access to their records. This NTEU73 believes is because such a review would confirm the employee's suspicions. To place artificial restrictions on their rights under 5USC Subchapter V, which establishes their FMLA rights, is a violation itself. A review of Subchapter V did not contain language that delegated to OPM or any agency the right to restrict use. On intermittent use it does state *1) may be taken intermittently or on a reduced leave schedule when medically necessary. In the case of an employee who takes leave intermittently or on a reduced leave schedule pursuant to this paragraph, any hours of leave so taken by such employee shall be subtracted from the total amount of leave remaining available to such employee under subsection (a), for purposes of the 12-month period involved, on an hour-for-hour basis.* This need is based on what the employee's doctor determination of his patient's need. The function of the FOH is to interpret the medical information not question it. If management disputes the doctor's statement, they are entitled to get a second opinion at the IRS expense. If this determination differs from the first, then a binding third opinion can be obtained from an independent doctor again at the IRS expense. No where does it state that management can just impose its will. Not only does management seem to be circumventing the law, but also due process as they refuse to seek another opinion. Chapter 73 will continue to fight for the employee's rights under FMLA.



### Okay, you can have two days FMLA

It has been the past practice of *The Force*, that we only print an obituary for stewards that pass away. It is not my intent to change that past practice. However, on December 24th a friend of several years passed away, Joan Fischer. Joan and I shared many cups of coffee, cigarettes and conversation at Skyline. Not to mention the cigarettes on P2. I have had the privilege of observing Joan as a manager and as a union steward and I found her to be a great lady. She genuinely care about her team and they her. She always kept their interest foremost in the way she managed her team. Joan followed the contract and the proof is that in all her years as a manager I can not recall one grievance filed against her. Several months ago, Joan's Department manager requested that she leave her team and take on a special project. Joan confided in me that she didn't want to do it, but felt she had no choice. I observed that she left a little of herself with her team and lost a little of her sparkle at the same time. Joan was battling cancer and that team gave her a purpose and strength that she drew upon to fight this terrible disease. As I sit here with my coffee and cigarette, I lift my cup to you Joan. I know that the rank of angels has increase by one with your passing.

Heather

**SALARY TABLE 2007-CIN INCORPORATING THE 1.70% GENERAL SCHEDULE INCREASE  
AND A LOCALITY PAYMENT OF 17.38% FOR THE LOCALITY PAY AREA OF CINCINNATI-  
MIDDLETOWN-WILMINGTON, OH-KY-IN d  
(TOTAL INCREASE: 1.96%)  
EFFECTIVE JANUARY 2007  
Annual Rates by Grade and Step**

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	\$ 19,520	\$ 20,172	\$ 20,822	\$ 21,468	\$ 22,117	\$ 22,498	\$ 23,139	\$ 23,786	\$ 23,812	\$ 24,413
2	21,948	22,469	23,195	23,812	24,077	24,785	25,493	26,200	26,908	27,616
3	23,947	24,745	25,543	26,341	27,139	27,938	28,736	29,534	30,332	31,130
4	26,882	27,778	28,674	29,569	30,465	31,360	32,256	33,152	34,047	34,943
5	30,076	31,079	32,081	33,084	34,086	35,088	36,091	37,093	38,096	39,098
6	33,526	34,644	35,761	36,878	37,996	39,113	40,231	41,348	42,466	43,583
7	37,256	38,498	39,740	40,982	42,224	43,466	44,708	45,950	47,191	48,433
8	41,260	42,636	44,012	45,387	46,763	48,139	49,514	50,890	52,266	53,641
9	45,572	47,091	48,609	50,128	51,647	53,166	54,685	56,204	57,723	59,242
10	50,186	51,858	53,531	55,204	56,876	58,549	60,222	61,894	63,567	65,240
11	55,138	56,976	58,814	60,653	62,491	64,329	66,167	68,005	69,843	71,682
12	66,086	68,289	70,493	72,696	74,899	77,102	79,305	81,509	83,712	85,915
13	78,587	81,207	83,827	86,447	89,067	91,687	94,307	96,927	99,546	102,166
14	92,865	95,960	99,056	102,151	105,246	108,342	111,437	114,532	117,628	120,723
15	109,237	112,878	116,520	120,161	123,802	127,443	131,084	134,725	138,366	142,007

**My experience with deafness** *Continued from page 4*

Also, I use email to communicate with my manager, and employees. My responsibility increased by being able take calls from the taxpayers about their error claims with the TTY equipment, which is now available.

Now, all deaf employees need to have an interpreter and a TTY and emails to communicate better with hearing employees in meetings, training, conversations and etc. If there were no interpreters, there would be a barrier between deaf and hearing employees which would inhibit job promotions, activities. It would not have been possible to have Deaf managers or union stewards without these improvements to our work lives.

**Trivia Of The Month  
By Theodore Lay**

What is the earliest known calculator?

Send answers to NTEU73 Stop 73 Attention Theodore Lay. Ted will be awarding a prize for the earliest correct answer. In case of ties there will be duplicate prizes.

*President Corner continued from page 2*

3. **REDUCTION IN ESTATE AND GIFT TAX** - NTEU is in disagreement with the Service's plan to eliminate half of its estate and gift tax attorney workforce. NTEU requested the secretary's support for a legislative change that would provide a 'competitive service' designation for E&G attorneys, and would give the E&G attorneys an opportunity to use their experience and knowledge of tax law in other IRS jobs.

Colleen Kelley said she expects to meet with Secretary Paulson on an as needed basis, and that she hopes his experience as a successful businessman will lead to increased funding for the IRS so the IRS can do the work that taxpayers expect IRS employees--and only IRS employees--to do."

Way to go Colleen!

This year is to be one of great anticipation and opportunity with everyone working together writing their public officials, reporting wrong doings by management and keeping good documentation we can overcome anything management throws at us together. Remember this, NTEU is not standing behind our members, but beside them in this fight for your rights.

Please continue to support the NTEU and do not hesitate in contacting any board member or steward if you have any questions.

## 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.**

## Receive The Force by Email

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