



The Force

Chapter 73's Award Winning Hard Hitting Newsletter

A publication of NTEU, Chapter 73

Vol. 10 No. 2

March 2007

National NTEU President Colleen Kelley to Visit Chapter 73

National NTEU President Colleen Kelley has agreed to once again pay a visit to Chapter 73 to spend a day meeting with chapter stewards, and more importantly our members. Her visits have become something of an annual tradition each spring. This year she will be coming on March 26, 2007.

Unfortunately, NTEU73 was recently told in a rather terse statement from Cincinnati Submission Processing Director Sue Hansen that the Chapter's request for administrative time for employees to come hear Ms. Kelley speak was denied. The email stated only that the three CIRSC Directors discussed the issue and did not feel it was appropriate to approve the time.

While the NTEU73 Leadership feels this decision is ill conceived and will only foster continued poor relations between the union and management, it



National NTEU President Colleen Kelley

will not deter us from bringing Ms. Kelley to CIRSC with the goal of her meeting with as many employees as possible. Our plan is to promote Lunch n' Learn meetings with Ms. Kelley for both day and swing shift employees. Unfortunately, Ms. Kelley's travel schedule will not permit scheduling a meeting on third shift. All employees are invited to come to which-

ever of the Lunch n' Learn sessions they prefer.

As an incentive to all our members to spend their lunch with the National NTEU President, we will be buying free pizza for all our members who attend. Any non-member who wishes to attend is certainly welcome and can choose to bring their own lunch or purchase pizza at \$1.00 per slice. We will have Form 1187's on hand for any employee wishing to join NTEU at all of Ms. Kelley's scheduled appearances.

Employees wishing to hear Ms. Kelley speak are encouraged to place requests for annual leave for March 26 as far in advance as possible should they wish to attend for longer than their 30 minutes allotted for lunch. Employees can request to use either annual leave or accrued credit hours, however, it is likely management will deny any request for LWOP.

See Page 8 for National President Colleen Kelley's Visit Schedule

In This Issue:

- Page 1: National President to Visit NTEU73
- Page 2: IRS Ice Follies
- Page 3: National LMRC
- Page 4: 2008 Pay Raise
- Page 5: Around Florence
- Page 6: Some AWOL Illegal?
- Page 7: Bravos & Boos
- Page 8: Legislative Conference

Chapter 73 President Named To The National LMRC

Chapter 73 President Jackie Huff was named to the National LMRC committee. National Vice President Frank Ferris chaired the meeting for NTEU. Other chapter presidents named to the committee were Steve Herrington, NTEU Chapter 27; Tom Tsoming, NTEU Chapter 30; Mary Wright, NTEU Chapter 32; Duncan Giles, NTEU Chapter 49; Bill Harper, NTEU Chapter 71; and Shelly Caspary, NTEU Chapter 222.

The issues that were discussed were:

MEDICAL INFORMATION — NTEU told management that first line managers are routinely forcing employees to disclose medical information to the managers in order to get any kind of leave. NTEU pointed out how the courts have squarely said this is a violation of law. Management quickly agreed that no non-medical management official should ever have access to an employee's medical information unless the employee agrees without pressure or harassment.

CERTIFICATION OF INSTRUCTORS — NTEU outlined for management that it has over 20,000 employees who have been through the certified instructor train-

Continued, Page 3

IRS Ice Follies

Various news and traffic reporters referred to the roads on February 14, 2007 as treacherous and advised motorists to stay off the roads, if they could. What did we hear on the Sure Line? The Cincinnati Service Center is open for business as usual. The decision as to whether the Service Center is closed or that a liberal leave policy is in effect is solely vested in the decision making power of the Senior Commissioner's Representative (SCR). For the Cincinnati Service Center this is Sue Hansen.

By keeping the Service Center open and not instituting a liberal leave policy shows a total disregard for the well being and safety of the employees. Winter storm warnings need to be taken serious. The icy conditions on the roads coupled with trees and power lines falling is a formula for disaster. Is the production or the conservation of LWOP hours so important as to risk human lives? The Force thinks not. At best the SCR's action was reckless, at worst negligent.

Other Federal offices took this winter storm seriously. They showed caution in their decisions that affected their employees' lives. The Force contacted Sue Hansen's office and left a message for her, she has not returned our call.

Therefore, the Force can not report on what information Sue based her decision. It can only question the results.

One could argue that we are all adults and need to make that decision for ourselves. The reality of the situation is that given the present climate fostered by management, many employees chose to risk their safety rather than risk AWOL charges. A choice that the Force finds appalling.

So what is the solution? One could be a return to an inclement weather committee. This committee would be comprised of management and union members in equal number. Both NTEU73's current President, Jackie Huff, and Vice President, Eric Johns, have served on this committee before and have vast amounts of experience with it. This committee could provide the SCR with advice on how to respond to an inclement weather situations. This suggestion, management will reject citing that it is partnering and that IRS refuses to

partner with NTEU. So how could this be resolved?

One IRS employee had an interesting approach. Since the IRS management has shown little regard for their employees and other Federal agencies have shown the opposite, then the decision on inclement weather should be removed from the IRS management and entrusted in a regional authority. This authority would make a binding decision on closing or offering liberal leave for all Federal agencies in the region. This alternative may not be the most desirable solution, but it would provide IRS employees with a more sensitive decision that effects their well being. In the meantime, any employee that was charged with AWOL for their absence on Wednesday February 14 is advised to contact a NTEU steward. NTEU73 will fight these unjust AWOL charges.

For information on how to request paid administrative leave when inclement weather hits, see related story, page 3.

Wanted:

Do you have writing skills? Do you have information that is newsworthy? Submit your article to *The Force*. If it is accepted, we will print your article with or without your byline; your choice. Email your submission to Heather J. Phillips or bring it to the Union office. Identify it as "article for The Force".

The Force reserves the right to edit all articles it prints.

The Force

“NTEU73’s Hard Hitting Newsletter”

President: Jacqueline S. Huff
Vice President: Eric Johns
Secretary: Julia Wiley
Treasurer: Cathy Dunhoft
Director of Communications: Sandy Hauser
Photographer: Michael Murphy
Website Design: Joe Ciaramitaro
Editor: Heather Phillips

NTEU73
P.O. Box 12389
Covington, KY 41011
Phone : (859) 669-5370
Fax: (859) 669-5307

Website Address: NTEU73.org
Email: NTEU73 mailbox@aol.com

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

National LMRC, page 1

ing, that it has collected student evaluations of instructors for almost five years, that it has had L&E personnel evaluate instructors, and that reports even NTEU has, show that there are significant differences in instructor evaluation scores. Despite all of that, the Service seems to have done nothing to ensure the best teachers are selected for instructor assignments. Management seemed to be unaware it had all this data or even knows what was done with it. NTEU will continue to pursue this matter.

CPE TRAINING — NTEU pointed out that there is not enough of this training and that those assigned to teach the classes give it a very low priority. NTEU pointed to TIGTA and GAO studies which have recently criticized the quality of the IRS training program and even got an acknowledgement from management that CPE's have been heavily criticized by employees in the last annual Employee Survey that had narratives. However, training seems to be a low priority for management, who would rather concentrate on employees' review.

FLEXIPLACE REIMBURSEMENT — The contract provides for the parties to settle the question of what employees should be reimbursed for their costs associated with working on flexi place. If we cannot, the dispute can be submitted to an arbitrator for resolution. NTEU noted that the IRS is far behind the federal sector norm; other agencies have been reimbursing costs for years. Other agencies have reimbursed 50% of the cost of high speed cable in their employees' homes in order to improve their online capabilities while working from their homes. Management's position remained status quo. It appears that this issue will be decided by an arbitrator.

EXCESS FURNITURE AND EQUIPMENT — Management has refused to get behind the contract benefit that permits employees to

claim excess furniture and equipment before the IRS lets it go to other agencies or even to state, local, and nonprofit organizations. NTEU tried once more to convince management to honestly implement the promise they made in the agreement Management's only offer was an offer of a briefing from MITS to hear their explanation as to why they cannot make available to employees any excess computer equipment. If that approach fails, NTEU will have no choice but to file a national grievance over the issue.

LEAVE SHARING — NTEU pointed out that the current leave sharing process, particularly the leave bank boards, needs to be overhauled. The boards were created to serve the old IRS regional structure and do not fit what we have today. NTEU also shared some stories we have heard of how some boards are making decisions on grounds of questionable legality. Management announced that it has been sending out decision guidance to these boards for years, but never shared it with NTEU. Another National grievance in the making.

SAFETY AND HEALTH — Management presented NTEU with some statistics showing that management has improved its record in this area and is even exceeding some of the goals they face.

SHELTER-IN-PLACE — Management started off by announcing that the

program is only intended to service employees for two or three hours. Everything NTEU heard about the program up to that time indicated it was to service them for two to three days. On top of that management made it clear that it does not have a very good idea of what supplies are in place anywhere to service employees. This is a topic we will follow up on over the next few months. The current state of the program is not acceptable to NTEU.

DIVERSITY AND EEO— NTEU was given an overall statistical briefing of the population of various protected classes in the IRS. Unfortunately, the numbers management gave NTEU reflect an old-school view of this issue. If management focuses on just how many members of each protected classes are employed, it misses a more detailed view of the problem. NTEU has been regularly filing grievances and information requests to see how employees are actually treated in connection with certain specific personnel actions. For example, what good does it do to hire a large number of African-Americans if the agency's discipline program then subjects them to a much higher rate of discipline, or to hire Hispanic employees and not give them instructor assignments so that they can be seen as future leaders of the agency? This is an area that obviously more discussion is needed.

Inclement Weather: Employees Urged To Request Admin Leave

The National Agreement between the IRS & NTEU offers a means for employee to get paid leave, without using their own leave, for inclement weather. The employee needs to complete a Form 10067 to request administrative leave for inclement weather. This form can be found on the Intranet common forms directory. Once completed, give the form to your manager.

There is one major difference this year over past years in the past these requests were reviewed and the decision was made by the Inclement Weather Committee. The committee was composed of both management and union representatives. This year, citing that the committee was part of the partnership agreement, management refused to allow NTEU73 to participate. The Force also has learned from a confidential source that it will not be decided by a campus wide committee, but each Division will establish their own procedures. The Force understands that in the Compliance Center, for example, that the employee's Operations and Department managers are jointly reviewing the requests and making the decision to approve or not. If approved, then how much Administrative leave to grant. NTEU 73 has in its possession the criteria that has been followed for the last five years. We will monitor the process and if it varies from past practice take the appropriate action.

President Proposes 3 percent federal pay raise for 2008

President Bush proposed a 3 percent pay raise for civilian federal employees and military personnel in his fiscal year 2008 budget. The proposal in the budget heeds recent calls by some House lawmakers for pay parity between members of the military and civilians federal employees and for a larger raise for 2008. In a January letter to President Bush, lawmakers argued that pay parity was essential to recruiting and retaining quality employees in the face of a retirement wave.

"As we fight the war on terrorism at home and abroad, both the armed services and the federal civilian work-

force are integral to fulfilling the role of government for the American people," members wrote. "An equal pay adjustment in 2008 will send the important message that the services civilians and military personnel provide to America every day are highly valued."

The is the first time in his Presidency that Mr. Bush has acknowledged calls for pay parity. In previous years, he has proposed less for civilian federal employees than the military, but this was corrected by Congress during the debates over the various Appropriations legislations which control all federal budgets.

NTEU still feels, however, that the proposal of a 3% federal pay raise does not

do nearly enough to close the gap between what federal employees receive and what their private sector counterparts receive for doing the same work. NTEU has suggested that a far more appropriate figure would be 3.5%

Fortunately, NTEU has a very strong friend in this Congress in House Majority Speaker Steny Hoyer (D-Maryland). Congressman Hoyer has already pledged his support to this fight on behalf of NTEU. There is a strong indication that he will receive the backing of several key members of Congress assigned to the Appropriations Committee. The debate over this issue will begin soon on the floor of the House.

NTEU Campaign Sheds Light on Tax Collection Privatization

In February, 2007, NTEU began a campaign to shed light on a relationship that is bound to lead to heartbreak for both taxpayers and the Internal Revenue Service. In what National NTEU President Kelley called a "sweetheart deal," the IRS has handed out contracts for private companies to collect back taxes without requiring bidders to offer their best prices. This fiscal year, private debt collectors stand to make \$11 million for bringing in \$46 million in tax debt payments under this ill conceived IRS program. NTEU has warned that using private companies to collect tax

debts is unnecessarily costly and opens taxpayers to aggressive tactics that IRS employees are prohibited from using. In her annual report to Congress, Taxpayer Advocate Nina Olson agreed with NTEU's assessment, adding that the program "diminishes the improved image of the IRS and surrenders too many valuable components of our tax administration system."

Also voicing concerns that the IRS's relationship with private collection agencies is doomed are lawmakers from the House and Senate, where bills were recently introduced that would end the privatization program. Locally, Con-

gressman Geoff Davis (R-KY) and Senator Sherrod Brown (D-OH) have attached their names as co-sponsors of the bills which would take away from the IRS the authority to contract out any collection activity.

NTEU certainly encourages all our members who are constituents of these lawmakers to contact them and thank them for co-sponsoring this very important legislation. If your Congressman or Senator has not yet offered his support for this legislation, we would encourage you to contact them and ask them to explain their position, as well.

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

Around Florence: News from the IRRC

Chapter 73 Intervenes: Innocent Spouse Does the RIGHT THING

By Dwight Cornett

Several employees in Innocent Spouse were asked and volunteered to help out other areas that were behind in their work. As a result of the ever changing and sometimes unclear priorities, some of those employees own

work was not completed as timely as management felt it should. This resulted in several employees receiving adverse documentation for late actions due to helping other areas meet their commitments. Steward Dwight Cornett convinced Innocent Spouse management

this was counterproductive to the organization and asked for the documentation be pulled from all affected employees folders. Management agreed and all documentation will be removed from the affected employee's folders.

Florence Files Appraisalgate

When the outsourcing of Files became a reality, numerous employees were hired as temporary or term employees. The document governing the hiring of temporary employees requires that they receive an annual rating after one year of service. Term employees on the other hand are under the umbrella

of the National Agreement and are entitled to an annual rating per Article 12. NTEU 73 has determined that these employees did not receive a mid year review, also required by Article 12. When managers moved to other positions; the required departure evaluations were ignored.

NTEU 73 believes that these employees were harmed. That their rights under the National Agreement were not only violated, but were intentionally ignored by management. The Chapter is reviewing this matter for possible action and grievances are likely to be filed to correct this.

Innocent Spouse Disbands Team

Innocent Spouse is disbanding a Technical Team and putting all of the employees in different teams. The manager Joe Jackson will be going to Team 105 whose manager, Nena La-

follette has a different position. The first read employees are being assigned to Debbie Mullikin's team. The remaining employees are being disbursed to the other teams in the area. Management

believes that they briefed NTEU 73 on this mass reassignment, however President Jackie Huff stated that the subject was never discussed in her meeting with I. S. Operations Manager Vivian Fox.

Files Joins The AWOL Frenzy

The Files area recently changed their business as usual policy of approving Leave Without Pay (LWOP). It was reported that no manager in the files area can approve LWOP and that they are to charge Absent Without Leave (AWOL) even if the employee brings in a doctor's certificate. This means that any employee in the Files area that doesn't accept the AWOL charges needs to contact a steward to file a grievance to attempt to get their AWOL changed to LWOP.

Assistant Chief Steward, Dwight Cornett met with Post Processing Operations Manager Sue Becker briefly and was informed point blank that management does not have to approve LWOP just because an employee brings in a doctor's statement. This is a position that flies in the face of past practice.

Employees can be assured that

NTEU 73 will continue to fight this injustice and callous treatment of the bargain unit employees in Files and

throughout CSPC where management continues to attempt to gain a foothold with this policy.

City Of Florence Ponders Tax Increase

The City of Florence, KY is reportedly considering raising their payroll tax from 1.25% to 2%. It was also reported in the Kentucky Enquirer that the current sal-

ary cap on this tax would be removed should this increase pass. A vote is expected at the end of the month.



Are you a NTEU member?

No? Why not?

Because you just can't afford it?

In reality, you can't afford not to belong. Our health insurance premiums just increased, but few of us discontinued our health insurance coverage. We realize the value of insurance. NTEU membership is job insurance. Every day NTEU is fighting for your rights and protecting your job. The greater our number; the easier the fight. See a steward today and ask for a Form 1187 and join!

Are Some AWOL Charges Illegal?

NTEU 73 has seen a rise in AWOL charges for employee who are ill and are without sick or annual leave. Typically, it occurs with employees who have exhausted their FMLA and still need to use leave. Management has refused to grant advanced leave or LWOP, instead charging the employee with AWOL.

The employee will bring in medical documentation, but management still charges AWOL. The case of *Patterson v. Department of the Air Force*, 74 M.S.P.R. 648 (1997) was raised as standing for the principle that an agency may not put someone who is ill and has furnished proof of the illness on AWOL.

In *Patterson*, the agency removed the appellant for being AWOL and failing to comply with requests for complete medical documentation. The Merit Systems Protection Board (MSPB) found that she had provided all necessary information as to her illness and then discussed the issue of AWOL. The MSPB said that to support a charge of AWOL, an agency must show the employee was absent and

that either the absence was unauthorized or that a request for leave was properly denied.

Locally, several cases where employees have been charged AWOL have been invoked for arbitration by NTEU73's

attorney. It is our belief that these cases contain the necessary legal merits to force management to backtrack away from the foolhardy and potentially illegal position of charging AWOL to sick employees.

All NTEU73 members are encouraged to attend the

CHAPTER 73 MEETING

When: Wednesday, April 18, 2007

Beginning at 4:30pm

Where: Gateway Center,
Room 505

*All NTEU73 members who attend the meeting
will be entered in a door prize raffle!*

"To organize federal employees to work together to ensure that every federal employee is treated with dignity and respect."

Time to get your ducks in a row. Your income is important, protect it!

Don't miss out on our income protection plan during open Enrollment. Enrolling now, you can qualify for:

- 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 your office today by calling:
Nathan at American Insurnet 513-505-4488.



Bravos And Boos

A **Bravo** to Receipt & Control Department Manager Donna Huth who bake cookies for all her employees who braved the fierce weather conditions and reported for work February 14th.

A **Boo** to those management officials who have decided to charge AWOL to employees who couldn't come to work because of weather conditions.

A **Bravo** to Joe Ciaramitaro for all the work he is doing with the website. Especially his timely posting of each monthly issue of *The Force*.

A **Bravo** to Eric Bruce, NTEU Field Representative and attorney, for his

contributions to the steward training.

A **Bravo** to Florence Assistant Chief Steward Dwight Cornett for his efforts in securing the 59 minutes for the employees in the CIRSC campuses who did not get it on the Wednesday before Thanksgiving.

A **Boo** to Compliance management who tried to do a secret 59 minutes to those employees who work their entire shift that Wednesday, while denying the other employees.

A **Bravo** to the NTEU 73 office staffs for all the hard work they do by handling walk in employees' problems and making sure the Chapter runs smoothly.

A big Force **Boo** to Bill Rolsen, a third shift manager in Submission Processing. Recently, Mr. Rolsen had one of his employees come to him complaining of chest pains and being light headed. Instead of following emergency procedures, Mr. Rolsen allowed this employee to drive herself to the hospital. This negligent behavior of Mr. Rolsen endangered the employee and put the Service in a position where they could have been held financially liable. Next time Mr. Rolsen, call 911 or the phone number each employee supplies as their emergency contact or as a last resort, drive the employee to the hospital.

NTEU73 Members Shine at Employee of the Year Awards

Recently, the IRS held its annual Employee Of The Year awards. There were a number of NTEU73 members nominated. *The Force* and Chapter 73 give the following nominees a big congratulations.

They are: **Cynthia McBerry, Brion Bailey, Jennifer Frost Cornish, Johnny Shermon, Karen Stallworth, Ginny True, Jim Nils, Tina Breitenstein, Venita Brown, Melinda Carroll, Bob Krekeler, Sheila Arnold, Jamie**

Bailey, Donna Dunn, Beverly Feltner & Jack Lytle.

A very special congratulations goes to **Diane McQueen** who won in her category.

The Annual NTEU73 Picnic is Just Around the Corner



**Two Roller Coasters
Kiddie Rides
Tilt-A-Whirl
Scramber
Ferris Wheel
Carousel
And more!**



Saturday, May 26, 2007

Details Coming Soon!



NTEU73 Stewards Attend Legislative Conference

NTEU73 leaders once again sent a contingent of Chapter stewards who are active in our legislative program to Washington, DC for National NTEU's annual Legislative Conference. This year's representatives from our Chapter were Chapter Secretary Julia Wiley, Vice President Eric Johns, and steward Shirley Porter. Ms. Wiley was also selected to travel to Washington, DC in January, before the conference, to help select the topics with which those attending would be charged with speaking to their elected officials.

Their trip got off to a bit of a rocky start on Sunday February 25, 2007, as the three NTEU73 stewards landed in the middle of a blizzard at Dulles International Airport and then spent the next two hours in a cab making their way through the snow to the Nation's capital. By Wednesday, February 28, though, the weather at warmed nicely and the snow that had previously blanketed all of Capital Hill was all but gone.

NTEU leaders across the country seemed very excited about recent changes in leadership in both the House and Senate. Our unions has adopted a very aggressive agenda of pursuing many things that would likely have been unable to achieve with the GOP control of Congress.

"This was my first trip to the Legislative Conference and I was really blown away with the job National NTEU's Legislative Department did in organizing this massive event," said Vice President Eric Johns. "We were

very well prepared to engage our assigned Congressmen and Senators on the issues. I'm glad to report that many of them seemed very receptive and several promised their support."

Among those elected officials pledging

their support on various issues lobbied for by NTEU were Kentucky's Fourth District Congressman Geoff Davis (R-KY) and newly elected Ohio Senator Sherrod Brown (D-OH).

National NTEU President Colleen Kelley is Visiting CIRSC!

Come hear our Union's Leader speak on many issues important to Federal Employees.

Monday, March 26, 2007 Lunch & Learn Sessions

Monday, 10:00 AM - IRRC

(Cafeteria on the SOI/Innocent Spouse side of the building)

11:30 AM - Fourth St. Center in the Skylight Canteen

1:00 PM - Gateway Center in the Third Floor Cafeteria

8:00 PM - Gateway Center in the Third Floor Cafeteria

*We'll be providing free pizza to all
NTEU73 members who attend!*

Employees must use their own lunch break to attend and may request to use

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

CORRECTION:

In our last edition of The Force we stated Tim Lynn (former Operations Manager in Innocent Spouse) accepted a promotion in Atlanta. It was actually a lateral move. We apologize for this error.