

The myths about annual leave

By Heather Phillips,
NTEU73 Steward

Each year most employees will wait to submit requests until their manager gives them Form 11216 "Employee Annual Vacation Request". Some areas are telling their employees that they must request annual leave for the year. Other areas are saying that they are only accepting requests for each quarter and most are saying that they will not approve leave for the last three months of the year until October. Is this Truth or Contractual Myths?

Your manager does not control when and how far in advance you request annual leave. Article 32 clearly states that the employee at his or her option requests annual leave. It may be twelve months or twelve seconds in advance it doesn't matter. The only place advance request is required is for a religious holiday Article 32 Section 4. However, there is an exception to requesting annual leave if you are covered by the Customer Service Agreement (CSA). Management may require you to request annual leave for periods January through June, July to September and October to December. If you are an employee that likes using Form 11216, you will find it on the common forms directory. No need to wait.

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Article 32 Section 1D state "In order to facilitate the making of personal plans by employees, the Employer agrees to respond to annual leave requests as soon as possible." What is a reasonable amount of time to wait for a response? Since the intent of this section is to aid the employee in making personal plans the narrowest interpretation needs to be applied. A maximum reasonable time to wait should be two weeks, or sooner as the situation requires. Nothing in the CSA gives management the right to procrastinate in approving leave.

Employees may at the employee's option substitute annual leave for sick leave; Article 34 Section 4A. How an employee wishes to use their annual leave is their decision not their manager's decision.

If a manager denies annual leave, the manager must put the reasons in writing. The contract only recognizes one valid reason for denying annual leave and that is that it would cause a severe work interruption. The manager is required to furnish historical data to document such action. Managers, wake up and smell the coffee, you can not put more restrictions than the national negotiated agreements allow.

Visit us on the web!

www.nteu73.org

Straight from the President's Desk



By Jackie Huff,
NTEU73 President

Holiday madness at the IRS.....

Seems management is still violating BU employees rights when charging AWOL the day before or after a holiday unless the employee brings in a doctors note if using sick leave. NTEU has filed grievances over this but it is my understanding management hasn't stopped and is still charging AWOL for this reason. If you are a BU employee and have requested on the day before or after a holiday sick leave, annual leave in lieu of sick, have

approved FML (Family Medical Leave) on file and your manager HAS charged you AWOL because you have not supplied them a doctors note or you have given management a doctors note and management is saying it is not acceptable then your rights have been violated and you need to make sure the union is aware and a grievance is filed to protect your rights under the contract. If this is **YOU** then **YOU** need to act now and not wait for someone else to fix this problem. You have 15 days from the date of denial to protect your rights. We are waiting for you.....

Health Unit

An employee reported that he was being charged AWOL by management if he visited the health unit more than once a pay period. Employees are being allowed to use their annual and sick leave, but if an employee doesn't have annual or sick leave

then they are being charged with AWOL. The employee states that management has deemed themselves medically certified and will determine if AWOL should be charged.

Employees should be aware of article 34 regarding medical information. Employees are NOT required to provide any medical information, such as diagnosis and prognosis, to the agency UNLESS they are medically certified. NTEU is looking into this practice that management may be trying to start.



The Force

“NTEU73’s Hard Hitting Newsletter”

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

Big Brother is watching you!

Contract Recording!

By Hansford (Dwight) Cornett
Acting Vice President, NTEU73

Yes, like it or not watching employee's is sometimes acceptable; however, "Documentation may not be appropriate". Don't let management deceive you by using the phone logs to document you for being late from break or lunch. This is an illegal activity which only shows that you're not on the phone at a specified time and cannot be used against you because you may have returned to your desk and then went to the restroom or something.

Know your rights as an employee. If you're not a member, join now! A form 1187 can be picked up at any NTEU office. Help NTEU in the constant fight for employee rights.

FILES work is coming back to the IRS

The IRS has decided not to renew the contract with IAP. Effective October 1, 2008, the FILES work at the seven submission processing campuses will once again be done by IRS employees.

The FILES workforce will be to be rebuilt. NTEU has already started talking to the IRS about the transition. NTEU understand that many former FILES employees may be interested in returning to the FILES positions. NTEU will be working with the IRS on those important details over the next weeks.

Look for more information in the next edition of *The Force*.

Writers Wanted

Do you have writing skills?

Do you have information that is newsworthy?

Submit your article to **The Force**.

If your article is accepted, we will print it with or without your name attached; your choice.

Email your submission to NTEU73mailbox@aol.com 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.

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 A.M.—4:00 P.M. & 7:30 P.M.—11:00 P.M.
(859) 669-5700

Industrial Road Retention Center

Monday—Friday 12:30 P.M.—2:30 P.M.
(859) 669-5024

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Look for more Hotel/Motel and Car Rental Discounts in the next edition of The Force.

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Check out our website

Have you visited the NTEU73 web site lately? You can find the latest information about Union activities and memos from the Chapter President. You can visit our online library which will give you access to information such as, the National Agreement, the Time and Leave Handbook, the Local Cell Phone Agreement, How To Do A Self Appraisal and so much more. The website also contains links to useful websites such as National NTEU, Americans with Disabilities Act, FindLaw, and the Leave Administration. Don't forget, you can also access press releases, the steward listing, Chapter 73 Heroes, NTEU Swapper and even past editions of The Force.

Next time you feel like doing a little research or you want to see what your local Union Chapter has been up to, visit NTEU Chapter73's website at www.nteu73.org.

www.nteu73.org

NTEU Swapper

!!!Buying, Selling or Trading!!!

By Hansford (Dwight) Cornett
Acting Vice President, NTEU73

NTEU Swapper—Now open for business

Items For Sale, Trade, or FREE. Apartments and Houses for rent or sale along with vehicle sales, trades and anything else you would like to get rid of etc. Place your articles on the www.NTEU73.org for all members to see. Advertisements will be kept on the web site for 30 days. Get on the Web site and see what has already been posted or follow the instructions to place an ad of your own.

Just think about the deals you have been missing if you haven't visited us already.

Military Outreach for Service-IRS (MOS-IRS)

MOS-IRS is an employee organization in the IRS that provides support for veterans of the Uniformed Services of the United States who have sacrificed so much in the defense of our nation and promoted peace and freedom around the world.

If you want more information about MOS-IRS then you should check them out on the IRS intranet.
<http://mits.web.irs.gov/MOS/default.htm>

Stewards in the spotlight

One member of NTEU73 wanted to thank Terri Hampton, "for a job well done!" Terri was able to help the employee sign a revised evaluation which raised the employees rating to a 4.8. Thanks Terri!

Tammy Rackley has stepped up to the plate as the NTEU Co-Chair person for CFC.

An employee was very pleased with all of the work Tammy Donaldson and NTEU put into the grievance he filed over unfair distribution of Overtime. The employee was offered overtime within a day or two of the final outcome of the grievance.

Bob Krekeler has been selected by National President Colleen Kelley to be one of NTEU's representatives at the grievance meeting regarding increases in caseloads of TAS Case Advocates.

One employee wanted to tell Amy Arnold about the excellent job she did with his grievance. The deposition read by Amy was flawless. She said all the right things that needed to be said and she put in the human factor of the employees problem. The employee said Amy did, "one heck of a good job."

Employee Right to NTEU Representation Upheld

Recently, in a Submission Processing Operations an employee was called into the Operations Manager's office along with the employee's manager to discuss an open grievance the employee's union representative had filed for the employee. After the meeting, the employee reported immediately this incident to the Chapter's office staff. Under the direction of Chapter President, Jackie Huff, Steward Heather Phillips promptly filed an Institutional Grievance alleging an Unfair Labor Practice. In her response of August 8, 2008 Director Susan Hansen stated in part "I have determined the information you provided is accurate. I apologize for not inviting NTEU to the meeting." She went on to acknowledge that NTEU had the right to be present at any discussion until the matter was resolved. Once again Chapter 73 has successfully defended your right for union representation. If you feel your rights are being violated we urge you contact a steward or the union office.

Bank of phones

By Hansford (Dwight) Cornett
Acting Vice President, NTEU73

PHONES PHONES PHONES!

Innocent Spouse removes phones without briefing NTEU or allowing negotiations. Thanks to the quick thinking of NTEU Steward Peggy Liver and Heather Phillips a cease and desist was issued and "Guess What" the PHONE WERE PLACED BACK ON THE DESK the same day.

Congratulations to all stewards involved, Great Job!.....

NTEU Your Waterloo

By Heather Phillips,
NTEU73 Steward

If someone declares him or herself Napoleon; that person would be rushed to the funny farm and locked away. However, if they work for the IRS and only act like Napoleon they would more than likely get promoted. This is what seems to have happened in AWSS. It appears that the management has decided that they can do whatever they want. Well guys we do have a contract and it needs to be followed. If you cancel an announcement, what is contractually required? In the National Agreement under Article 13 Section 3F it states "If a vacancy announcement is cancelled, the reason for the cancellation shall be noted on the promotion certificate and/or made part of the promotion file. A copy of the document showing the reason will be simultaneously sent to the

chapter/joint council." If AWSS management will let me know what part of that they don't understand, I will try to explain it to them.

Then AWSS hired more employees than originally announced on one of its vacancy announcements. This would not be an issue except AWSS used the employees to establish a *de facto* team. Didn't think we knew about the "ERC Team" did you? Has AWSS read Articles 15 and 47? When AWSS adds teams, moves its employees, whether from section to section or pod to pod, NTEU has a right to be briefed and if necessary negotiate the addition or movements. Failure to do so violates 5 USC 7116(a) (5) and is an unfair labor practice. Duh!

It seems that AWSS's ignorance of Article 13 is copious. AWSS management read my lips you cannot announce a vacancy for a

GS 0342 series, make your selection and then assign the employee to the GS 0018 series. That position must be announced in order to fill it, otherwise NTEU has a strong case for pre-selection.

AWSS has not restricted its Napoleonic attitude toward the National Agreement, but has extended it to the agreement surrounding the RIF. The structure including SPD that was negotiated as the status quo was to be maintained for one year. Before the ink was dried AWSS started little by little changing it.

Managers hear this, we will not go away, or be ignored. NTEU is holding you accountable. AWSS you have met your Waterloo.



The Force Proudly Presents Our Monthly Horse's



Award
To
AWSS Management Team

A Message from the NTEU National President

Colleen M. Kelley



The *Workforce of Tomorrow* Initiative

A noted time management expert once said “Planning is bringing the future into the present so that you can do something about it now.”

It is in that spirit that NTEU is participating in the IRS *Workforce of Tomorrow* initiative. In my view, talking about the workforce of the future must start with a discussion of the workforce of today. In his message to employees, Commissioner Doug Shulman states that “the IRS employees of today are our most vital asset in effective tax administration.” He further recognizes that the IRS needs to continually improve its daily operations and that the frontline employees hold the key to identifying what those improvements should be and what is preventing the IRS from implementing them.

I have met with Commissioner Shulman and Beth Tucker, Director of Workforce Initiatives, to discuss NTEU’s role and the project goals. Those include valuing and retaining employees, recognizing and developing employees, improving recruiting, hiring and career progression, developing leaders and succession plans, and helping managers work more effectively.

As an integral part of the process, the Commissioner has agreed to create an advisory group of NTEU Chapter Presidents, which I will chair. This group will receive regular briefings and will have ongoing opportunities to provide feedback. This group will act as a sounding board on issues being considered by the task group and will provide NTEU feedback on preliminary recommendations.

I will also personally meet with Commissioner Shulman and Beth Tucker on a regular basis to receive briefings and to discuss the issues. I will provide feedback and do everything possible to positively impact IRS decisions and to help frame decisions that are good for employees and good for the IRS.

This project will only be successful with your participation. That is why I am urging you to visit the IRS *Workforce of Tomorrow* web page and share your suggestions and ideas. NTEU will also issue updates from our advisory group and I encourage you to respond to those updates through e-mails or by talking to your local NTEU leaders.

There’s an old proverb that goes, “Poor planning on your part does not constitute an emergency on my part,” but far too often federal employees are the victims of a lack of planning and vision by agency leadership. I appreciate Commissioner Shulman’s focus on prioritizing this all-important issue. The IRS workforce is facing unprecedented retirements and the competition for skilled employees will only increase in the future. Retaining and developing experienced employees, sharing your knowledge with new employees coming in and ensuring adequate staffing levels to meet the mission of the IRS are some of the critical issues NTEU will explore with the IRS.

While we may not agree on all the solutions down the road, NTEU can and does support the idea of a serious workforce planning effort and will participate to the fullest extent to ensure that employees’ voices, views and interests are well-represented. If you have a question or comment for NTEU, you can e-mail me at nationalpresident@nteu.org.

A handwritten signature in black ink that reads "Colleen M. Kelley". The signature is written in a cursive, flowing style.

Colleen M. Kelley
National President