

**T
h
e
F
o
r
c
e**

Do We Or Don't We – Well Maybe

Washington

On July 27, 2009 the *IRWEB* posted this press release "Today, I am pleased to announce that we have finalized the new National Agreement II with NTEU.

This is an important milestone for the IRS and NTEU. Both the IRS leadership team and NTEU are committed to making sure we have a sound tax system for the nation, and this Agreement reflects that commitment. The planned implementation date of the new Agreement is Sept. 27, 2009.

I believe this Agreement balances the needs of management and employees over the next five years. It gives us the necessary flexibility to meet the needs of taxpayers and the tax system. And it will allow us to continue to move the nation's tax system forward and help make the IRS the best place in government to work.

I want to extend my sincere thanks to everyone who worked on this effort, both those who represented management and those who represented NTEU. The next step will be to provide training for IRS managers on the Agreement during August and September.

Thanks again for your hard work and dedication to the nation's taxpayers.

--Doug Shulman"

While at the same time NTEU's press release read "Internal Revenue Service (IRS) employees are now closer to being able to enjoy the benefits and protections of their new contract.

The IRS has agreed to implement the agreement after working with NTEU to resolve outstanding issues concerning the new term agreement. These

issues arose after the Department of the Treasury disapproved nine provisions of the contract on agency-head review. Issues over alternative work schedule (AWS) pilots were also resolved during these negotiations. After clarifying an issue in one article, Treasury withdrew its remaining legal objections and has now approved the contract.



Executive Vice President Frank Ferris
 Who headed the negotiations team

One positive consequence of the delay was that it allowed NTEU to address issues that arose during negotiations over the four AWS pilots that had been agreed to at the term table. The IRS had demanded that employees in Accounts Management, Correspondence Exam, MITS and TAS who were working an AWS be removed from that schedule and be required to bid to obtain their current AWS. NTEU vehemently opposed these changes and, as part of the Treasury approval process, negotiated modifications to the AWS pilot memorandum of understanding and secured the right of employees in the four functions

to "opt out" of the AWS pilot and retain their current schedules.

Continued on page 8

Inside this issue:

Straight From The President's Desk	2
IRS Return To Smoking Status Quo	3
The Next Crusade	5
NTEU Treasure House Update	7
Swing Update	8



Straight From The President's Desk
By Jackie Huff Chapter 73 President

Does NTEU always have to represent nonmembers?

NO!

The Federal Labor Relations Authority

has ruled that the union does not have to represent an employee in an oral reply in connection with a proposed disciplinary action such as a suspension, removal, or an unacceptable performance action such as dismissal.

This means if you are a nonmember, NTEU can refuse to represent you in an oral reply if you are suspended, removed or demoted based on:

- Misconduct
- Errors on SF171 employment application
- Insubordination
- Errors on tax returns of IRS employees
- Unacceptable performance
- Misuse of a government vehicle
- AWOL
- And others

NTEU membership means more.

Protect Yourself! Be a member of NTEU!

IRS Return To Smoking Status Quo

Recently in a memo to chapter presidents Colleen Kelley issued the following statement.:

“Earlier today, the IRS informed all employees that it will rescind implementation of the new GSA Smoking Regulations and return to the pre-existing smoking policies at posts-of-duty (PODs) where GSA has delegated the lease to the agency until bargaining with NTEU are completed. National NTEU has been pressing the IRS to rescind the June 19th rollout of the GSA smoking policy after we learned that GSA decided to hold implementation of its own policy in abeyance until it had completed bargaining with its unions. The affected PODs are:

- Fresno Service Center;
- IRS National Office (1111 Constitution Ave., NW);
- Atlanta Service Center;
- Covington Service Center;
- Andover Service Center;
- Brookhaven Service Center;
- Philadelphia Service Center (South, East, and North);
- Memphis Service Center;
- Austin Service Center

- (including Future Stars Child Center);
- Ogden Service Center; and
- Martinsburg Computing Center (Facility and Annex).

NTEU is pleased that the IRS has recognized its obligation to engage in substantive, as well as impact and implementation, bargaining on any rollout of the GSA regulation and reach an agreement with NTEU prior to implementation. The union continues to request information from the agency in order to fully address the impact of the new GSA smoking regulations at each POD. “NTEU represents all bargaining unit employees. In doing so NTEU must protect the rights of those employees. This does not mean that NTEU opposes the GSA regulations per se, but in implementing them NTEU is working to lessen any negative impact on employees who smoke.

Looking at the bigger picture, when there is a change in working conditions the Internal Revenue Service is contractually obligated to negotiate the impact and implementation with NTEU. To allow the IRS to unilaterally implement the GSA regulations without following Article 47, would establish a precedent that in the future could negatively impact all bargaining unit employees. If this current turn of events upsets someone then lets be upset at the right organiza-

tion. If the IRS followed Article 47 and negotiated an agreement before implementing the GSA changes, then the return to status quo would have been unnecessary. What NTEU has done was forced IRS to follow the contract that the union and the agency negotiated. Would you expect or want them to do anything else?

NTEU Continues Fight for Pay Parity

The 2010 civilian pay raise continues to move through Congress, but exactly what the percentage figure will be is still up in the air.

The Senate version of the fiscal 2010 Financial Services and General Government Appropriations bill contains a 2.9 percent raise for civilian employees, which was originally proposed for the military. As Congress considers a 3.4 percent increase for members of the military, NTEU will advocate for that figure for civilian employees in keeping with the union’s longstanding support for the principle of pay parity. The House last week remained silent on the issue when approving the fiscal 2010 Financial Services and General Government Appropriations bill.

Join NTEU

NTEU Swapper

!!!Buying, Selling or Trading!!!

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.

NTEU73 Union Office Hours

Fourth Street Office

Monday—Friday 7:30 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 7:00 AM.—3:30 P.M.
(859) 669-5024

Not a Union member?

Missing out on all the benefits Union membership brings?

Join Today!

Editorial

The Next Crusade

By Heather Phillips
Editor

Much has been written about the GSA smoking regulations and the controversy it has generated. Yet this didn't just happen. Smoking in the work place was quite common; until the late 1980's most people could smoke at their desk. In the Federal sector, an Executive Order by President Clinton required smoking in designated smoking areas outside of the workspace and canteens. In the private sector the smoking issue divided people into camps. The American Cancer Society, the American Lung Society and the American Heart Society led the battle to get smoking banned. A number of restaurants initiated non smoking sections and as time passed these areas have gotten larger at the expense of the smoking sections. A number of large chain restaurants have banned smoking entirely. The cry of secondhand smoke has gone forth to lead the charge. A growing number of states have banned smoking in public places. Many would say this is good. The government is protecting us from the health dangers of second hand smoke. After all we are not capable of making the choices necessary to protect ourselves or in other

words take responsibility for our lives. Smokers lament what about their rights?

Personally, I quit smoking over two years ago. So whether or not smoking is allowed does not affect me. Yet my concern is the precedent it is setting allowing the federal and state governments to interfere in our personal lives. We are allowing the government to take charge and make decisions we should be making for ourselves. One could argue that it is only smoking; it is harmful and we need to be protected and protect the children, after all the parents don't. It will stop there; right?

On Wednesday, July 22, the Cancer Project, an affiliate of the Physicians Committee for Responsible Medicine (PCRM), a nonprofit organization that advocates vegetarianism and alternatives to animal research, filed a class-action consumer fraud lawsuit to require hot dog manufacturers to place warning labels on hot dog packages sold in New Jersey. The labels would read, "Warning: Consuming hot dogs and other processed meats increases the risk of cancer."

Does this mean the hot dog companies should be required to inform potential customers about the risks involved?

Well, why not? Some people will say that an occasional hot dog won't hurt anyone, and that most people already know that hot dogs aren't a healthy

food. But, for the many people who struggle to eat "in moderation," or don't even attempt to, warning labels might make it harder for them to remain willfully ignorant, eating meats every day of every week and contributing to America's skyrocketing health care costs.

Cigarettes carry warnings stating that smoking causes cancer; why not meat? While we can't entirely avoid every unhealthy food, compound, or toxin there is, we can identify the major disease culprits. Warning labels may not prevent people from eating hot dogs altogether--they can still choose to eat as many as the wish--but perhaps labels will make them more mindful of their eating habits.

Sound familiar? That's were it all started with cigarettes. Where will it end?



July Winner of Zoo Pass
Pat Hamilton

The Force

"NTEU73's Hard Hitting Newsletter"

President: Jacqueline S. Huff
Vice President: Dwight Cornett
Secretary: Julia Wiley
Treasurer: Cathy Dunhoft

Editor: Heather Phillips
Assistant Editor: Tammy Rackley
Photographer: Michael Murphy
Website Design: Joe Ciaramitaro

NTEU73
P.O. Box 12389
Covington, KY 41011

Phone: (859) 669-5370
Fax: (859) 669-5307
Website Address: nteu73.org
Email: NTEU73mailbox@aol.com

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

Swing Shift Department Manager Ever Hear Of Article 9

Heather Phillips
Editor

This month's recipient was nominated by one of our swing shift stewards. NTEU 73 steward Nathan Gibbs needed to interview employees from one team in regards to a grievance he was working. The Department Manager Sue O'Neill refused to allow the employees to go to the union office except on their own time.

The National Agreement Article 9 Section 2N states "Employees will receive administrative time in accordance with subsection 2P when being interviewed by:

a steward who is using time pursuant to subsections 2C or 2F above;" Article 9 Section 2G defines the time referred to in 2F it states "The following activities are covered by "bank time," as provided in subsection 2F above:

1. to confer with employees with respect to any matters for which remedial relief may be sought pursuant to the terms of this Agreement;
2. to prepare grievances;"

Gibbs was on bank time and was involved in activities that were within his authority under Article 9. Sue O'Neill interfered with the unions rights of representation and violated Title 5 Section 7116 of the United States Code. We suggest that the swing shift managers be given remedial training in the National Agreement. Sue you need to pay special attention when Article 9 is discussed. Hopefully, the steward filed an institutional grievance alleging an Unfair Labor Practice (ULP). Unfortunately, *the Force* can only offer you this. Sue O'Neill this butt is for you.

Passages In Time



Robert Michael Morley, a former Chapter 73 member and an extraordinary human being who worked as a CSR in Team B109, passed away July 19th at the age of 53 after an extended illness.

Irene Rosilea Cook, a retired Internal Revenue Service tax examiner and union member passed away on July 24th at Hospice of St Elizabeth Health Care in Edgewood Kentucky.

If you have an item for the Passages in Time please email it to Heather Phillips at Heather.J.Phillips@irs.gov. Please put Passages in the subject line.

The Force reserves the right to select and or edit the content of items for print.

Chapter 73 proudly presents

August Horse's



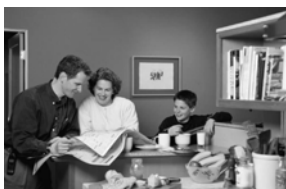
Award To
Department Manager Sue O'Neill

Writers Wanted

Do you have writing skills?

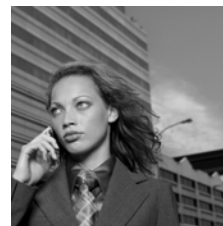
Do you have information that is newsworthy?

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.



I'm Sorry All Stewards Are Busy

Sometimes all our full time staff are representing employees at meetings and the office must be temporarily closed. When that occurs please call one of the other offices. Fourth Street is 5370 and GWC is 5700. Also Ron Vinson, our Chief Steward's office is located right off the Fourth Street lobby. He can be reached on extension 2681.



NTEU Treasure House Update

By Mary Bjelland

As NTEU's representative on the Treasure House Advisory Committee, I am privileged to attend these quarterly meetings and I will be reporting any information or updates to NTEU members as I become aware of them. The committee's last meeting was held on July 30, 2009. During the meeting we met the new director of our Covington center, Cindy Ahler. She was welcomed by the committee and told that we are here to support her efforts.

During the meeting I voiced one of the most frequent complaints that I get from employees when they find out that I want their feedback, and that is that many of the people who are GS-3-8 are unable to afford tuition at the Treasure House. The current weekly tuition rates for the center are shown below:

- Infants - \$168
- 1 year - \$158
- 2 year - \$153
- Pre-school - \$145

In the past the Treasure House Committee came up with ways to help employees by giving them some money towards their child care tuition. However, because of changes in the regulations that govern fund-raising here at CIRSC, that is no longer an option. Cindy stated that the other options for assistance would come from the employee's state or, if they live in Cincinnati, from Hamilton County. It was suggested at the meeting that NTEU provide CIRSC employees some additional information about any assistance.

My research found that Northern Kentucky employees can contact the Kentucky Area Development District

office (or CCAP) office at 859-238-8189. An intake worker there will refer you to a state worker to begin the application for state aid. The United Way Child Care Assistance Office also offers help and can be reached at 859-491-8303. The City of Covington, Kentucky can also be contacted if you are a city resident, as they have a program available.

My research of these sites shows that the determination of whether you are eligible for assistance or not is based on your monthly gross income, which has to include many types of income that is not taxable for federal purposes. Therefore, lower-income people are able to receive help but middle-income people usually don't qualify. Many middle-income people can't afford the rates either. While NTEU feels that this disqualifies some employees from being able to use a facility that is based on our campus and is supposed to benefit everyone, at this time there is nothing being done about the situation. NTEU will be looking at the situation to see if they can offer any suggestions. While it was hoped, when the center first opened here, that most of the enrollment used at the Center would be for Federal Employees, at this time Federal enrollment does not usually top 50% of the facilities' use. However, there is one advantage that Federal employees do receive when applying for an opening at Treasure House. If the opening is filled, it is filled with a federal employee before an outside applicant.

Please feel free to contact an NTEU steward or me, Mary Bjelland, by e-mail if you have any additional questions or concerns about Treasure House enrollment.

NTEU Offers White House Recommendations on Contracting Out

If the government wants to improve the contracting process, it must clarify the definition of inherently governmental work.

This was NTEU's message to the Office of Management and Budget in comments submitted as part of the White House-ordered review of federal contracting.

President Kelley recommended that the government use the "longstanding" and "flexible" definition of inherently governmental contained in the Federal Activities Inventory Reform Act and the Federal Acquisition Regulation.

As part of NTEU's fight against runaway contracting, the union is supporting the CLEAN UP Act, which would ensure that only federal employees perform inherently governmental work and reform the A-76 process.

NTEU Backs Bill Offering Full Union Rights To TSOs

Federal Daily, July 13, 2009

The House Homeland Security Committee marked up a bill to provide Transportation Security Administration (TSA) employees with full collective bargaining rights. The Transportation Security Workforce Enhancement Act of 2009, H.R. 1881, would place Transportation Security Officers (TSOs) under the General Schedule (GS) system and terminate the agency's current, heavily criticized PASS (Performance and Accountability Standards System) system. "TSOs deserve to have the same civil service rights and protections that are already in place for other Department of Homeland Security (DHS) employees," National Treasury Employees Union (NTEU) President Colleen M. Kelley said.

Join NTEU

SWING Update

By Pat Hamilton
Night Chief Steward

Julie Orick was able to get a council letter removed from an employee's folder in Excise.

Leila Smith was able to get overtime and credit hours for an employee in AM when initially management was refusing to allow it.

Wanda Casson got AWOL removed from an employee in processing who had used up her FMLA hours but was still having to be out for the FMLA issue.

Nathan Gibbs facilitated in getting an employees CJE's changed back to the prior year when they were lowered on the evaluation without the manager offering help or notifying of the change.

Nathan helped an employee find out if they were eligible for insurance as the manager was denying him stating he was ineligible.

Nathan got documentation removed for an employee in AM that stated the employee did not have enough closures for a specific allotment of time.

Linda Kelly helped an employee who was denied leave to attend school get put on the list to go to days so they could attend night classes.

Pat Hamilton cleared up a harassing work environment in ACS where management was not addressing issues between a lead and the team employees.

Pat Hamilton was able to get the pay raise with interest for an employee in processing who took a detail with higher graded duties.

Pat Hamilton grieved an evaluation for an AM employee and got the CJE scores changed for the employee.

Pat Hamilton grieved an evaluation for an ACS employee to get the CJE scores returned to the prior year higher numbers because management did not follow the contract and give help or notification to the employee.

Pat Hamilton was able to get a council letter removed from an ACS employee's folder.

We are currently holding 6 Institutional grievances filed against management on swing because management has failed to follow the contract.

NTEU Says No to Health Benefits Tax

As Congress begins its work on national health care reform, NTEU has joined a coalition of labor unions opposing the taxation of health insurance benefits as an unfair and unwise step. In a letter recently sent to Congress, NTEU argued that eliminating or capping the tax exclusion for employer-provided health care benefits would adversely impact the more than 160 million Americans who receive their health coverage through the workplace as an employee, dependent or retiree. This includes federal employees and those retirees who participate in the Federal Employee Health Benefits Program. The coalition's letter also argued that taxing health benefits would remove a key incentive that employers have in providing any health benefits and possibly lead younger, healthier workers to pass up employer-sponsored health care altogether, thus driving up coverage costs for older employees.

House Members Seek Partnership Return

In a letter to the White House, three members of Congress with extensive experience in labor-management issues asked the administration to reestablish partnership in the federal sector. Their request drew support from NTEU, which has been recommending such a step. The congressional letter was signed by Rep. Edolphus Towns (D-N.Y.), chairman of the House Oversight and Government Reform Committee; Rep. Stephen Lynch (D-Mass.), chairman of its subcommittee on the Federal Workforce; and Del. Eleanor Holmes Norton (D-D.C.), a member of both bodies. The federal workplace partnership program, established by executive order, ran from 1993 through 2000. The representatives wrote that "union members with whom we have spoken agree that labor-

management partnership recognized the importance of employees and their employee representatives to smooth, collegial decision-making in the government."

Bill Would Raise Age Limit on Dependent Coverage

Knowing that young adults without health insurance are a serious health care issue, NTEU has welcomed new congressional legislation, H.R. 2978 that would increase the maximum age to qualify for dependent coverage under the federal employees' health benefits plan to age 25. At least 17 states have taken action to extend coverage to dependents in private plans, but presently, dependent children of federal employees lose their health insurance through the Federal Employees Health Benefits Program when they turn 22. NTEU has long advocated for the federal government to take the lead on this critical issue with President Kelley previously testifying to Congress about NTEU members whose situations illustrate the need for this legislation.

Do We or Don't We

Continued from page 1

While NTEU and the IRS have made significant progress, there are still other issues that must be addressed, such as the implementation date of the new contract. NTEU is pushing for an Oct. 1, 2009 implementation date. This would allow NTEU-won benefits, such as the raise in the awards pool percentage (from 1.6 percent to 1.75 percent), to go into effect this coming fiscal year.

“So do we or don't we? *The Force* contacted Regional Vice President Pat Breitenstein to get the lowdown. The official position is maybe. The tentative implementation date is September 27, 2009 provided IRS and NTEU satisfactorily address several outstanding issues.