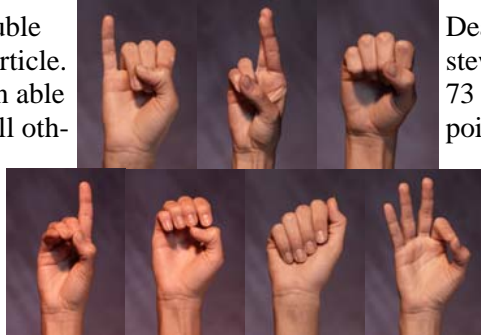


## Chapter 73's Award Winning Hard Hitting Newsletter

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Some may have had trouble reading the title of this article. Some may not have been able to read it at all, while still others may have read it with ease. This is a problem faced by *IRS DEAF* everyday. Communication breakdowns between Deaf employees and management are common.



What is communication? Communication is defined as a process by which we assign and convey meaning in an attempt to create a shared understanding. This process requires a vast repertoire of skills in intrapersonal and interpersonal processing, listening, observing, speaking, questioning, analyzing, and evaluating. Use of these processes is a developmental and transfers to all areas of life: home, school, community, and work. So then one may ask why management does not understand this concept. As a workforce comprised of predominantly hearing employees it would be unfathomable for us to even imagine a team meeting or training class taught in a unknown foreign language. Yet this is precisely what is happening to our Deaf co-workers.

So often the work life of a Deaf IRS employee is stressful and isolated. Most of our Deaf employees feel ostracized from their teams. They are not provided with requested and needed interpreters for training. Managers attempt to have meetings with Deaf employees using ineffective methods of communication such as passing notes and forced lip reading combined with hand gestures. These are discriminatory practices.

Frankly our Deaf employees are getting tired of this treatment. They are standing up and demanding the rights. We have had so many

Deaf employees approach our steward staff that NTEU Chapter 73 President Jackie Huff has appointed Tammy Rackley to facilitate these grievances. Tammy is working closely with the Deaf employees at the IRS. We will be meeting with Deaf employees on Thursday February 5, 2009 regarding these

issues. If you or an employee you know is impacted by such egregious and thoughtless behaviors please contact Tammy for an appointment.

As a hearing employee what can you do to help? Say something. Speak up. If you are in a team meeting and have a Deaf team member ask your manager if he or she requested an interpreter? Let them know that everyone is taking notice so your teammate does not feel isolated. Communicate with your Deaf coworker. Demonstrate that you value them as a coworker. Something as simple as making eye contact, a smile, or a wave goes a long way. Show management that we value one another. Show management we respect each other and demand they do the same.

Together we stand united, as the FORCE for fair and equitable treatment for all employees at the IRS.

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## Straight From The President's Desk

By Jackie Huff Chapter 73 President

2008 saw many achievements by NTEU for IRS employees. National NTEU made these achievements with the help and support of the local chapters and you the membership. I am devoting my column this month to a review of some of these accomplishments.

### The National Agreement

2008 began with a stalemate over the bargaining rules. IRS was stubborn in its position to change the rules used since the 1980's. NTEU won a series of national grievances and by mid year IRS agreed to negotiate using the established ground rules. Currently, negotiations are proceeding. The current negotiations center on performance appraisals, awards and sick leave.

The appraisal issues are NTEU is fighting IRS proposals that would shift the work from managers by requiring leads to draft "any part" of a performance appraisal of a fellow bargaining unit member; that would effectively gut the provision requiring counseling of an employee in the event of a drop in performance; and significantly extend the time period for providing evaluations to employees. The agency also is seeking language that would allow it to sidestep employee requests that it consider specific cases for review. In the negotiations on awards NTEU proposed to cut almost in half the number of pools within which employees compete. This would address two problems: employees in the same position and office having

to meet different cutoff scores; and different payouts to employees having identical appraisals. NTEU also pressed the agency on additional awards funding annually; increasing awards limits; paying higher bilingual awards; and boosting the number of QSIs distributed. The sick leave issue concerns the agency's proposal of placing substantial restrictions on sick leave, including requiring all employees to repay any advanced sick leave before being entitled to any additional advanced sick leave. NTEU has told the IRS it has yet to provide any supportable rationale for significant changes in sick leave policies. Other areas targeted for negotiations are hours of work, employee grievance procedure, flexi place, midterm bargaining, reassignments, details and training.

### Partnership

Both the majority leaders in Congress and President-elect Obama favor a return to federal agencies and federal labor unions partnering. NTEU is in favor of a return to partnering and has worked with the last congress on a bill that would require partnering. Whether it is by an act of Congress or a Presidential Executive Order 2008's efforts will bear fruit in 2009.

### The Economy

The economy took a nose dive in 2008. The IRS has contributed to some of their employees financial problems by targeting some of the

older employees especially those with health problems by either attempting to remove them or pressure these employees into retirement. NTEU both locally by our stewards and with our national field representative, Eric Bruce, has fought successfully to counter these efforts. 2008 saw a record number of arbitration invoked both locally and nationally. Economically both the local chapters and national NTEU office has had to tighten our belts to ensure that the funds are there to finance these legal battles.

### The Election

NTEU with the help of the local chapters were able to elect a President and a sizable number of congressmen and senators that NTEU had endorsed in this past election. Members overwhelmingly stepped forward volunteering their off duty time to work for the candidates.

### The 2009 Pay Increase

Through the lobbying efforts of NTEU national staff and the local chapters delegates during the 2008 legislative conference, was able to influence congress to pass a 3.9% pay increase. This was a full percentage point above the raise proposed by President Bush.

And that's the way it was in 2008. Now we started 2009 with hope that with the new leadership in Washington we can accomplish more.

### 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](mailto: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

*Not a Union member?*

*Missing out on all the benefits Union membership brings?  
Join Today!*

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### 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](http://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.

**Listen to Chapter 73 NTEU Minutes on Artists Club Radio**  
**<http://artistsclub.tripod.com>**

### 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."*

## Chapter 73 Steward Named to National Committee

One of the Hallmarks of the NTEU Legislative Program is the involvement of its members in deciding the legislative agenda that NTEU will focus on in each session of Congress. Every year prior to the start of new sessions of Congress, National NTEU invites a select core group of NTEU members to join National NTEU as members of the Legislative Advisory Committee (LAC). The invitees are NTEU members who have been actively involved in promoting legislative grassroots programs in their chapter and actively promoted legislative issues of great importance to federal employees.

This year it is our honor to announce that Chapter 73 Union Steward Tammy Rackley was invited to become a member of the LAC. She will join other

committee members in Washington who have demonstrated knowledge about issues that directly affect us, the federal employee, and help in deciding the issues that NTEU should focus on in the coming year.

An invitation to join for one of our members to join LAC is great honor which recognizes the individual contributions Tammy has made as a leader in NTEU's grassroots program. Moreover, it is a National recognition that the core group of Legislative Committee volunteers, led by our *Legislative Coordinator Julia Wiley* and our *TEPAC coordinator Tammy Rackley*, has made an impact! So we send Tammy off to the LAC meeting this January knowing that she will help in making decisions to better

our lives as federal employees. She will stand for us as the FORCE on Capital Hill, ensuring the voice of the federal employee is heard.

## Write Your Congress Person

Support H.R. 1256 to increase the federal government's share of health benefit premiums. We pay a constantly increasing share of our pay for healthcare premiums for their families. Unlike the private sector, or even state and local governments, whose employers pay a greater share of the premium cost, the federal government's share continues to remain at 73 percent. Since 2001, FEHBP premiums have risen by 50%. We can no longer afford to pay for healthcare at such a high rate. Write your Congress person and let them know how you feel. (Please write them offsite and on your own time.)

# Time to get your ducks in a row. Your income is Important - Protect it.

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

- ◆ Up to 66% of your income - Max. \$2000 monthly.
- ◆ Choose a plan that will pay benefits up to 24 months.
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Nathan at American Insurnet 513-505-4488.



## The Ghost of Accounts Management Past.

By Heather Phillips  
Editor

*Oh! But he was a tight-fisted hand at the grind-stone, Scrooge! a squeezing, wrenching, grasping, scraping, clutching, covetous, old sinner! Hard and sharp as flint, from which no steel had ever struck out generous fire; secret, and self-contained, and solitary as an oyster. The cold within him froze his old features, nipped his pointed nose, shriveled his cheek, stiffened his gait; made his eyes red, his thin lips blue and spoke out shrewdly in his grating voice. A frosty rime was on his head, and on his eyebrows, and his wiry chin. He carried his own low temperature always about with him; he iced his office in the dog days; and didn't thaw it one degree at Christmas. "A Christmas Carol" - Charles Dickens*

This is how Mr. Dickens described Scrooge. It could in some ways describe the TPR Department Manager Denise Meyer. She has shown too many times a cold and dispassionate side toward her employees. It appears that she could care less for their individual needs. Serious illness economy plight does not seem to move this person. "Are there no prisons? And the Union workhouses?" Am I my brother's keeper? There seems to be

no compassion. There was a time when this was not the case. It was a good place to work. Back when we had section chiefs, branch chiefs and division chiefs. The team was a unit and life was better. Somewhere from the ashes of that system rose the current caliber of a manager that we now see emerging as its leaders. Hard nose a lack of apparent caring. Unfortunately, Denise appears to be one of these new breed of managers. Employees are just numbers on an organizational chart. Managing dollars and FTE (Full Time Equivalent) hours mean more than humanly managing people. Saving a dollar or .1 of a FTE is more important than saving an employee. Moving inventory is more important than touching the heart and soul of an individual; of holding out a caring hand not an AWOL notice. Managers have to make tough decisions. This has and will always be, but does it have to be made without the human factor? Denise appears tough as nails. She seems not to care about the plight of her employees. If it is an image she works to project or it is her true self we don't know, but Denise you devil, this is for you.

## So Long, Farewell

By Heather Phillips  
Editor

Normally *The Force* does not recognize retirements. We leave that to *The Scene* or other IRS publications. Especially when the individual retiring is a member of management. However, sometimes it becomes so compelling that we must comment.

On January 3, 2009 IRS lost a gentleman. William Jefferson took his final curtain call as an IRS employee.

I have had the pleasure of working with Mr. Jefferson in the capacity of both a steward and as a manager under him. In my dealings with him, I found Bill to be both honorable and fair. Not all the issues I brought before him was decided in my favor, but I can say without reservation that his decisions were impartial. Bill is one of those open-minded types that you can present your arguments and walk away feeling that they were heard. I for one, will miss doing business with Bill. I am going to miss our impromptu talks in the fifth floor hallway. I'm going to miss his smile and cheerful nature. Accounts management lost its heart; maybe its soul. Good luck Bill. Enjoy your retirement; you earned it!

### NTEU 73 Presents The Monthly

### Contract Violator Award



To Accounts Management Department Manager  
Denise Meyer



# IRS At Night

By Kelley Loetscher

NTEU Steward

## FMLA AND YOU!!! DOT YOUR "T'S" AND CROSS YOUR "T'S" REMEMBER! YOU ARE NOT ALONE!!

As with many of you, I have had difficulty with leave following a medical emergency. I was so ignorant in the procedures with FMLA, management, advanced sick leave, LWOP, AWOL, and so many other issues, that I realized others need some procedures to follow for those medical and or family issues where our leave is challenged as well as our pay and even our jobs! This article does not have the space to engage all situations. However, I have learned so much about medical/family leave in general, including FMLA's, that I thought we all should be aware of the procedures to many of the issues we are grieving. Lona and Tammy Rackley have been of great assistance in my learning curve, but

my own 12-week experience with absence for medical purposes was the best teacher. I thought I was the only one getting "harassed" about advanced sick leave, approval of my FMLA, AWOL, LWOP, and denial at every turn. My healing process was slowed by the stress of this continual worry about surviving without pay. For me, it meant my health care premiums were not being paid as well as my estimated taxes. I feared it might be a disaster if not resolved immediately. All of this could have been avoided had I understood and followed the process and procedures as well as my rights and responsibilities. Thus, sharing with other employees may save you the time, struggle, stress and frustration I experienced. So much could have and should have been avoided. YOU must know the process. You CANNOT depend on Management to know or assist you with these issues. Management should provide this information to the employee immediately, but they don't know the procedures either, so we all suffer and grieve.

NTEU, Chapter 73 is here to help you. If you are not a member, become one,



so you will have representation to the full extent in your time of medical and family needs that may be difficult and job-threatening actions can be taken to the highest level. I hope the following information enlightens and assists you in your future time of need. These procedures will not cover every situation and are streamlined due to limited space. However there are excellent resources at your convenience. A few are the IRM 6.600.1.8.16, the IRS, NTEU National Agreement, Articles 33 and 34, exhibits 33-1 and 34-1, as well as the Family Medical Leave Act-5 U.S.C. 6381-6387. I hope these procedures will help anyone dealing with personal or family medical problems requiring absence from work. It is important to emphasize that FMLA's are being scrutinized EVERYWHERE. This is because so many people have them, causing some abuse of the system. Of course, I believe those individuals should be dealt with, but  
*Continued on Page 8*

### Attention NTEU 73 Members!!!!

**The NTEU 73 Chapter election is in April of 2009. If you have moved please furnish us with your address to insure you will receive your ballot. If so, you should complete this address change form and return it to:**

**NTEU 73  
Union Office.**

Name: \_\_\_\_\_

Home email \_\_\_\_\_

(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.

## Not all elevator rides go to the top.

By Jim Sorrell

You may have seen the IRSTODAY Fall 2008 issue. The last page article, "Not all elevator rides are created equal," caused me to think. When I first heard of the request, "What recommendation or suggestions would you give to one of our top executives in between elevator floors?" I submitted the question "What will you do to clear the roadblocks between management and union?" The article showed me the executive smiled sweetly then rushed through the open door to ignore any human relations between managers and employees. Let's fix the handbook, not the relations around here. I've met other people who are suspicious of managers. Why is that?

I am a too-long employee in the IRS. Some employees when retiring brag that they never got into any trouble during their tenure with the IRS. I've ruffled feathers. I've had one manager tell me "There is a fine line between being independent and insubordinate." Managers need to listen to their employees and treat them fairly. We all want to retire in peace. Although, today's economy may not allow us to retire.

Some employees face tax problems not of their own making. They act in good faith and due to the IRS action alter the employee's tax return. The employee must then face rigid IRS regulations and at the same time IRS management is threatening the employee with disciplinary action including removal.

Chapter 73 requests oral replies while in many incidents management hides behind The Reform and Restructuring Act of 1998 (RRA98) and ignores all arguments the union puts forth. In many incidents an arbitrator upholds the union's position. However, the employee has gone on an emotional roller coaster ride.

The Force reports on operations who call meetings then ignore employee rights. It tells of management types

who want to torpedo the contract and give an agency version of "rights." Even the friendliest people I know realize human relations lost in the ride to the top in the IRS pecking order. Why am I giving this sad story? Not all people accept the "things will get better" mood. They want to stop the elevator ride at a conference room or meeting place and begin actually working on what fits in the work place. Give us Employee Satisfaction, not Employee Engagement. I'm married. I don't want to be "engaged" to anyone else.

*NTEU is fully aware of the problems faced each day by IRS employees. We are working on many fronts to improve and eliminate many of these conditions. NTEU is lobbying to revise RRA98 to remove some of the absolute penalties that do not allow for mitigating circumstances. NTEU is also at the negotiating table working to preserve and increase employees' rights. ED*

### Democrats Send Letter to Obama Calling for IRS Private Collection Shutdown

Some Democratic members of the U.S. House's Ways and Means Committee sent a letter to President-elect Barack Obama Tuesday urging him to shut down the program that allows the Internal Revenue Service to use private debt collection agencies to recover back taxes.

Fourteen members of the committee, including its chairman and the head of its Oversight Subcommittee, signed the letter that argued collecting taxes was an inherently governmental function and that "in light of the current economic situation, it is important that the administration protect taxpayers by ensuring that they deal with the IRS directly to work through any difficulties."

Initial plans called for the IRS to ex-

pand the program to 10 agencies last year, but those plans were scrapped under intense opposition from the National Treasury Employees Union and the Taxpayer Advocate.

### Kelley Calls Proposed OPM Suspension

#### Rules Harsh and Unwarranted

NTEU President Colleen M. Kelley sharply criticized a proposal that would, in effect, permit agencies to indefinitely suspend an employee for virtually any alleged serious misconduct pending the completion of an agency investigation. Not only are the grounds for removal vague and broad, but there are no restrictions on how long agencies can take to conduct an internal investigations, Kelley argued in comments submitted to the Office of Personnel Management (OPM). She called the proposed rules change an "extraordinary and completely unwarranted expansion of agency authority" to suspend employees without pay or effective recourse for as long as the agency wishes. Indefinite suspensions are a harsh and powerful tool that should be reserved for investigations of the most serious offenses, crimes for which a prison sentence could be imposed, said Kelley.

### Devil or Horse's Butt?

Some of our members have voiced their opinion that they feel that the Horse's Butt award is inappropriate. This month it was changed to the Contract Violator Devil Award. We want to hear from you. Should the award be the Horse's butt or the Devil? Please send your vote to me Heather Phillips at Heather.J.Phillips@irs.gov



IRS at Night Continued from page 6

the FOH Department has decided follow up and investigate more and most FMLA's. The FOH doctors are contacting the Health Care Provider of record on your FMLA and are then determining the quality of your application. They have even gone as far as editing them. If this happens to you, demand a second opinion, not only paid for by the IRS, but on work time with compensation for your travel expenses. If the two reports differ, the employee may request a third diagnosis and /or prognosis. This will be binding. Knowing there is so much scrutiny on your FMLA Medical Documentation, advise your doctor to be very SPECIFIC as they answer each question. It has been my experience that they fill out so many of these they answer the questions quite vaguely. The FOH Doctors need specific diagnosis and medical "jargon."

Once you have submitted your FMLA, including medical documentation, it is considered PROVISIONALLY APPROVED unless otherwise revoked. Management may deny this, but it is the law. It also does not begin until it is initially used. Your year for 12 weeks of guaranteed LWOP is to begin on the date it is first used-NOT the date it is submitted. Having an FMLA does not guarantee you an automatic 6 weeks of

advanced sick leave, however, if qualified you should receive the advanced leave. Request this on Form 9611. The number of hours will depend on how many you may already owe. It cannot exceed 240. Remember to join the LEAVE BANK so you can qualify to receive hours against the number you owe. Here are some steps to help you in your time of need. These procedures could prevent the need for an FMLA. REMEMBER, it CAN happen to YOU and/or your FAMILY so please be prepared and knowledgeable of your rights and procedures. You are not required to use your Annual Leave prior to receiving any advanced. I did this and exhausted all leave, leaving me desperately in the hole. Initially, if you are expecting to be out for medical reasons, complete Form 9611. On this Form you may request advanced sick leave. Meet with your manager to discuss the situation and submit the Form. DOCUMENT EVERYTHING!! MAKE COPIES!!! This should be completed 30 days prior to the need for the leave, however, if you experience an emergency, Forms must be submitted within a reasonable time frame. If applying for FMLA you must complete the Application for Leave Under the Family and Medical Leave Act. (Form 9611). Your health care provider must complete the Certification of Physician or Practitioner Form. (Form WH380). Also, please

consider and understand the difference between an FMLA and Reasonable Accommodation. Sometimes an RA can meet the medical needs of an employee more effectively than an FMLA There are FMLA or medical emergencies that cover a specific duration of time and there are those chronic conditions employees may experience that may require absence on an intermittent basis. Be certain your Health Care Provider distinguishes the difference and are specific about your medical needs. You also have appeal rights, which would include filing a grievance through the NTEU. To assist the Union in this process it is necessary to have DOCUMENTATION of your experience. When management agrees to leave, retain written evidence of this as well as the dates all Forms were submitted and any communication you may have had. Emails are helpful. Documentation can include the sending of an email to management stating it your understanding that "we agreed to ..... If not, please clarify in a response." If you need information and are unable to locate it in the available resources or merely need clarification and advice, call the Union. That is what we are here for. Help us help you by documenting all actions.



Desk Coffee Mug  
\$5.00

Water Bottle  
\$1.00

Automobile Mug  
\$2.00

Available at your nearest NTEU Chapter 73 Office