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IRS Ignores GSA Hold On New Smoking Regs

June 22, GSA notified many tenant agencies at the local level that GSA will not be implementing the new smoking regulation until they complete negotiations with unions representing GSA bargaining unit employees. This is three days after the regulation was to take effect. IRS had already notified IRS employees that the regulation was being implemented on June 19 by IRS and GSA. At this time, IRS has implemented in sites for which it is responsible to implement, which is primarily in the campus locations where IRS operates and maintains the facilities. This is despite the fact that IRS has not completed negotiations with NTEU on impact and implementation. NTEU Chapter 73 President, Jackie Huff sent Acting Senior Commissioner Representative (SCR) Richard Goins an email stating that "National NTEU has requested that GSA hold off on Federal Agencies pre-implementation of their request to change smoking policy until national negotiations have been completed. This request is being honored by GSA. The request from NTEU also included that if any implementation of the change was made that it be reversed and all changes go back to status quo until negotiations have been completed." At this time CIRSC is still implementing the new regulations. The Force contacted the Site Coordinator's office, Mr. Goins and the Communications office for comment; no one has responded.

It was reported to the Force that the internal GSA communication said: Please a hold on implementation until further notice.

The Force also received an edited excerpt from a recent message sent by the Office of General Counsel regarding the implementation of the government-wide Smoking Policy regulation. The Office of General Counsel has advised that no implementation should occur until the necessary consultation and/or negotiations are completed with GSA unions, namely, the American Federation of Government Employees (AFGE) and the

National Federation of Federal Employees (NFFE). The necessary notice to the unions and subsequent negotiations cannot occur until there has been a revised GSA Smoking Policy. The implementation of that revised Smoking Policy is the responsibility of the Office of Management Services in the Office of the Administrator. This revised policy has not been implemented yet. We are currently seeking the status of that revised policy.

Until the revised policy is implemented, notice is issued to the unions and necessary negotiations occur; GSA should not implement the government-wide regulations for GSA employees. In regards to tenant organizations within GSA leased or managed properties, those organizations are responsible for negotiating with their local or national unions before it implements the regulation for their covered employees.

The government-wide regulation can be implemented for those employees not covered by a recognized bargaining unit; however, we do not recommend that this occurs because it will lead to disparate treatment between covered and non-covered bargaining unit employees.

The IRS in its arrogance shows its contempt not only for NTEU, the bargaining process but also for other agencies by its refusal to honor the GSA request.

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Straight From The President's Desk

By Jackie Huff Chapter 73 President

Hey Union I need Assistance!
Do you know what to do if you need assistance from the union? First you need to request release from your manager. Per Article 9, if you can not be released when requested, and management says it is due to workload which can NOT be reassigned, then management must follow the guidelines of something called **LO-TUP (Local Official Time Utilization Plan)**. Management must provide you with time to go to the union, they cannot require you to go on your lunch or break. It is always best to call prior to coming to the union office to make sure someone is there, (not in a meeting with another employee), however if you need stop by and no one is in the office we keep Contact Sheet's right outside the doors for you to complete. After you complete it, just slip it under the door and someone will get back to you. Our plan is to have someone in the office at all times, in the rare case the office is closed, we ask you complete the contact sheet. Your issue is important to us!

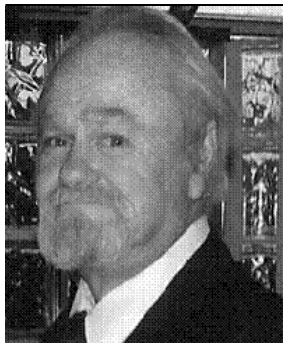
What Is Going On with My Grievance!
If you are an AM bargaining unit (BU) employee who has requested a grievance be filed in your behalf and now you are wondering, "**What is going on with my grievance?**" Well, let me tell you. Article 41 of the National Agreement has procedures that should be followed regarding the grievance process. As the official representative of BU employees NTEU's job is to make sure the rights of the Federal BU

employee's are being upheld. When both the employee and the union feel the agency violated employee rights NTEU files a grievance on your behalf. Once we file a grievance there are timeframes that should be followed. These timeframes are not being followed by James Rogers, director of Accounts Management (AM). We are not sure why he is ignoring the provisions of Article 41 since neither he nor his office notifies the union of any scheduling problems. We simply don't get any response from him or his office. When Mr. Rogers came to our campus and introduced himself to his employees, he explained his background as a prior General Legal Services (GLS) attorney. My first reaction was, "Finally, we have someone who will be able to interpret the contract and know what the Federal law has to say. Finally, management will do right by the employees." Sadly, his actions have proven me wrong. All that I have found, as well as other stewards who attempt to file grievances in his area find, Mr. Rogers simply doesn't care. It's not that he doesn't care about the union; he doesn't care about the BU employees who work for him. I say this because that is the only message he sends when he simply refuses to hear his employees issues and concerns when they choose to come to the union to file a grievance. Jim waits for weeks before sending a message to set of a meeting on his schedule and most of the time when his office decides to send dates and times the union steward doesn't have the information requested to show our position on the employee's issue we are arguing. This is information that Management is

required to provide. When confronted with this situation, NTEU has no choice but to reschedule the meeting OR walk in without the information needed to prove our position. To me this is simply an unacceptable way to do business.

It would help the union and employee understand if we were given a reason why this is happening but we are not. So remember employee when it is taking weeks to get your issue heard and then weeks to get a response from Mr. Rogers, it is not the union saying we do not care, it is Mr. Rogers. Mr. Rogers' decision to run his office in this manner sends a resounding message to his AM employees, "I don't care about you."

7114 Meetings aka Official Meetings
Recently, National NTEU won a favorable decision over the agency having 7114 meetings without inviting the union. 7114 meeting are meetings wherein management must invite the union to attend in order to ensure BU employee's rights are being protected. This requirement can be found at Article 8 of the National Agreement and 5 USC 7114(a)(2)(A). Apparently management doesn't think they need to follow the contract or Federal Law! Normally NTEU doesn't attend team meetings, or technical discussions. However, if at any time those meetings go into discussions on personnel policies, (such as managers expectations on leave, work schedules, lunch/break times calling in etc.), then that meeting is a 7114 meeting and the manager is required, under the law and our National Agreement, to invite the union and give us an opportunity to attend. So employees, the next time you are sitting in a team meeting and your manager starts discussing non-technical work issues, you may want to ask if the union has been notified. We ask that you also let us know about the meeting. Although management may say they have notified the union, most of the time if we are not there, we have not been notified!



Vice President's Beat

By Dwight Cornett
Chapter 73 Vice President

Your Vice President would like provide you with information on Utilization of Time or CJE 5.

A National Grievance has been filed on the change to the CJE 5 (Business Results Efficiency), but employee rights continue to be violated by management. Have you been affected or are you being affected? The answer is a YES. For those who have not been directly affected yet, the answer is, YES!

Management decided unilaterally to implement a change to the way CJE 5 is tracked. While management denied there is a change, (which is their norm), there definitely a change in the methodology used in what is reviewed and the review method. While the Utilization of Time category in the evaluative process has existed, it has never had specific criteria. Now this category is nothing short of Measured Performance and

may be a ROTORs issue. It is unclear how management can justify that what they are doing is anything short of measuring employees without negotiating with NTEU. We agree most manager's do not set a written scale and publish what their scale is. However, a production rate per hour is set and management has guidelines that constitute an "exceeded rating versus a met rating." This is vastly different from what is detailed in Article 12. The agency has failed to share specific information with National NTEU regarding this issue. NTEU believes there is something underhanded in store. What other reason could exist for management wanting to see work after having employees work paper in 1 hour increments of work time? I find this ironic in the current culture of the IRS campus. Management talks to employees about how professional they want us to work. They say should provide #1 Customer Service. Then they tell employees "You are not closing enough cases" or "You took too long on this case." At times employees are told "You should not have provided the taxpayer with all that information". However, we know, as you do, this is not right and must be stopped. So what do you as an employee do now?

Hope you are not negatively affected and take appropriate steps so that if it does, you know what you must do....

We hope you're prepared to help yourself because we will need your help. You should be prepared to OFFICIALLY REBUT any error or managerial documentation. You are entitled to and should request time from your manager, during your normal working hours, to draft a rebuttal. Management is required to provide this time to you. You must write a rebuttal prior to its use in a personnel action, i.e prior to you receiving an evaluation. Contact NTEU if you need assistance. By rebutting this recordation, you are notifying management that you disagree with their action and you find it unconscionable that they are charging you this error. Per Article 12 sections 9, of the National Agreement, employees have the right to officially rebut any error.

Rebutting these errors is important considering the manner management is looking at the CJE 5. Employees who exercise their rights under Article 12 aid themselves and NTEU in effectively defending our position later, if actions are brought against you as a result of what management considers an error. If management were looking out for the taxpayer's best interest, as they should be; they would not be interpreting CJE in this manner.

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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 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?

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House Approves Federal Retirement Reform Issues

NTEU e-Bulletin Washington DC

The House on Wednesday approved NTEU-supported legislation impacting federal retirement, including the right for workers under the Federal Employees Retirement System (FERS) to count unused sick leave toward their pensions. The provisions had been stripped out of the final version of the recently enacted tobacco legislation.



"This package will help ensure that federal workers are treated fairly and receive similar treatment

regardless of their retirement system," said NTEU President Colleen M. Kelley. The issues are part of HR. 2990, which was merged into the fiscal 2010 Defense Authorization Act. The bill would also correct an anomaly in the law which penalizes federal employees who choose part-time work near or at the end of their careers by not calculating their pension correctly. It also allows FERS employees who return to federal service to redeposit their annuities and receive credit for years of service, and moves federal employees in Alaska, Hawaii and U.S. territories onto the locality pay system.

Join NTEU

Partnerships Promised, but They Aren't Here Yet

Washington Post, June 24, 2009

"There will be a partnership executive order at some point. It will happen," Office of Personnel Management Director John Berry said to applause from the Coalition for Effective Change. President Bill Clinton created partnerships with an executive order in 1993. It called on labor and management representatives to meet regularly in order to foster a more cooperative relationship between employees and management at the agency level, with increased productivity being a helpful by-product. Labor leaders like the idea because it gives them a sustained voice in workplace decisions. But President George W. Bush displayed his antipathy for the partnerships by canceling Clinton's order soon after taking office. Despite Bush's action, some partnerships managed to survive. "In the IRS today we are working at the highest levels" in a cooperative, collaborative relationship, though involvement of front-line workers is lagging, Colleen M. Kelley, president of the National Treasury Employees Union, told the forum. Partnerships are a top priority for 95 percent of the leaders in her organization, she added.

Passages In Time



On June 11, 2009 Colleen's mother, Mrs. Eleanor Kelley, passed away. Colleen and her family were with her mom during her last days. Contributions can be made to the Alzheimer's Association, 225 N. Michigan Ave., Floor 17, Chicago IL 60601 or the Mike Kelley Scholarship Fund in care of Colleen Kelley 4254 McCaslin St., Pittsburgh, PA, 15217.

Congratulations to Denise West on the birth of her grandson Garry Rondald Hankerson III. He was born April 30, 2009.

Congratulations are also extended to Carlene Guilkey on the birth of her first grandchild Leah Elaine Guilkey. She was born on January 26, 2009.

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.

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."

The Iceman Cometh

Heather Phillips

There is something new at the different Campus Sites. It is Immigration Custom Enforcement (ICE) officer or "Iceman", referred to by some as Homeland Security. This is all part of the aftermath of 9/11. It is a part of the pandemonium that has infiltrated our country and infiltrated our lives. I recently had a conversation our assigned "Iceman" which was appalling. If our "Iceman" is any indication of the attitudes of Homeland Security, we are all in trouble. The "Iceman" top priority is writing you tickets for alleged speeding and not stopping at stop signs; I would feel more secure if he was concerned with no guard on the gate so anyone can drive onto the IRRC lot. What would prevent someone driving a car that contained a bomb onto the lot, parking it, walking away and detonating it? It couldn't happen; ask the people in Northern Ireland or Iraq. Ask the people in Oklahoma City. "Iceman's" second priority is ensuring that employees smoke 25 feet or more from an entrance or air intake. I would feel more secure if the "Iceman" would be more concerned with the people entering this facility.

When reminded that we already have penalties established for parking violations, he was indifferent. In fact, he went so far as to say that he didn't have to deal with the union or abide by our contract or negotiated agreements. Well "Iceman," at one time TIGTA expressed this same opinion, the Federal Court disagrees with them ruled they had to follow the provisions of the NTEU contract.

The "Iceman" stated that he was concerned with the employees' safety. Well "Iceman" so is NTEU 73. NTEU 73 is concerned with all of bargaining unit employee's rights. Our main concern with the "Iceman" landing at our Campus with his changes is for the agency giving our employees proper education and notice on what the "Iceman" can and will do and per 40 U.S.C Sec. 1315 (Iceman authority). IRS for many years has employed a Security company to address employee safety. These security guards have done an excellent job over the years, and I for one feel quite secure with their protection. Maybe the "ICEMAN" should worry more about terrorists, not smoking and parking enforcement, and we would all be better off. In the meantime, "Iceman," this butt is for you.

Vice President Beat

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The requirements to receive exceed, met or fail on your evaluation is in the National Agreement under Article 12 sections 5.

Remember CJE 5 is what I am focusing on right now, but ANY and ALL Errors must be officially rebutted, if you disagree with them. This notifies management you disagree with their assessment.

If you have any questions, concerns or just want an update on the CJE 5 in particular please, feel free to talk to your union steward or contact the one of the union offices.

Date of Time-in-Grade Change Delayed

The Office of Personnel Management (OPM) has pushed back until mid-August the implementation date of a proposed regulation eliminating time-in-grade restrictions on promotions. NTEU previously called on OPM to drop the proposal to eliminate the time-in-grade rule—put forward by the previous administration—citing the risks of making employees eligible for promotion based on management's subjective evaluation of their readiness. A fundamental underpinning of an effective civil service is both the perception and the reality of fairness and objectivity in the treatment of employees, and the time-in grade rule is an important contributor to that environment. OPM asked for additional public comments on whether the proposed final rule should be revoked, amended or retained.



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The ICEMAN**

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Chapter 73 NTEU Minutes on Artists Club Radio**

<http://artistsclub.tripod.com>

The New Term Agreement

By Heather Phillips

When last we visited the new Agreement it was ratified and sent to Treasury and we expected for it to be implemented on August 2, 2009. Then in May NTEU was notified that Treasury disapproved some of the language in:

- Art. 13, Sec. 2B
- Art. 13, Sec 9B
- Exhibit 13-1, Section 5B
- Art. 16, Sec. 1B
- Art. 16, Sec. 5D
- Art. 38, Sec. 4

Since then not much as occurred as NTEU waited for IRS and Treasury to workout their differences. Then negotiations could begin to massage the language so that Treasury would approve it, while maintaining the substance of the article. Recently, Frank Ferris and Ken Moffett met with the leaders of the management bargaining team for an informal conversation about the parties' options for settling the contract. So far, NTEU has chosen not to petition the FLRA to rule on the allegedly illegal language. In the meantime, members have unanswered questions as to the changes. The Force has decided to publish the changes that are not in question hoping to answer your questions.

Article 9 Stewards and Official Time NTEU turned back a determined effort to reduce substantially time available for union leaders to represent employees by agreeing to base official time on a chapter's usage rate during the previous year, based on hours used per bargaining unit employee.

Article 10 Dues Withholding NTEU retained the right to meet with employees submitting SF1188s and initial those forms.

Article 11: Facilities and Services NTEU established business centers at each campus location

where employees can use a computer and access both the Internet and the Intranet; each business center will have at least six computer terminals.

Article 12: Performance Appraisal NTEU won a commitment to base appraisals on a reasonable and representative sampling of an employee's work; another commitment that performance reviews focused on overage cases or other "targeted" reviews and evaluative recording write ups must be balanced with a review of other work; and retained the right to avoid having evaluations lowered without advance notice and counseling. In addition, NTEU put significant restrictions on the use of Embedded Quality (EQ) data in evaluations.

Article 15: Reassignments NTEU retained the effective system we have been using to bargain reassignments and relocations locally, and provided a right for an employee to seek flexi place to deal with a personal hardship.

Article 16: Details NTEU made a change in the system for soliciting interest in details so it is both more formal and retrievable in the event of a lack of notice dispute.

Article 18: Awards NTEU boosted significantly—from 1.6 percent of bargaining unit salaries to 1.75 percent of those salaries—the amount of money going into awards pools; and we increased the minimum award from \$250 to \$500 and the maximum award from \$3,000 to \$3,500. We increased the Quality Step Increase (QSI) procedure in ways that will more than double the number of QSIs awarded; and we launched a joint effort to revamp favorably the bilingual awards program.

This article also reflects an agreement we reached to move employees covered under the incentive and gain sharing programs to the NPAA over a three year transition period beginning in fiscal 2010. Our agreement limits who can be moved each year and suspends the NPAA proration provision for seasonal employees moved over. There will be a separate document explaining our Memorandum of Understanding on this issue.

Article 22: Work Schedules NTEU won significant gains for seasonal employees, including a more certain idea of their work year, and negotiations before the agency can change a seasonal work time from one agreement to another.

Article 23: Hours of Work Another 20,000 or more employees will be added to those on alternative work schedules; Revenue Officers and Revenue Agents will now have access to the Maxi flex schedule as well as an AWS option; and there are new limits on religious compensatory time in the interests of curbing potential abuses and the impact of that on scheduling matters.

Article 25: Workload Management NTEU won notice and bargaining rights over proposals to increase an employee's workload.

Article 27: Health and Safety NTEU strengthened contract language addressing the right to reasonable accommodation; and language limiting the disclosure of private employee medical information to anyone other than agency medical personnel.

Article 29: Travel NTEU established a process for creating a program allowing employees to use pretax dollars to pay work related parking costs.

Article 30: Training NTEU agreed to follow-up negotiations covering the selection and use of classroom and OJI instructors.

Article 33: Family Leave Among other improvements, employees now

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Agreement continued from page 7

have the right to extend absences for Family and Medical Leave Act purposes by using compensatory time or credit hours immediately before or after the FMLA leave; and employees with long term conditions may only be required to certify their condition once a year, unless the IRS pays for recertification.

Article 37: Probationary Employees NTEU won the right to notice of a meeting where a probationary employee is being terminated from employment. This will help in providing advice to that employee, including appeal rights, and show that NTEU is a force even with probationary employees.

Article 41: Grievance Procedure NTEU have taken steps to strengthen the grievance procedure, including modifying the grievance form to eliminate any confusion about our right to grieve violations of law or regulation; and we retained the right to face to face meetings at steps one and three of the process.

Article 47: Midterm Bargaining Using the term ‘modified national bargaining,’ we have essentially reinstated local bargaining; and we have guaranteed that all midterm bargaining disputes will go before a neutral third party.

Article 50: Flexi place NTEU won the right for employees to work flexi place at any location within 125 miles of their post of duty; for the first time, Revenue Officer Reviewers and Advisors in SB/SE can now work occupational flexi place; and Bankruptcy and Insolvency employees in that division as well as SBSE Core Exam employees at the Service Centers can now work situational flexi place.

IRS Hiring Opens Up Workplace Issues

NTEU Bulletin

The Internal Revenue Service (IRS) currently is embarking on one of its largest hiring initiatives in some time—and while that is good news to NTEU, it also presents considerable challenges for the union and the agency. The hard edge surrounding this positive step is that the IRS wants to get its new hires in place by the Sept. 30 end of the current fiscal year—other possible hiring initiatives are on the horizon over the next two or three years—and there may not be a good match between available work-space for the new employees and the locations the agencies wants to put them in. Enter NTEU IRS chapters around the country. With continuing help from NTEU, chapters are engaged in serious discussions with the agency about work-space issues to accommodate the new employees. Local negotiations on this subject can be difficult under ordinary conditions, but the current talks carry particular importance because if space can’t be found—or made—for a new hire where the IRS wants that employee to be, the agency might put that person in another location, or have to forego the hiring entirely. That’s not how NTEU President Colleen M. Kelley wants to see this initiate move forward. “NTEU has been fighting for years for the IRS to be funded to do this kind of a hire,” she said, “and we are going to do all we can to help the IRS get these employees hired and placed.” The intimate knowledge of chapter leaders regarding their area posts-of-duty (PODs)

puts them in a unique position to deal with local managers on critical space matters, and some chapters may need to find creative solutions to space issues. As things now stand, there may be as many as 80 PODs where there is not immediate and appropriate long-term space available and where temporary arrangements will be necessary—or new space acquired, Kelley said. In each of these locations, NTEU chapters are doing everything possible to work with

their IRS counterparts. The IRS itself has taken initial steps to identify space issues. As part of its analysis of the mix-and-match matrix of where it wants to place employees and what work space is available where, it has developed a three-tier real estate classification. Tier 1 locations are those where a permanent space solution is available. The sufficient additional work stations meet requirements, and employees likely will be adjacent to their business unit. The Tier 2 locations offer a permanent solution that is “partially available,” the agency says. This means that fewer than half the new hires will be impacted by workstation size and adjacent-to-business-unit issues.

While it’s clear to the parties there will be some problems in the Tier 2 locations, it’s the Tier 3 spots that have both the IRS and NTEU concerned. Under the IRS analysis, these locations represent “one or more critical space challenges for placing new hires, and the need for temporary solutions that may last 18 months or longer.” With a common goal in mind of finding appropriate work space for everyone, the work of NTEU and the IRS over this hiring initiative may wind up as a prime example of the benefits of working collaboratively. “It is to everyone’s advantage to get these people on board,” President Kelley said. “These new employees are needed to revive the IRS enforcement program, prepare for the retirement waves that are coming, take a little of the stress off the current IRS workforce, and rebuild the IRS workforce whose numbers have declined dramatically since 1995.”

