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A Matter of Ethics

For those who study ethics or morality, the main distinction between theories is based on the consequences of actions and theories based on rules or a set of principles. Ethics based on consequences deems an action good if the consequences or results are good. If, for example, you can save one hundred lives by killing one person, the outcome is considered a good one. On the other hand, rule-based ethics considers certain actions unethical regardless of the consequences. Thus, in the same example, it is unethical to kill one person regardless of the outcome.

This difference between weighing the outcome of an action versus considering the merits of an action *in and of itself* is reflected in the difference between how management and the Union view employees. Generally, management praises employees when numbers are met. That is, if a department, operation or division meets its Balanced Measures, then the employees of those groups are praised for their work. If a measure is not met, then employees are counseled at all employee meetings on how to improve their dissatisfactory performance. The value of employees is based on whether they help meet the abstract goals of the IRS such that consequences—which in this case are benchmark numbers dictated by National Office that should be met—are more important to management than the rights of employees.

I will demonstrate this with a concrete example. In the department where I work, we have failed to meet the Balanced Measure for Letter Accuracy for the last two fiscal years. In an attempt to meet the goal for the next year, a policy was instituted that specializes employees who make fewer letter errors; those employees work the correspondence program that generates most of the letters our department sends out. For management, the numbers show this is a good policy because specializing our best letter writers in the program where the majority of letters are being sent *has the result of* reducing our department's Letter Error Rate so we can meet the Balanced Measure. However, this policy, which yields good consequences, is in direct violation of *the rights of employees* as set in the Contract.

In order to have a fair Appraisal System, employees working the same job within the same team must perform the same work. Clearly, if a few certain employees are working most or all of the correspondence for the team, then there are

other employees who are working little or no correspondence. Not only does specialization undermine the Appraisal System set forth in the Contract, it also undermines training. If employees are no longer in fact working certain programs, then although they may have a skill code on paper, they no longer remember how to work those programs.

The point is management will always be concerned with how the numbers come out and will violate the rights of employees if certain policies help achieve this goal. A more egregious example of management's myopic concern with metrics occurs in the Accounts Management Department, where basic employee rights concerning leave are regularly violated. It is a normal policy within this division to charge employees AWOL when such an action is unwarranted and in direct violation of the rights of employees as set by the Contract. You must ask yourself: What is the motivation behind such a policy? You might speculate it is intended to reduce the number of employees who are considered a burden to the Service so that the Service can replace them with fresher bodies. The same director who smiles at you in passing will treat you as a factory farm animal when deciding your fate on paper.



This leads to another difference in attitudes between management and the Union: Management is willing to treat employees as a means to an end whereas the Union sees employees as requiring protection from those who would exploit them for their own benefit. I say this against the naïve notion that upper management is concerned with the success of the IRS when a department, operation, division or even a service center meets a numeric goal. What is at stake for these managers is their own success. I have heard the hollow words of upper managers who state they are proud of their employees when bottom-line numbers are met. Pride? Yes, maybe their own ego is satisfied, but I have no desire to hear insincere praise from the mouths of those who view me as a pet or meat.

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Straight From The President's Desk Jacqueline S. Huff, Chapter 73 President

I would like to personally congratulate Audry Kang, daughter of Chapter 73 member Chyi-Fang Kang; she was selected as one of the award winners of the \$5,000 NTEU FEEA scholarships for 2010.

Announcing New Representation For NTEU Members

NTEU has entered an arrangement with Shapiro, Shapiro and Shapiro, L.P.A. (Shapiro) based in the Cleveland, Ohio area to provide representation to NTEU members in workers compensation cases. Shapiro will provide reduced rate representation for NTEU members in workers compensation appeals under the Federal Employees Compensation Act (FECA). Shapiro, which represents federal workers compensation claimants nationwide, will discount its regular hourly fee by 25% for any NTEU member who presents a valid membership card and enters into a representational agreement with Shapiro. Most importantly, NTEU members will *not* be charged a retainer fee and will be required to pay attorney fees or costs of litigation to the firm *only* if there is a recovery. If there is a recovery, NTEU members will be responsible for the discounted attorney fees and costs but in no event will members be required to pay attorney fees and costs that exceed 20% of the recovery. Under the 25% discount, Shapiro's current hourly fee of \$275.00 would be reduced to \$206.25 (Shapiro reserves the right to increase this fee to which the 25% discount will be applied). Of course NTEU members are free to retain the services of other firms. The firm may be contacted at 216.927.2030, 216.991.6890 or 216.763.2620 (fax); or you can access the following websites: www.injuredfederalworker.com and attorneysshapiro@aol.com.

National Grievance Report: Overview Of Cases Filed With The Federal Labor Relations Authority (FLRA)

We will soon have arbitration hearings for:

- Unilateral Change Barring Receipt of Taxpayer Mail at Home (November);
- Unilateral Implementation of Retention Allowance Program (November);
- Discipline for ITLA Violations (December);
- Occupational Flexiplace for Revenue Agent Reviewers (December);
- Establishment of Multiple Career Ladders in Same Position (January); and
- Exclusion of NTEU Representatives from EEO Counseling Meetings (January).

We have completed the hearing and briefing process and are awaiting decisions for:

- Unilateral Increase in TAS Inventories; and
- Discipline Discrimination for Minor Tax Infractions.

Arbitrators have decided the following cases but they are being appealed before the FLRA:

- Termination of Joint Appointment Process for Work Teams;
- Unilateral Change in EQ for Accounts and Compliance; and
- Reduction of TCO Inventory Days.

Tragedy Lurking

By Heather Phillips

A group of employees gather around her seemingly lifeless body as it lays sprawled across the parking lot. 911 has been called and security guards are keeping vigil. Soon local police and emergency vehicles with flashing lights arrive on the scene. The EMS personnel attend to the victim while the police question the hysterical driver. As more employees gather around, whispers are heard above the din, "I hope she will be alright; she's a single mother with two small children." Over in the corner, the driver in shock keeps repeating: "I didn't see her. She came out of nowhere. I wasn't going that fast."



In a matter of minutes the victim is put in an ambulance which speeds off to St. Elizabeth Hospital. The driver of the car is placed in the back of the police cruiser before it departs for the station. The crowd disperses and, with the exception of the bloodstains, the scene returns to normal. Of course this hasn't happened *yet*. But it *could*. There is a reason why the speed limit in the parking lots and garages is 10 MPH. There is a reason why stop signs have been erected and the word "Stop" is painted at the end of parking rows. This is for *your* safety.

Management has the responsibility to ensure that each employee has a safe environment in which to work. This includes your travels to and from your car and that walk around the lot. So what are our responsibilities as employees? To follow the rules that are established, including operating our motor vehicles *safely* on government property or time. There is no justification for speeding or running stop signs. The message such drivers convey is, "I don't care about your life or safety, only getting to where I want to be."

I am certain none of us wants to convey that message. I am sure none of us wants to be the driver standing off muttering, "I didn't see her. She came out of nowhere. I wasn't going that fast."

Flavor of the Month

By Nathan Gibbs

Hold the pickles and onions please! Today's modern sandwich has evolved to include almost any type of topping and condiment imaginable. There are regulars like ketchup, tomatoes, mayo and mustard, and creative ones like barbecue sauce, potato chips and jalapenos. Every person likes their sandwich or hamburger a different way. When you are standing in line at your favorite fast food joint, like clockwork, you'll hear someone say, "hold the pickles and onions please."

Did you know if you are a steward there are provisions under Articles 9 and 12 that allow you to tell your manager to hold the pickles and onions? I am not talking about food but your workload. As a steward, you have a right to request that your workload be lightened in order to accommodate your official duties as a union steward. Article 9, Section 4.A states, "The employer has determined that it will reassign work previously assigned to a steward when it determines that the work cannot be timely performed due to the steward's representational activities." This work includes paperwork, phone calls, and even includes employees who are measured or rated under the TEPS system.

Your manager should not give you a hard time about not performing or completing your job tasks because of your representational duties. This applies to being released from official duties (even if your main task is to answer phones) because the employer is to make a reasonable effort to reassign work so stewards can accomplish their union activities, which includes grievance research, grievance proceedings, 7114 formal meetings, oral replies, and steward training. For any activity falling under official or bank time, the employer is to work with the steward so the steward can be released from their work area.



In addition to being properly released, the employer is not to demean your official duties or look negatively upon them in relation to your annual evaluation. Article 12, Section 4.J.1 explains, "The employer has determined that only time spent performing work related to an employee's critical job elements and standards will be considered in performance appraisals. Authorized time spent performing collateral duties and Union representational functions will not be considered as a negative factor when evaluating critical job elements." There are certain managers on swing shift who like to point out to stewards that their extracurricular activities are affecting their evaluations. Well those managers and any others who agree with them are wrong because they are only supposed to evaluate work that is performed for the Agency.

Remember that as a steward if you feel overburdened, then tell your manager that he/she needs to reassign your work because the Agency has agreed in Article 9 and 41 that representational Union duties are in the best interest of both the Union and the Agency. Maybe you want to become a steward and are afraid of your manager, then don't be. Don't let your manager harass you about your "extracurricular activities" because you have a right to be a steward and have further protections from reprisal, coercion and retaliation under Article 5 and 5 USC 7114.

So when it comes to your workload conflicting with your Union duties, go ahead and build it your way: Tell your manager to hold the pickles and onions.

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*The
Force*

NTEU 73's
Hard-Hitting
Newsletter

NTEU73

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

NTEU 73 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?**



Did you move?

Do you know if you moved and updated your address with the IRS they will not forward that information to us? Keep in the know, update your information!

Name: _____

Address: _____

Phone: _____

Home Email: _____

Just stop by the union office and drop this form off and we will do all the work for you!

Not a member stop by and join!
We have a Form 1187 waiting!

Did You Know?

By Peggi Liver

Many employees want to have heaters and fans in their work area. *Did you know* that per Article 27 Sect 1 (F), employees may have these items in the work area if they are approved by management? If you would like to have these items, please ensure that you are following the proper guidelines; this will ensure you may be comfortable in your work area.



Passages In Time

Do you have news you would like to share with the chapter? Births, deaths, graduations etc.

If you have an item for the Passages in Time please email it to Amy Arnold at Amy.N.Arnold@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.



IRS Shirks Responsibility

By Jacqueline S. Huff

The IRS tried to back out of their responsibility on a local tax issue at the Florence, Kentucky location. When the IRS failed to take local taxes out of our Florence employees, the IRS decided to take all the taxes out at once, which would have created a hardship for Florence employees. Our members notified NTEU Vice President Dwight Cornett of this and Dwight immediately took charge.



Dwight tried to handle the situation through the grievance procedures but as usual management refused to listen. NTEU attorney Eric Bruce invoked arbitration on the matter and NTEU prevailed.

The arbitrator was not persuaded by IRS arguments that the IRS was not liable for the withholding of the city payroll taxes in the context of the waiver provision of the Contract under Article 53 section 9. Eric Bruce showed the arbitrator

cases that persuaded him the IRS position on this matter was incorrect.

Recently, NTEU Chapter 73 learned that the IRS has appealed this decision. NTEU will keep you updated on the outcome. The decision will not be final until the appeals process has been completed so until then no award that was previously stated in the arbitration decision will be implemented.

The New Customer Service Agreement

By Jacqueline S. Huff

National NTEU and the IRS recently signed a new Customer Service Agreement (CSA), a successor to the 1999 CSA. The new CSA applies to all bargaining unit employees assigned to Accounts Management, Compliance Services in Wage and Investment, and Compliance Services in Small Business/Self-Employed.

NTEU fought to maintain the benefits that bargaining unit employees received under the 1999 CSA, but we must face the facts: The new CSA is not as good as the previous one. While NTEU was able to retain some of the benefits of the previous agreement, management made our job *extremely difficult*.

One of the main concerns for NTEU members are the changes to Annual Leave. I fought against a number of changes, including the change to Annual Leave policy, but as one voice among four NTEU representatives, four managers and one Labor Relations person, my views were not always heard.

Under the new CSA, Annual Leave is now separated into four types: (1) Three to 10 consecutive days of annual leave for "life events" such as weddings, graduations, births, etc; (2) Consecutive days off up to two consecutive weeks each year for any purpose; for both of these types of leave, the approval periods will take place *before* the upcoming calendar year and will be granted based upon accrued and projected leave balances, compensatory time and/or credit hours; (3) "Planning Period" leave; and (4) 15 minutes to one full workday for personal events that cannot be foreseen.

I encourage all employees to read the new CSA in its entirety.

It's Your Contract

Question: Can my manager take matters into his/her own hands and lower my Annual Evaluation without prior notification?

Answer: No!

Under Article 12 Section 4 L, the contract states, "The process of monitoring performance is ongoing. Therefore, the Employer will counsel employees in relation to their overall performance rating on an as needed basis. Such counseling will normally take place when a supervisor notices a decrease in performance, defined as a drop in the average CJE score and include advice or recommendations on better communicating job requirements and providing additional coaching, monitoring, mentoring, and other developmental activities, as appropriate, to help improve employee performance until the employee shows improvement. Special emphasis should be given to those cases when an employee's performance indicates a decrease in the overall rating (e.g., exceeds fully successful to fully successful). Employees at the journey level and above who receive a three (3) in a critical job element for more than three (3) years in a row will be entitled to receive, upon request, a career learning plan. This plan will be jointly established and will identify work assignments and developmental activities which are designed to improve the employee's performance."

Do you have a question for a member of our staff? Or do you have a contractual issue you would like addressed in The Force?

Please send an email to Tammy.L.Rackley@irs.gov and our staff will do our best to address your question in an upcoming issue of The Force.

No names will be used unless you expressly give us permission to do so.

STEWARD OF THE MONTH: NATHAN GIBBS

For Nathan, the norm is to excel at all of his duties as a steward. He is always amenable to stepping into the chief steward's position and carries a large caseload for the Union while adeptly handling his regular job duties. Nathan is a consummate professional, diligent, and fully prepared for his formal grievance meetings with thorough research. He does not allow personal feelings to interfere with his judgment and represents every employee to the fullest.

Nathan is very passionate about the wrongs he is righting and he consistently steps up to the plate when there is an injustice, whether it is against one employee or many.

Here are just a few brief examples among all the proactive work that Nathan has accomplished for Union members:

- When management wanted to give individual ethics briefings without Union representation, he stepped up to the plate and notified management of their error.
- When management failed to notify the Union in sufficient time for overtime, he made them aware that their actions were wrong.
- When employees came to him stating that management was using reports from ASPECT to document their files, he let management know these reports could not be used for evaluative purposes.

Nathan is a good listener, easy to talk to, and is an excellent contact steward. He is also not afraid to be the voice of the Union in formal meetings, even when he knows management's feathers will be ruffled. By far he is one of the finest stewards we have ever had on swing shift. Congratulations Nathan!



STORM WARNING!



The National Treasury Employees Union
has issued a

SEVERE WORKING CONDITIONS

warning for the following areas:

IRS Bargaining Unit Employees

The NTEU radar has detected an extremely
adverse management attitude toward
IRS bargaining unit employees nationwide.

All employees are urged to take shelter by
joining their NTEU Chapter as soon as possible.