

Management Settles Telework Grievance: Union Continues to Push the Issue for Home Work

Management has settled a grievance with NTEU73 over telework and another employee will soon be working from home. The employee is a Tax Examining Clerk located in

Excise It is not yet clear if it is precedent setting but several other employees are applying for telework in that area. The union intended to push these cases forward as soon as time frames elapse.

NTEU Attorney Will Iggoe says he has three more cases ready to go to arbitration in the next three months. These cases include Revenue Officers and Tax Examiners.

After discussing the situation at National Training with NTEU National Chief Negotiator Ken Moffitt, NTEU73 is ready

to move forward with Telephone Contact Representatives in AMB.

There had been a pilot program, in which Mr. Moffitt took the lead with NTEU.

applications for telework for employees on the radar. As soon as they are denied, which is expected, they will be sent to Mr. Iggoe to consider invoking arbitration. The



NTEU73 stewards who attended the Las Vegas training with NTEU National President Tony Reardon and Executive Vice President Jim Daley. See story, pg. 5.

union has been very aggressive for the past several months in forcing IRS to allow people who are eligible to telework. It will be remembered that Innocent Spouse in Florence was the first arbitration case for NTEU73 and resulted in the entire area being eligible for telework. Those

eligible have been working from home for the past two months. Hopefully, others will be joining them soon.

When asked how it went, Mr. Moffitt commented, "It worked."

Currently, NTEU73 has roughly 25

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The Latest on Homeland Security Abuse

NTEU73 has received a response from Senator Sherrod Brown's office regarding the issuance of tickets to IRS employees.

Homeland Security has assured the Senator that there has been no change in the policies of DHS, even as there have been tickets issued with a monetary penalty that have never been issued before.

Tony Reardon, on behalf of NTEU73, is meeting with the Assistant Commissioner of the IRS to have them discuss the issue with the head of DHS.

"It has been happening in places other than Cincinnati also, and I want it stopped," Mr. Reardon said at the training recently held in Las Vegas.

Lately, the Homeland Security Officer was seen with a blow horn moving cars away from the gate that had stopped to pick up people from work. You never know. One might have been a terrorist!



NTEU Chapter 73

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From the Desk of NTEU73 President Rick Riley

“As always, At Your Service”

• **Rick Riley**

On Memorial Day, I visited my parent's graves and a couple friends. I called my friends and relatives who served and I think about what they all sacrificed. I thought about all the service and sacrifices we as employees of the IRS have made, and I want to thank you all for what you do.

We here in the NTEU office working all the time and I want to thank all the stewards for all they have done. I'd like to thank the bargaining unit employees and the Union Members specifically for all the hard work you do and for suffering some injustices over the years. Hopefully, we can work with you to make this a better workplace.

We are still working on the issues with Homeland Security. We are taking steps internally to improve our service to you, the member. We will continue our meet and greets at lunch so that I get around to being available to everyone. If we haven't gotten to you, please be patient, we will be there. We want this to be the best chapter in the nation. We already are leading the way for NTEU as we have the only picnic at an amusement park in the entire nation. We gave out over 3,000

tickets for Saturday's picnic. It was a huge success and I'm already looking forward to next year's picnic. I would personally like to thank all the staff and stewards who worked so hard to make it a success. In particular, I would like to thank Tommie Braswell as she has headed up the picnic and our other social events. **The Force** is recognized nationally as the best chapter paper and we should win the award for that next year at the convention; thank you Jeff Seibert.

We have won the first and only arbitration case for telework, and we are looking to expand that where ever we can in the Cincinnati Service Center. Unfortunately, not all jobs on campus are telework eligible, but there are plenty out there that are.

Membership is on the rise as more and more of your fellow employees realize that they need to join the effort NTEU is making here locally and nationally. Chapter 73 is now over 60%, with 200 new members since last May. Currently we have been averaging a new member a day. If you are reading this and you aren't a member, stop by your local office or see a steward in your area. Please watch for our summer recruiting campaign coming very soon! Join now!



Luncheon Given in Pat's Honor

NTEU73 gave a luncheon at the York Street Café for retiring steward Pat Breitenstein. Pat has served as Vice President, National Vice President and steward for the chapter during her long career.

The Chapter gave her a plaque of appreciation for her service to the members and a watch as a retirement gift. She also received a plaque from National NTEU President Tony Reardon for her service.

Pat will truly be missed and never be replaced. Good Luck Pat!



What You Need to Know About Getting to Telework!

By Will Igoe, NTEU Attorney

NTEU Chapter 73 President Rick Riley is currently on a Tiger Team with IRS management, whose express purpose is to examine extending telework in the service center. Further, in the wake of a recent win at arbitration resulting in telework for 35 Innocent Spouse employees, NTEU73 is pursuing telework throughout the service center. Here are some frequent telework questions.

Are all positions eligible for telework?

No, some jobs simply can't be done remotely, but as the IRS's processes change more positions are becoming eligible.

Is my position eligible for telework?

Many positions have become more virtual, and technology is becoming available that allows employees to access the IRS computer systems and take ASPECT call from home. This has made many more jobs eligible for telework. Any position can be eligible for telework provided: "Your work at the time of the request: (1) does not encompass regular and recurring duties that can't be effectively accomplished outside of the traditional office/team setting; or (2) cannot be accomplished . . . working independently of other co-workers, support staff, and/or your supervisor, without any adverse impact on individual and/or overall team or office productivity or customer service."

This standard is open to interpretation. However, but Arbitrator Newman explained in her decision when she granted telework to Florence employees that: "**there has been a clear recognition of the Congressional purpose of maximizing the ability of Federal employees to telework**, which has been found to mutually benefit government cost saving measures and employee work-life balance, and is set forth in the Telework Enhancement Act of 2010, OPM's Guide to Telework in the Federal Government, and **President Obama's June 23, 2014 memo concerning enhancing workplace flexibilities by eliminating arbitrary and unnecessary barriers or limitations**. The parties herein recognized such policy when they negotiated revisions to Article 50 in the 2012 NA II to include Section 2(G) permitting other classifications to request Frequent Telework and be judged on a case-by-case basis under the same Section 2(E) criteria utilized when considering requests from classifications listed under Section 2(F)."

Chapter 73, agrees with this interpretation and is pursuing telework for employees throughout the service center.

If you think your position is right for telework, contact the Union office at 5700.

What if I am on the phones?

ASPECT calls can be forwarded to employees homes using current technology. However, management has taken the position that ASPECT employees in some work groups cannot have their calls forwarded home, due to unspecified security issues. On the other hand, many MITS employees on ASPECT currently have their calls forwarded to their homes. If you are a phone employee and are considering applying for telework, contact the union office.

What if I have paper cases?

Many telework employees take paper cases home, and this is not necessarily a barrier to telework. Arbitrator New ruled Innocent Spouse employees could work from home despite having paper cases: "They review paper case files, which are normally not large, and there is no prohibition against their removal from the office as long as they can be stored securely in a lockable file cabinet to protect taxpayer private information. Case files can either be transported by the employee or worked on when s/he is in the office."

Do I need a laptop computer?

If you request frequent telework, you can telework with your desktop per the contract. Your desktop will be equipped with ERAP, a program that allows you to connect to the IRS computer systems remotely.

What type of telework should I request?

In order to get the equipment you need to telework you must request **frequent telework**. Most employee do not have laptops, but if approved for frequent telework employees get the following equipment:

- a lockable file cabinet

- a cell phone, calling card or the capability to make outgoing and receive incoming calls the personal computer that was provided to them before being approved for Frequent Telework. If the personal computer is a desktop, it will be equipped with ERAP or more advanced technology for remote network access;

- a second telephone line if the employee has not been provided with the capability to make outgoing and take incoming calls and can demonstrate that their personal telephone line, is otherwise not available (e.g., used for other business by a family member).

- the capability (e.g., equipment, technology) to print, scan or copy if needed for the employee to perform his or her job duties.

How do I request telework?

Prior to engaging in Telework, employees must individually enter into a Telework Agreement. The Telework Agreement may be found in Exhibit 50-1. Exhibit 50-1 is available electronically as Form 11386. The Telework Agreement will include the current Telework type, location, and day(s) or schedule.

What do I do if my request is denied?

Contact the union, as soon as possible, but no later than 10 days after you receive the denial.

What should I do if my request is ignored?

If you have a request which has not been responded to for 21 days, contact the Union.

2016 NTEU73 Picnic Photos



Stewards Prepare for Coming Year With National Union Training in Las Vegas

NTEU73 sent stewards to National training in Las Vegas in order for them to be better equipped to deal with employee issues for the coming year.

Las Vegas is the site of Service Center tracts of training which focus specifically on IRS Service Center issues. It is three days of intensive training, with union activities stretching well into the evening, including a TEPAC reception, which raises money for NTEU lobbying efforts.

This year's training was held at the Tropicana Hotel. Recent years had been at the Flamingo.

"Las Vegas is a cheap place to go and a good location to attract participants from all over the country.," commented Rick Riley, who was unable to attend this year's training because he is still recuperating from a foot operation. "It gives stewards a chance to meet the National President, Tony Reardon and the National NTEU staff. I think it gives more a national perspective about what the union does for us, the employees, on a daily basis over a wide range of issues."

In addition, the training in Las Vegas focuses on issues regarding IRS Service Centers. District Office sometimes have different issues. Also, NTEU represents agencies other than the IRS, so the Las Vegas training is more specific to Center's

needs.

NTEU National President Tony Reardon addressed the group at the opening session and then was in each class to answer questions and update the attendees about

In Mr. Reardon's opening remarks, he stressed two points: building the NTEU membership and Election 2016. He views this election as vital to federal employee issues with all the attacks by some in

Congress on the federal workforce.

He also emphasized chapter building as far as membership is concerned. With the workforce growing older, he particularly wants to concentrate on the millennials. He said that in the entire IRS there are only 600 employees younger than 25.

The Chapter was well represented at the annual TEPAC reception, with five stewards being



Stewards attending the opening session of training at the Tropicana in Las Vegas. Speaking is NTEU National President Tony Reardon.

current union issues. National Executive Vice President Jim Daley and Chief Negotiator Ken Moffett also gave presentations. The classes were taught by attorneys (field representatives) with vast union experience so there was a lot of great information for the stewards.

recognized for their generous contributions to the union's political action committee. (see related article on pg. 6).

NTEU73 has been sending stewards to the training every year for about the past 20 years.

NTEU Communications Director Sheila McCormick addressed the training classes with many ideas about how to improve the information members get from the union. In addition, stewards were taught membership, legislative activities and

various aspects of representing the members, including adverse actions, oral replies and even how to file a grievance.

There were various types of classes and stewards were assigned to different areas, depending on their level of experience.



Treasurer Laura Mitchell and Night Shift Steward Jim Gregory at the opening session.

"I am sure everyone learned a lot and had fun doing it," continued Mr. Riley. "The National training also has a bonding effect on those who attend. I think it makes us closer as a team, which is probably as important as anything."

In all, NTEU73 sent 20 chapter leaders and

stewards to the seminar, which is about as many as went last year. Most stewards went who wanted to go. Some had family and other obligations and were unable to attend..

NTEU73 keeps members informed with chapter news as well as national news.

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Chapter 73**

RAIVES/IVES Higher Graded Duty Grievance

NTEU73 has filed a mass grievance on behalf of employees in RAIVES/IVES, who the union contends have been performing higher graded duties for a number of years. The case is being handled by Thomascina Braswell, out of the Fourth Street union office.

If the union is successful, employees could receive a check for the difference in pay grades for the time they performed the higher graded work.

NTEU attorney Will Igoe is also involved in the case and will push it to arbitration assuming management denies the grievance. In that instance, an independent arbitrator would listen to both sides of the argument and make a binding decision that both parties (management and the union) must live with. Mr. Igoe is extremely optimistic

about the outcome of the case.

There were some questions in Data Conversion branch about how this case would affect them. The short answer is that it won't. Rumors were swirling in



Data about RAIVES people being upgraded, and that is untrue. Only if an employee indeed worked higher graded work will they receive any monetary

compensation. The position will not be given a higher grade.

Employees have been coming to the union office and signing up to be included in the grievance.

"These cases can take a long time to work," commented NTEU73 President Rick Riley. "Tommie is on it, and I am pretty sure this will end up in arbitration. When that happens it can take several months at a minimum and can take a couple years. But in the past we have won some substantial money for people. We feel very confident about this case."

The key is that people must work a "grade defining duty" for a substantial amount of their time to be eligible for monetary compensation. The union is arguing that this is exactly what happened.

NTEU73 Has Five TEPAC High Donors

At the NTEU Training Conference in Las Vegas, NTEU73 was well represented at the annual TEPAC reception. Five stewards were recognized by National President Tony Reardon for the amount of donations they give to TEPAC (Treasury Employees Political Action Committee).

TEPAC is an arm of NTEU that lobbies Congress and gets involved in various campaigns in an effort to get people elected to office that are receptive to federal employee issues. The union, by law, is not allowed to use union dues money for these types of activities, so TEPAC raises money to fund these efforts

separately.

Michelle Ryan, Jim Gregory and Daniel McNamara all contribute at the high donor level. Debbie Mullikin and Bill Dreier are considered benefactors, the highest level.

High donors were treated to a special reception with the National President prior

to the TEPAC reception for everyone.

During the TEPAC reception, attendees were encouraged to donate to the cause to help fight for federal pay and benefits and agency

funding, among other federal employee issues. TEPAC

is very involved with grass roots efforts.



High Donors at the TEPAC reception in Las Vegas: (l to r) Michelle Ryan, Debbie Mullikin, Bill Dreier, Jim Gregory, NTEU National President Tony Reardon and Daniel McNamara.

NTEU Chapter 73 Stewards

Day Shift:

4th Street - Dorothy Barry-Elliot, Tommie Braswell, Michelle Robinson-Cunningham, Ron Cunningham, Kristina Fryman-Henry, Nicole Guethlein, Brenda Herrin, Bryan Jackson, William Kohler, Shannon Lovins, Laura Mitchell, Shawana Oliver, Michelle Ryan, Jeff Seibert.

GWC—A. J. Allen, Michael Bradford, Phillip Cargile, Steve Clark, Jamie Coffman, Tomeka Cottrell, Amanda Frazier, Loretha Hudson, Bob Krekeler, Staci Lee, Tanesha McCants, Tonya Morris, Debbie Mullikin, Chris Pierce, Rick Riley (President), John Selmeier, Melinda Smith, Debbie Steiner, Dennis Stone, Michele Townsend, Karen Walsh (Vice President-Chief Steward), Virginia Watson, Julia Wiley (Secretary).

IRRC - Florence - Sarah Corea, Brandon Mikusa.

Swing Shift:

4th Street— Daniel McNamara, Stephanie Slayton.

GWC—Alison Bower, William Dreier, Ron DuMoulin, Jim Gregory, Teri Hampton, Julie Orick, Deborah Stoffel.

60 Second Updates

House Approves Two Workforce Bills

The House of Representatives passed two federal workforce measures that were modified by NTEU to protect employee rights. The first bill initially sought to limit the amount of time an employee would be on paid administrative leave during an agency investigation to 14 days. NTEU worked with Rep. Stephen Lynch (D-Mass.) to revise the bill and allow that time limit to be extended in 30 day increments. NTEU believed it was unfair to any employee to be placed in a non-paid status prior to any agency determination of possible discipline. The second measure would require agencies to enter any adverse findings into a departed employee's official personnel file, generally in cases where an employee resigns during an ongoing agency or IG investigation. NTEU worked with Rep.



Gerry Connolly (D-Va.) to provide a notification and appeals process for affected employees.

Paid Parental Leave

NTEU strongly supports efforts in Congress to provide six weeks of paid parental leave to federal employees. The United States remains one of only two industrialized nations that do not require paid parental leave programs. NTEU believes the federal government should be a leader in this effort.

NTEU Presses for Adequate IRS

Funding in 2017 With lawmakers set to vote on IRS funding tomorrow, NTEU is stepping up its fight for adequate agency funding in fiscal year 2017. President Tony Reardon sent a letter to a key House subcommittee detailing the impact of recent budget cuts and supporting adequate IRS funding for next fiscal year. The subcommittee is scheduled to consider the Financial Services and General Government Appropriations bill, which includes IRS funding.

"IRS employees around the country continue to work diligently despite seeing

their workloads increase and the resources to do their jobs shrink dramatically," Mr. Reardon wrote in the three-page letter. "Additional cuts simply cannot be absorbed without further impairing IRS' ability to provide critical taxpayer services and enforce the nation's tax laws."

CBP Fallen Remembered

President Tony Reardon was among the guests attending a ceremony on Friday honoring Customs and Border Protection (CBP) law enforcement officers who lost their lives in the line of duty. The ceremony came at the end of the annual National Police Week, which draws thousands of law enforcement officers to Washington, D.C., for a series of events that honor those who have died.

IT Contactor Out!

The contractor responsible for hacked Office of Personnel Management's major IT overhaul is now in "financial disarray" and no longer working on the project. After Imperatis employees failed to show up for work May 9, OPM terminated the contract.

NTEU73 Stewards Working for the Members

Ron DuMoulin filed 2 FMLA submissions, filed an evaluation grievance and filed a mass grievance with **Terri Hampton** regarding read times. He also helped an employee with an RA request and handled a TIGTA interview.

Shannon Lovins and **A. J. Allen** staffed the Fourth Street Union Office while most of the stewards were in Las Vegas at training!

Nicole Guethlein helped an employee with FMLA. She is also helping another employee with a Detail opportunity.

A J Allen helped an employee with their evaluation.

Thomascina Braswell helped several employee's with work load assignments, and is helping other employees receive "Higher Graded Duties" pay.

John Selmeier is helping an employee with work load issues. He is trying to make sure that work is evenly and fairly distributed. He is also helping an employee with a tax compliance case.

Michelle Robinson Cunningham helped an employee get training for another skill code.

Tonya Morris helped an employee with an Oral Reply and won a grievance for an employee trying to get part time!

Jeff Seibert is working 11 telework cases.

Debbie Mullikin is working 7 telework cases.

Ron Cunningham is getting overtime for an employee who was improperly denied working OT.

Laura Mitchell has been getting the Chapter's financial books ready for audit.

Will Kohler is doing a mass grievance about converting seasonals to perms.

Michelle Ryan is helping an employee with a departure evaluation.

Sarah Corea, Julia Wiley and **Nicole Guethlein** worked the gate at the NTEU picnic. Sarah Corea is also working an oral reply for an employee.

Phillip Cargile is working a discrimination complaint for an employee.
