

Homeland Security on Warpath Against IRS Employees—They Have Forgotten Terrorists!

It just keeps getting worse. A Homeland Security officer is now patrolling the parking lot looking for violations so he can give tickets to employees. One employee was given a \$275 ticket for “rolling through” a stop sign. And there is more to come, including possibly tickets for not smoking in the proper places, according to guard sources.

The officer was seen driving around the Johnson Street lot across the street from the IRS building checking cars to give tickets for parking violations. The guards are being instructed to report any employee contacts to Homeland Security. The questions are where is this coming from and why now?

Homeland Security is supposed to keep us safe. According to the Homeland Security web site, their mission is five fold: 1. Prevent terrorism and enhance security (regarding terrorism) 2. Secure and manage our borders 3. Enforce and administer immigration laws 4. Safeguard and secure cyberspace

and 5. Ensure resilience to disasters. How giving IRS employees traffic, parking and



Homeland Security Officer, who has been giving \$275 tickets to employees, is parked illegally in front of IRS for 6 hours during a non-emergency. Where is HIS ticket? Citizen's arrest! Citizen's arrest!

smoking tickets which take half a week's paycheck away helps to further that mission is impossible to justify.

IRS has a guard force that has been doing an outstanding job. Why Homeland

Security is sticking its nose in areas it does not belong is a serious question. One must wonder about the absolute waste of taxpayer resources on giving expensive tickets even while the United States waits for another terrorist attack on its own soil that is sure to come. Indeed, IRS is becoming a police state. But why? It is not as though the employees have been creating undue problems. Why the sudden “crack-down?”

(Continued Pg. 4...Homeland)



President Rick Riley Is On Telework: But It's Not What You Think!

NTEU73 President Rick Riley has been pushing for Telework for employees. And he now finds himself working from home. But it is not the kind of home work he had in mind.

Mr. Riley had an operation on his foot on April 11 and has been recuperating nicely since. He is in a cast and has a very difficult time getting around. The cast is set to come off in another four weeks and then he may be back, depending on his condition.

Rick is able to get his IRS emails and has been attending meetings by phone.

“I spend all my time on the phone and on my email,” he said. “Not a lot different from a typical day in the office.”

“I am really looking forward to getting back in and seeing everyone,” he added. “I miss it, but I am totally informed, and honestly, other than not seeing everyone, it is almost the same. I am just glad everybody on my staff has stepped up! I knew they would.”

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NTEU Chapter 73

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(859) 669-5370

Gateway Office Room 111

Monday—Friday,
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The Force

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From the Desk of NTEU73 President Rick Riley

**“As always, At Your Service”
— Rick Riley**

This month the chapter and the stewards will be very busy. The stewards will be attending training and then on May 28th the Chapter hosts its annual picnic at Stricker's Grove. If you haven't gone, take the kids and go, it is so much fun. I hope to see everyone there, please do try and make it.

We have again been very busy in the offices resolving cases and issues for our members. Our biggest issue is still the Federal Protective Services Officer giving employees tickets. We are actively seeking to stop this practice. Officer Sheldon has even said when it comes to him, the Union has no rights. Really?

Well we've been working with our Congressmen and Senators to stop this practice. Homeland Security is working overtime to protect us from terrorist attacks, yet this Officer is assigned to police us, the Federal work force, not to protect us. He has been seen patrolling, yes patrolling inside the buildings! If you encounter him, remember, he is a police officer and you have your rights, even requesting to be represented by an attorney before you answer any

questions. Tony Reardon, our National President has been working with me on this and has personally talked to the Commissioner.

We will not stop until this change in working conditions is halted. In the meantime, please be very careful in the parking lots. He is giving tickets for such things as a tire touching a line, speeding, or rolling stop signs. These are traffic tickets with fines attached, not the little white chits the Security Officers give.

Now, as for me, I had surgery to fix a bunion and have been working from home. Our staff is on duty and working hard. We are getting ready to interview more stewards. We are always looking for ways to improve our service to you and our representation roles.

Finally, May 30th is Memorial Day this year. We all enjoy this holiday, with all the outdoor activities and family functions we attend. We all have or have had members of our families who have served our country, or we ourselves have. Please remember the reason for the holiday and do something nice for a veteran and remember all those who have sacrificed to make us safe. Remember those that have gone before us, for we are blood of their blood, bone of their bone.



New Steward in 4th Street Office

Ron DuMoulin has been named to replace Bev Johnson in the Fourth Street (Flat Top) union office.

Mr. DuMoulin has been a steward for about a year. He will take over full time duties.

Bill Dreier in the Chief Steward on nights, but he works out of the Gateway Office.

“Ron has worked hard since becoming involved with NTEU last April,” said NTEU73 President Rick Riley, commenting on the appointment. “He had studied the National Agreement three times before he

joined the steward force. Ron was a great addition to the steward force and in the



last year has proven his value. When a position became available, I reviewed a lot of information before making the decision and decided on Ron. Ron brings youth, enthusiasm and knowledge to our team. He is trustworthy and reliable. His goal to is serve every member to the fullest and best of his ability. I have confidence he will do that, as he has record has shown just that.”

Congratulations Ron!

2016 NTEU73 Annual Picnic—May 28!

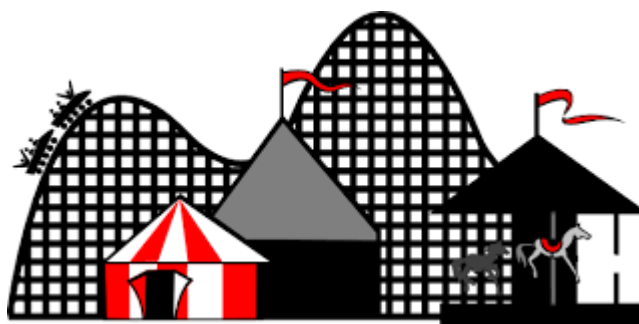
**Where: Stricker's Grove
11490 Hamilton Cleves Rd.**

**When, Saturday, May 28
Time: Noon-7pm.**

**Every Union Member Can Get Up to Six Tickets Free!
Members can purchase additional Tickets for \$2 each!
Limit of Ten Tickets per Member.**

Pick Up your union Tickets from any Union Office.

**For more information Phone:
859-669-5700 or 859-669-5370**



IRS Employees Surveyed Again for 2016

For 11 years, IRS has been surveying its all of its employees. In some agencies, the survey is sent to a randomly-selected group of employees. Other agencies opt to administer the survey to all of their employees. Employee participation is voluntary and responses are confidential.

Between late April and June, Office of Personnel Management will conduct the 2016 Survey. The survey is being administered in two waves: April 26 and May 3. Each agency has a six-week administration period.

The survey asks employees for their views on their work, their agency, their supervisors, their senior leaders, their job satisfaction and work life programs such as telework. NTEU is urging employees to take the survey and outline both the positive and the negative aspects of your work life. Each year, survey results demonstrate how committed federal employees are and how seriously they take their work. The survey also measures employee satisfaction across government.

"We ask employees to respond candidly about the impact of inadequate pay raises, budget cuts, lack of promotional opportunities, increased workloads and

management actions on your work life," said NTEU National President Tony Reardon. "I recognize that in some agencies, employees express frustration



that each year they take the survey and see little to no action on the results. If front-line employees do not take the survey, only managers will take the survey and your voice will not be heard. The survey results are helpful to us at the bargaining table and in labor-management forums."

The results are also used to compile the

annual "Best Places to Work" ratings, which attract significant media coverage.

The survey is voluntary and takes approximately 25 minutes to complete.

"Employees should be given time at work to take the survey," continued Mr. Reardon. "Questions can be skipped and responses can be saved so employees can finish at a later time. Responses are confidential."

"I agree with Tony, employees should take the survey and be quite frank," added NTEU73 President Rick Riley "This is a good way to let everyone's voices be heard. Please encourage you friends to be honest and to have their voices heard."

Criticism of past surveys is that IRS does not necessarily listen to feedback that they feel is uncomfortable, and that by the time units have their meetings to go over the results, the manager the feedback was concerning has left the unit.

"I know a lot of employees feel that the survey is a waste of time based on past results," continued Mr. Riley. "But whenever management asks your opinion you should give it to them."

Homeland...pg. 1

"It is something that we have to get to the bottom of," said NTEU73 President Rick Riley. "I have been in contact with the National President over this."

While feeling free to issue these tickets to employees who fail to toe the mark, Homeland Security Officer Scott Sheldon apparently feels he is above the law, important as he is. He has been witnessed parking illegally (see photo, pg. 1) for as long as six hours during non-emergencies, blocking the fire lane, a safety violation in and of itself. He has also been reported as being belligerent to some employees.

Rick Riley, VP Karen Walsh and Director of Communications Jeff Seibert were briefed by IRS Facilities and were told that there have been no changes in security procedures at IRS. The guards are required to file reports of certain types of incidents and then it is up the Federal Protective Services (FPS) to decide whether further action is to be taken, including the issuance of citations. Apparently FPS Officers can issue tickets for any violation of Article 41 of the Code of Federal Regulations, which is a departure from past procedures. Until the last couple of months, this had never been done in Cincinnati.

The Chapter Presidents of all the IRS Service Centers were contacted to see if

this was happening in their areas. Fresno, Brookhaven, Ogden and Austin reported that it was not happening there. Andover, Atlanta and Memphis have experienced traffic tickets at their centers. Based on this, it does not appear to be a national policy being enforced by FPS.

In an effort to bring attention and pressure to this issue, Ohio Senator Sherrod Brown has been contacted by NTEU73. They are currently investigating the matter, including contacting Homeland Security and the IRS Commissioner about it. Apparently someone is taking notice because the Facilities manager has been contacted by his boss with questions about it.

The next step is for NTEU73 to talk to higher ups in FPS to determine their intent. It will be requested that the issuance of tickets to employees be terminated and that the issues be handled administratively, as they always have.

If Homeland Security continues to issue the tickets to employees, NTEU73 is considering instituting a press campaign, including press releases and pickets out front from of the main building to bring attention to Homeland Security using vital resources for things Congress never intended when they created the agency.

"I recently heard on the radio that Homeland Security is working agents

overtime to keep us safe," said Jeff Seibert, who is heading up the effort for NTEU73. "Maybe they would not have to work so much overtime if they were not doing a duplicated job that we hire a security force to do."

Officer Sheldon has not only been patrolling the parking lots but has been seen walking around inside the building on the second floor of Gateway, intimidating employees.

"We are not terrorists," continued Mr. Seibert. "Homeland Security needs to fulfill their mission. Does the guy think he is going to find active terrorists on the second floor or in the parking lot? It's absurd."

"We are on top of this issue and will see it through," said Mr. Riley. "I will be in contact with the National President who will be in contact with the Commissioner and with Homeland Security. Everything we are able to do, we will do."

NTEU Chapter 73 Stewards

Day Shift:

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

GWC—A. J. Allen, Michael Bradford, Pat Breitenstein, Phillip Cargile, Steve Clark, Jamie Coffman, Tomeka Cottrell, Amanda Frazier, Loretha Hudson, Vicki King, Bob Krekeler, Staci Lee, Tonya Morris, Debbie Mullikin, Chris Pierce, Rick Riley (President), John Selmeier, Melinda Smith, Debbie Steiner, 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.

Two NTEU73 Stewards Marry in April

NTEU73 Stewards Ron Cunningham and Michelle Robinson tied the knot on April 2. The two had been dating for ten years and decided to make it official.

Michelle works in the Flat Top union office and among other duties, tracks the grievances that the chapter files. She also works a large amount of Fourth Street issues. She works full time in the Fourth Street union office. Michelle has been an employee at the IRS for 30 years.

Ron is a steward and works a variety of issues as well. He can often be found in the union office helping to handle the case load. Ron works in the Unpostables Unit in ICO in

the flat top. He has worked for the IRS for ten years.

After the wedding, the couple had a weeklong honeymoon in Hollywood, California. They visited various studios, saw the homes of the stars and had a great time on Rodeo Drive.

Michelle has written a cartoon/comic book of short stories which is due to be published in August of 2016. Ron helped out by illustrating the book!

Many union officials attended the wedding which was

held at Sugar Ridge Golf Club in Lawrenceburg, Indiana.



Ron and Michelle Cunningham

Know Your Rights! Unacceptable Performance

by Rob Starks

Article 40, Section 1 A

Definition of an Unacceptable performance.

An action based on unacceptable performance is defined as the reduction in grade or removal of an employee whose performance fails to meet established performance standards in one or more critical job elements of the employee's position.

Article 40, Section 1 C and D

Who does this apply to?

Article 40 applies only to bargaining unit employees who have completed their probationary or trial period.

1. If at any time during the performance appraisal cycle that an employee's performance is determined to be unacceptable in one or more critical job elements, the Employer will:

- (a) notify the employee of the critical job element(s) for which performance is unacceptable; and
- (b) issue a written plan to the employee including suggestions as to how the employee can improve their performance, the type of assistance the Employer will provide, and instructions on ways the employee can be expected to raise their performance to an acceptable level. This is generally referred to as an "Action Plan."

2. To avoid a reduction in grade or removal, the employee must meet and sustain at an acceptable level, the performance standard(s) for the critical job element(s) at issue.

Article 40, Section 1 E

Can the Union Accompany an Employee with an Unacceptable Performance?

Yes. A meeting between an employee and management during which the principal topic of discussion is action or potential action based on unacceptable performance will entitle the employee involved to request to be accompanied by the Union steward during such meeting. If such a request is made, management will honor the request.

Article 40, Section 2

What is the Process of an Unacceptable Performance?

Prior to issuing a notice of proposed action based on unacceptable performance, the Employer will issue a letter to the employee which contains the following:

1. an identification of the critical job elements and performance standards for which performance is unacceptable;
2. advice as to what the employee must do to bring performance up to an acceptable level;
3. a statement that the employee has a reasonable period of time (specified in days) but never less than sixty (60) days in which to bring performance up to an acceptable level; and
4. a description of what the Employer will do to assist the employee to improve the unacceptable performance during the opportunity period.

Article 40, Section 3

What is the Process of an Unacceptable Performance, continued?

A. In all cases of proposed action based on unacceptable performance, the employee will be given written notice of the reasons and specifications of unacceptable performance on which the proposed action is based thirty (30) days in advance of the action.

B. The advance written notice proposing either to remove or downgrade an employee for unacceptable performance will include:

1. specific instances of unacceptable performance by the employee on which the proposed action is based;
2. the critical job element(s) of the employee's position involved in each specification of unacceptable performance;
3. the performance standard(s) of the employee's position involved in each specification of unacceptable performance;
4. a statement of the employee's right to be represented by an attorney or representative;
5. a statement of the employee's

right to answer orally and/or in writing; and

6. a statement of the employee's right to review the material relied upon to support the reasons and specifications in the notice.

Article 40, Section 6

Are there any appeal rights for employee's?

A. If the Employer's final decision is to effect an action based on unacceptable performance against a bargaining unit employee, the employee may appeal the decision to the Merit Systems Protection Board (MSPB) in accordance with applicable law, or, with the consent of the Union to binding arbitration. Under no condition may an employee appeal an action based on unacceptable performance to both MSPB and arbitration.

B. The Union must notify IRS of any appeal to arbitration filed by the Union. Such notice must be sent to an e-mail address established by the Employer. The Union must invoke arbitration within thirty (30) days of the date the employee receives the final decision issued by the Employer.

C. If timely notice of appeal is not received, the action may not be appealed to the arbitration procedure.

D. The standard of proof in any arbitration over this matter will be substantial evidence. The Employer will raise no cases against the employee other than those cited in the notice of proposed action except to the extent necessary to rebut defenses or arguments raised in the employee's behalf, such as an argument that the cited cases are but a small portion of the employee's total work product which is otherwise acceptable.

Article 40, Section 8

Does the Employee have any rights?

At the time the Employer issues its proposal letter and its decision letter to an employee, it shall include a letter written by the Union which outlines the employee's right to representation and his or her appeal rights. Failure to include such a letter shall be grievable, but shall not constitute a basis for overturning the adverse action.

Awards Pool Grievance Filed by NTEU National Over IRS Changes

NTEU National President Tony Reardon has issued a memo to all Chapter Presidents about the awards pool. NTEU has filed a national grievance against the IRS as a result of its unilateral implementation of changes to the Appendix A award pools for fiscal year (FY) 2015 without first bargaining those changes with NTEU.

NTEU alleged that the agency's unilateral changes to the award pools constitute a violation of Articles 18 and 47 of the 2016 National Agreement, the parties' January 22, 2013 NPAA Memorandum of Understanding and Side Letter Concerning NPAA Appendix A Pool Changes.

The union contends this also constitutes an unfair labor practice for failure to bargain in good faith.

NTEU has requested that the IRS: (1) immediately cease and desist from violating the 2016 National Agreement, the NPAA agreements and the statute; (2) provide a make whole remedy to any

bargaining unit employee adversely impacted by the unilateral changes, including recalculation of any award they would have been entitled to receive but for the unilateral implementation; (3) post a notice stating the agency has committed an unfair labor practice; (4) pay NTEU its reasonable attorney's fees; and (5) any other appropriate remedies.

The grievance maintains that on September 28, 2015, NTEU received a report from IRS that identified various changes in the awards pools. NTEU says that these changes were unilaterally implemented without giving the union an opportunity to bargain the changes, which IRS must do by law.

If it is found that the IRS actions harmed employees by giving them less of an award than they would otherwise have been entitled, some employees could receive back pay for the amount in question.

Another Attack on Federal Workers from Congress

H.R. 4890, which would prohibit the IRS from awarding bonuses or other awards to employees until the Treasury secretary develops a comprehensive customer service improvement strategy, would have no effect on federal revenue, and would not be accompanied by additional funding, the House Joint Committee on Taxation said in an April 12 report.

The report says the bill specifies that the plan should set "appropriate levels of telephone and correspondence service, based on best practices of businesses and customer expectations." It also requires an assessment of which taxpayer services can be provided through self-service operations.

The ban on employee bonuses and awards would take effect immediately upon enactment, the JCT noted, and it would stay in effect until the customer service strategy is reviewed and approved by the Treasury Inspector General for Tax Administration and then submitted to Congress.

60 Second Updates

IRS Workforce Has Dropped 15 Percent Since 2010.

National Treasury Employees Union president Tony Reardon said, in a statement, that the agency desperately needs more funding to carry out its mission. "Without an infusion of funding, the health of the IRS will continue to decline," he said. "The ongoing deterioration of the IRS workforce prevents the IRS from offering the level of service taxpayers deserve, from aggressively curbing tax fraud and from effectively enforcing tax laws authored by Congress." Reardon added that the White House's proposed 2017 budget would provide an extra \$1 billion above the current IRS funding levels, which would help bolster services, but that it still needs more resources to handle continued challenges in its mission. "Our country depends on an efficient and effective tax



collection system to fund our national defense, education and all of the other services our citizens expect from their government," he said. "That cannot be accomplished with far fewer employees than there were 20 years ago."

More Attacks by Congress. The Senate Appropriations Committee set its funding levels for its 12 appropriations subcommittees. The Financial Services and General Government allocation, which funds the Internal Revenue Service, received a drastic cut of nearly 4 percent or \$933 million for fiscal year 2017. While it is not clear what level is being proposed for the IRS, IRS funding generally accounts for more than half of the Financial Services appropriation.

Meanwhile, the House of Representatives considered a package of bills that would further weaken the IRS. NTEU strongly opposed the three pieces of legislation that would curtail the IRS's ability to carry out its taxpayer service and enforcement missions, and undermine efforts to retain dedicated and experienced employees.

Medical Certification Under FMLA

Does a supervisor have the right to ask to see medical documentation when a federal employee applies for FMLA leave to care for herself or a sick family member? The answer is no. You may elect to provide it to an agency designated health care professional. For nearly 25 years, federal employees have had a broad range of rights under the Family and Medical Leave Act (FMLA) when facing their own or a family member's health conditions.

NTEU73 Financial Reports Available in the Union Offices.

If you would like to get a copy of the union's financial report that was given out at the latest Chapter meeting, they are available in the union offices. Simply stop by and pick one up. Unfortunately the Chapter cannot provide electronic copies of the report. We only have them available in hard copy form! Thanks to NTEU73 Treasurer Laura Mitchell for preparing the report and keeping the Chapter records in immaculant order!

Some in Congress Attack the Use of Union Time

The House Committee on Oversight and Government Reform, chaired by Representative Jason Chaffetz (R-UT), recently considered and approved a measure that would require annual reporting of official time usage.

H.R. 4392, a bill introduced by Representative Dennis Ross (R-FL), would require a detailed annual report to Congress from the Office of Personnel Management (OPM) on agencies' use of official time (union time used by union stewards and officials when dealing with management). OPM is not required by law to produce a report on official time, though the agency does issue such reports from time to time. The Ross bill would require each agency, and subcomponent, to annually report the total amount of official time granted, the total number of employees provided with official time, as well as the specific types of activities and purpose for which the official time was provided, and the resulting impact on agency operations. The bill would also require agencies to report the total

compensation (employee salary and benefits) expended for any official time hours granted.

During the committee's consideration of H.R. 4392, Representative Jody Hice (R-GA) introduced a substitute measure that would require the report to include a thorough description of the room or space used for official time activities at agencies, including the exact square footage. While this official time legislation would not eliminate or place actual limits or restrictions on official time, NTEU opposes these types of legislative attempts which are the first step in an overall anti-labor agenda to eliminate official time.

Chairman Chaffetz recently sent letters to a significant number of agencies, including several NTEU-represented agencies, asking numerous questions about their use of official time in fiscal years 2014 and 2015. The letters specifically instructed agencies to provide the names of all individuals on official time, their positions, grades, duty stations, salaries, and whether or not they were on official time 100% of

the time. The letters also requested the square footage of the space provided at agencies for these activities. NTEU-represented agencies that received these letters include: the Departments of Agriculture, Commerce, Energy, Health and Human Services, Homeland Security, Interior, Treasury, the Consumer Financial Protection Bureau, the Environmental Protection Agency, the Nuclear Regulatory Commission, and the Securities and Exchange Commission.

NTEU members on official time are engaged in lawfully-provided and recognized labor duties, and should not be treated in any unfair or special manner, and should not be subject to any type of harassment whatsoever. NTEU has been working to ensure that these individuals' names are kept private, and the committee has informed NTEU that it has no plans to make these names public.

NTEU will continue its efforts to defeat any legislative attempt to eliminate or restrict official time.

NTEU73 Stewards Working for the Members

Your NTEU Stewards work for you, and are available if not in person, by phone or email. There are multiple stewards located in most Cincinnati IRS Center location. Here is a list of stewards manning the current NTEU73 offices:

Gateway:

- ◆ Chapter President **Rick Riley**
- ◆ Vice President/Chief Steward **Karen Walsh**
- ◆ National Vice President **Debbie Mullikin**
- ◆ Chief of Staff **Steve Clark**
- ◆ Secretary **Julia Wiley**
- ◆ Stewards **Virginia Watson** and **Debbie Mullikin**
- ◆ Night Shift Chief Steward **Bill Drier**
- ◆ Night Shift Steward **Julie Orick**

Fourth Street Center (Flat-top):

- ◆ Stewards **Michelle Robinson**, **Tommie Braswell**, Treasurer **Laura Mitchell**, **Ron DuMoulin** (Night Shift).
- ◆ Director of Communications **Jeff Seibert**

If you have any issues or concerns, call an NTEU73 office at 859-669-5700 or 859-669-5370.

Sarah Correa got AWS approved for an employee after it was originally denied! She also got a 30 day suspension reduced to ten days and got a CJE for an employee raised from a 2 to a 3!

Loretha Hudson has worked two AWOL cases for two different employees.

Shannon Lovins worked an overtime issue in R&C.

Laura Mitchell got an employee a QSI. She was also able to get an employee approved for AWS and resolved an overtime work issue. She also helped an employee with her retirement paperwork.

Tonya Morris has signed up two new members for the union!

Julie Orick won a grievance for an employee in AM raising two aspects to exceeds. She also won an evaluation grievance raising the employee from unsuccessful to fully successful. She also had her first oral reply reducing a 14 days suspension to a 9 days!

Michelle Robinson has had AWOL removed for an employee.
