

NTEU

The National Treasury Employees Union

NATIONAL TREASURY EMPLOYEES UNION CHAPTER 97

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LOOKING BACK AT 2010 AND LOOKING FORWARD TO 2011

Throughout the ups and downs of 2010, NTEU was there.

From speaking to the media and working with lawmakers on Capitol Hill to negotiating with agency leaders and litigating in court, NTEU aggressively, and successfully, represented federal employee interests all year long.

- As part of landmark health care legislation, NTEU won expanded FEHBP coverage for dependents up to age 26;

- NTEU saw the Obama administration sign long-awaited legislation paving the way for a major expansion of telework throughout the federal sector;

- After a tragic event in February—an airplane attack on an IRS facility in Austin, Texas—NTEU honored the legacy of the victim, Vernon Hunter, by establishing a scholarship in his honor; and

- NTEU repeatedly stood strong against several harmful workforce proposals, including a hiring freeze, unpaid furloughs and other initiatives. We expect similar challenges in 2011 under a new Congress.

These are just some of NTEU's accomplishments as the curtain falls on 2010. In the new year, NTEU hopes federal employees will continue to join with NTEU as we work to improve the federal workplace one day at a time, employee at a time.

CHAPTER 97 PRESIDENT SPEAKS OUT ON PAY FREEZE

As most of you are aware of by now, we federal employees are once again being used as political pawns. The latest is that our pay has been frozen for the next two years, which of course does nothing to resolve the real issue of runaway spending and failure to stick to any kind of budget. To add insult to injury there are proposed bills out there to extend the freeze to three and even five years!

I was contacted and did an interview for KSEE 24 News on November 29th, 2010 as soon as the freeze was proposed. A small clip of the interview was on that night's 6pm news. Employees may view the clip at

www.nteu-97.org. We hear various sources claim federal employees are overpaid compared to private industry. This is completely inaccurate. Compare an AT&T Operator full level salary to say a GS-8 Customer Service Representative for example. Salaries are very comparable yet the amount of knowledge a CSR must know is vastly greater, regularly increases, and changes all the time.

A GS 8 step 7 with over 20 years experience barely makes over \$50k per year. Sound overpaid to you? The source most accurate and widely accepted is The Bureau of Labor Statistics which has consistently

shown federal employees at least 23% below comparable positions in the private sector according to The 1990 Federal Employee Pay Comparability Act which has never been fully enforced.

NTEU is our only voice to make a difference so membership is more important than ever at times like these. Non-members step up today and help rather than make excuses! Our Legislative Committees will travel to Capital Hill again soon to personally meet with our elected representatives on issues most important to federal employees. A voice and continuous benefit for us!

LETTER TO EDITOR



National NTEU President
Colleen Kelley

Madam President,

We government employees are well aware of the impending decision by Congress to freeze our pay for the next two or three years. Personally, after hearing this disappointing news I believed this might be a good idea in order to help our Country right itself during this time of uncertainty.

However, having read a front page article in my local newspaper "The Fresno Bee", I found to my utter amazement and disgust that this freeze would not affect members of Congress. The last time I checked, they also were considered "Federal Employees."

I write this in the hopes that we can come together for a more practical and just solution.

I believe you and the office you represent have a duty to bring to the attention of the public we serve, the injustice that is about to be imposed on us.....

Therefore, I would like to make the following suggestion:

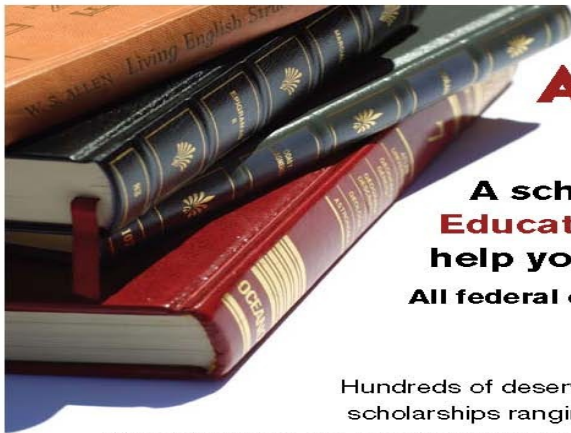
We the people have access to public records which provide Congressional salaries and the various "perks" they enjoy among many other entitlements while serving in public office.

With this in mind, I believe people

should be made aware of these records, especially of those most vocal "Patriots" who have so generously offered up the heads of their fellow government brethren, without giving any thought to refusing of giving up such perks as transportation, parking, lodging, postage, meals, entertainment, generous health and life benefits, child care, "district work periods", travel, health and fitness clubs, comfortable salaries, pensions, fine furnishings, exceptions and immunities from tax, pension, and other laws. The list goes on and on.....

We look to you and your office for a thorough investigation into this matter and hope your findings can be brought to light in a special Congressional Hearing. This must be done before any hard-working American Government Employee is needlessly harmed by Congress and their attempts to use us as a scapegoat for their profound decision making blunders. -Concepcion Ruiz-Robles
Fresno AM Contact Representative

SCHOLARSHIPS AVAILABLE THROUGH FEEA



ARE YOU A FEDERAL EMPLOYEE AND A STUDENT?

A scholarship from the Federal Employee Education & Assistance Fund (FEEA) could help you pay for your continuing education.

All federal employees with at least three years of service are eligible to apply for scholarships for themselves, their spouses or children.

Hundreds of deserving applicants will be awarded scholarships ranging from \$250 to \$2,500 each, with at least five top candidates receiving an additional \$5,000 FEEA-NTEU scholarship.

Scholarship applications for the 2011-2012 school year are due by Friday, March 25 and are available at www.feea.org.

Over the last few years several full-time federal employees have received the top award of \$5,000. **Now it is your turn. Apply for a FEEA scholarship today.**



**NTEU & FEEA - PARTNERS
ON BEHALF OF FEDERAL EMPLOYEES**



C o m p l i a n c e S t e w a r d s F i g h t i n g B a c k ! ! ! !

Compliance AWSS day shift employee contacted NTEU after learning 32 hours of AWOL were charged after requesting a Leave of Absence. Research showed NTEU and the employee met with management prior to the absence and provided documentation showing the employee needed to undergo medical screenings out of town. Compliance Assistant Chief Steward Adelena Garza filed the grievance based on the Article 32 violation and was successful in proving management had the documentation needed, but failed to contact NTEU or the employee on whether the leave was approved. As a result, the 32 hours of AWOL was removed.

Compliance ACSS day shift employee contacted NTEU after receiving an evaluation that was not indicative of their performance. Compliance Assistant Chief Steward Adelena Garza filed the grievance based on the Article 12 & IRM 6.430.2.3 violations. Research showed the employees CJE's were lowered without consistent counseling. Research also showed the employee's file contained positive feedback from management and no errors. As a result, the evaluation was amended and raised.

Compliance ACSS day shift employee contacted NTEU after receiving a counseling for seeking assistance on work she never preformed. Compliance Assistant Chief Steward Adelena Garza immediately contacted the DM and Ops to discuss the issue and was successful at getting the counseling removed. Article 30

Compliance day shift employee contacted NTEU after receiving a termination letter. Research showed the employee committed UNAX. Vice President Michelle Gardea filed an Oral Reply on behalf of the member and was successful at getting the removal rescinded resulting in a saved job. \$\$\$\$\$

Compliance AUR swing shift employee contacted NTEU after receiving a letter proposing a 5 day suspension due to an audit being done on a 2008 tax return. Swing Assistant Chief Steward Brandon Dominguez immediately contacted the Operations Manager to discuss the circumstances of the filing and that the employee received lesser discipline. Brandon was able to show that other employees received a lesser discipline for the same offense in other cases and that suspension of 5 days was too harsh. As a result, the suspension was rescinded and a Letter of Reprimand was issued instead.

Compliance AUR swing shift employee contacted NTEU after learning she was being charged AWOL after requesting LWOP to care for her hospitalized child. Research showed the employee was charged AWOL due to management deeming the medical documentation "insufficient". Assistant Chief Steward Brandon Dominguez filed the grievance and steward John Platz met with the front line manager to discuss the issue and as a result, the manager agreed to remove the AWOL and change to LWOP.

Compliance Exam swing shift employee contacted NTEU after receiving a "leave restriction" letter. Research showed the "leave restriction" letter did not speculate whether the "leave restriction" was based on annual or sick leave abuse. Research also showed dates used on the letter included dates that were previously approved for vacation, scheduled days off, etc. Swing Assistant Chief Steward Brandon Dominguez filed the grievance based on the Articles 32 & 34, and IRM 6.751.1 violations. As a result, management agreed to rescind the LOR.

Compliance ACS swing shift employee contacted NTEU after receiving an lowered evaluation without counseling. Research showed the employee had not received an action plan appropriate to decreased performance. Assistant Chief Steward Brandon Dominguez filed the grievance and was successful getting the evaluation corrected. Article 12 \$\$\$\$

Compliance ACS swing employee contacted NTEU after receiving inappropriate and unreasonable "conduct" counseling. Research showed the employee was being counseled based on her interpretation of the new CSA in regards to documentation necessary for Type 1 leave requests. Assistant Chief Steward Brandon Dominguez filed the grievance based on the IRM 6.751.2 violation and arranged for steward Rosetta Cameron to meet with the front line manager. Rosetta was able to show management the counseling was unwarranted and unnecessary. As a result, management agreed to remove the counseling.

Compliance Exam swing shift employee/union steward contacted NTEU after receiving a verbal counseling that presumptive AWOL would be charged until "acceptable" medical documentation was provided. Research showed management requested the documentation, the employee/steward provided it, but management did not remove the AWOL. Assistant Brandon Dominguez filed the grievance based on the Article 32 and 34 violations. Brandon met with the front line manager and pointed out that the employee did comply by providing acceptable documentation, and that management did not issue the counseling timely. As a result, the AWOL was removed.

Compliance AUR swing shift employee contacted NTEU after learning she was charged AWOL for not "appropriately" requesting a leave type. Research showed the employee requested to visit a relative who had been the victim of a well publicized incident and to use any available leave. Assistant Brandon Dominguez filed the grievance based on the Article 32 & Exhibit 34-1 violations and was successful and getting the AWOL counseling removed and having the absence changed to LWOP.

A M S t e w a r d s K e e p i n g M a n a g e m e n t I n L i n e

AM day shift employee contacted NTEU after being put in a unit under a manager that she was to have no contact with. AM steward Liz Fina immediately met with the DM and informed her of the situation and requested that the employee is moved to another unit. As a result, management agreed to move the employee to a new unit immediately.

AM day shift employee contacted NTEU after learning her grade and step had not been processed for her new position. Research showed the employee applied and qualified for a position at the GS-7 level and was told she would get the equivalent to her Grade 6 step 5. Due to management's error, the employee was not given credit for her time in grade. AM steward Ilene Lee contacted the DM to inquire about the error and to find out why the employee was not given the grade increase. Ilene received a response that management was correcting the grade and step immediately with retro pay back to October for the correction. Article 13 \$\$\$\$\$

AM day shift employee contacted NTEU after learning AWOL was charged for arriving late. Research showed the employee was stuck in a major traffic accident which prevented him from arriving to work at the beginning of his TOD. AM steward Eddie Valdez immediately set up a meeting with the front line manager to discuss the Article 36 violation. Eddie informed the manager of the contractual right to Administrative Leave when tardy due to an emergency. As a result, the employee was granted 1 hour of Administrative Leave and the AWOL was removed. \$\$\$\$\$

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AM swing shift employee contacted NTEU after learning their unemployment benefits were denied. Research showed the employee was a probationary employee who was removed while on disability leave. AM swing shift Assistant Chief Steward Dawn Donovan attended the EDD hearing and was able to cross-exam the witnesses and made closing statements for the employee. As a result, the EDD judge found in favor of the employee and continued unemployment benefits. Had the judge ruled in favor of the agency, the employee would have had to pay back the benefits received since his removal in June of 2010. \$\$\$\$\$

AM swing shift employee contacted NTEU after being denied scheduled days off due to leave tracker. Research showed the employee requested 2 days off to attend a special, once in a lifetime event but was told the time would not be approved unless approved by Leave Tracker. AM steward Stephanie Uribe set up a meeting with management and provided documentation to substantiate the employee's request for the 2 days off. As a result, management accepted the information and allowed the employee the requested days off.

AM swing shift employee contacted NTEU after being issued a Sick Leave Restriction Letter. Research showed management claimed the employee showed a "pattern" of sick leave usage during six pay periods. Research also showed the employee was furloughed for 2 wks of the 6 pay periods and the only incident of sick leave was when the employee became ill while in a training class (due to poor air circulation). AM swing steward Stephanie Uribe set up a meeting with the DM and successfully proved there was no pattern and the time excused from training was approved by management. As a result, the SLRL was removed.

AM swing shift employee contacted NTEU after being told she may be charged AWOL for not calling in. Research showed the employee did not have a permanent manager but called in to her assigned acting manager's cell phone to request FMLA sick leave. Research also showed calling the acting manager's cell phone was a directive. AM steward Stephanie Uribe met with the DM and was able to prove the employee did timely call in to request leave. As a result, the AWOL was not charged to the employee. Article 32 \$\$\$\$\$\$

AM swing shift employee contacted NTEU after being denied the opportunity to work 10.5 hours of overtime. Research showed the overtime offered was to work AM Transcripts, a skill the employee was trained and certified to work. AM swing steward Stephanie Uribe immediately contacted management and met with the DM regarding the Article 24 violation. As a result, the employee was allowed to work the remainder of the overtime and allowed to make up the missed hours of overtime. \$\$\$

AM day shift employee contacted NTEU after receiving an annual appraisal that was not indicative of her performance. Research showed the grievant was never afforded the opportunity to do a self assessment, or given credit for her assistance in the cash for clunkers program or the time she was utilized as a OJT coach for the new hires. Day shift Chief Steward Terrie Laney Brown met with management and argued the fact that there were no negative EQRS reviews during her appraisal period. As a result, the CJE score was raised to a 4.0 which made the grievant eligible for an award. \$\$\$ Article 34

Submission Processing Holding Management To The Contract

Submission Processing C & E swing shift employee contacted NTEU after receiving an annual appraisal that was not indicative of her performance. Research showed the appraisal was lowered without any action plans, or any performance counseling. Compliance Swing Shift Assistant Chief Steward Brandon Dominguez filed the grievance based on the Article 12 & IRM 6.430.2 violations. As a result, the agency offered to correct the appraisal to reflect the previous annual ratings.

Submission Processing R & C swing shift employee contacted NTEU after learning the information on her annual appraisal was incorrect. Research showed the appraisal reflected her married name and did not include any lead or other duties the employee performed during her rating period. Research also showed the employee's self assessment was not taken into consideration. Compliance swing Assistant Chief Steward Brandon Dominguez set up a meeting with the DM to discuss the issue. As a result, the DM agreed to correct the appraisal and include the extra duties stated in the self assessment.

Submission Processing DCO day shift employee contacted NTEU after receiving a Letter of Admonishment for apparently not following the guard station rules. Research showed the employee never received information, briefings, or expectations in regards to guard station rules. Day shift Chief Steward Terrie Laney Brown filed the grievance based on the Article 5 and Article 38 violations and was successful at getting the LOR removed from the employee's file.

Submission Processing DCO employee contacted NTEU after receiving a Sick Leave Restriction Letter for allegedly abusing her sick leave. Research showed management originally approved the leave, and accepted the documentation the employee provided. Research also showed management did not follow the proper procedures outlined in Article 34. Day Chief Steward Terrie Laney Brown filed the grievance and suggested the Team Leader attend people skill training. The manager showed a consistency of being insensitive to employee issues which could have caused great harm to the employee. As a result, Terrie was successful at getting the SLRL removed.

Submission Processing DCO day shift employee contacted NTEU after receiving a Sick Leave Restriction Letter. Research showed management did not follow the proper procedures outlined in Article 34 when issuing the SLRL. Research also showed the employee supplied medical documentation. Day shift Chief Steward Terrie Laney Brown filed the grievance based on the Article 34 violation. As a result, the agency agreed to remove the SLRL from the employee's file.

Submission Processing DCO day shift employee contacted NTEU after learning she was charged AWOL. Research showed the employee was charged AWOL due to management not being aware she was in the union office. Research also showed the employee received AWOL for arriving a few minutes late at the beginning of her TOD. Day shift Chief Steward Terrie Laney Brown set up a meeting with the Team Leader and employee and as a result, the Team Leader agreed to remove the AWOL.

Submission Processing day shift C & E employee contacted NTEU after receiving an annual appraisal that was not indicative of her performance. Research showed management put the employee on a measured plan in error and lowered all CJE's without any counseling or any substantiation. Swing Shift Chief Steward Marcella Gutierrez filed the grievance based on the Article 12 violation and was successful at showing that. As a result, management and LR agreed to change the evaluation to reflect the employee's previous CJE scores which would allow the employee to receive her performance award. \$\$\$\$

Submission Processing Swing shift RAIVS employee contacted NTEU after being issued a verbal warning "in writing". Research showed the acting Team Leader had not been officially delegated or assigned to the unit as the Team Leader nor had she had unit expectations. Swing Shift Chief Steward Marcella Gutierrez immediately contacted the acting manager and explained she is not authorized to issue such warnings to the employees in the unit. As a result, the verbal written warning was removed from the employee's file.

Submission Processing DCO day shift employee contacted NTEU after receiving 24 hours of AWOL. Research showed management charged the employee AWOL for allegedly not calling in to request the leave. Research also showed the manager consistently left her answering machine "off" while away from her desk. Day Shift Chief Terrie Laney Brown filed the grievance based on the Article 34 Section 2 violation and was able to prove the employee did call and did provide medical documentation to substantiate her absence. As a result, the 24 hours of AWOL were removed.

Legend:

- C & E = Code & Edit
- R & C = Receipt & Control
- DCO= Data Conversion Operations
- SLRL=Sick Leave Restriction Letter
- LOR= Letter of Reprimand



MORE GRIEVANCE AND YOUR RIGHTS TO FMLA

AM swing shift employee contacted NTEU after becoming overwhelmed with the demands of her new position. Research showed the employee came from a clerk area and was overwhelmed with her new duties as a Customer Service Representative. AM swing shift steward Josue Tiscareno immediately contacted the DM and employee's manager to discuss the possibility of reinstatement to her previous area. Since the employer had not hired a replacement, the employee was allowed to return to her clerical job. Article 5.

Compliance CSCO day shift employee contacted NTEU after learning he was denied his request for LWOP. Research showed the employee was a student who requested 12 hours each pay period to attend school lectures. Day shift Assistant Chief Steward Adelena Garza immediately met with the DM and emphasized the importance of NTEU & Management working together to ensure the employee's rights per Article 23. Management did not agree on the 12 hrs of LWOP but did grant the employee 4 hrs each pay period until May 20th, 2011.

The grievant, a GS-8 CSR, called in sick one morning after tending to her ill young child throughout the previous night. She left a message for the manager requesting 8 hours of sick leave; the manager returned the call but the grievant received the message late in the workday and never returned the call. The employee was charged AWOL for failing to return the manager's phone call as directed. The arbitrator sustained the grievance in a streamlined arbitration hearing, accepting the union's arguments that Authority and MSPB precedent prohibits agencies from imposing AWOL on the basis of failure to follow leave procedures when the grievant is otherwise entitled to sick leave under the contract and regulations. He found the grievant was entitled to authorized leave and ordered the agency to convert the grievant's AWOL charge to sick leave. Article 34/ 5 CFR 630.401 \$\$\$\$

FMLA

YOUR RIGHTS AT WORK

If you have questions about your rights under the Family and Medical Leave Act, we have the answers.

Current federal law provides full-time employees with at least 12 months of federal service with up to 480 hours—12 total weeks—of accrued or unpaid leave each year for family and health-related purposes.

You are entitled to FMLA leave for:

- The birth or care of a child, or for adoption/foster care placement;
- Caring for an immediate family member or parent suffering from a serious health condition; and
- A serious health condition of your own that leaves you unable to perform your job duties.

With FMLA rights, you are allowed to:

- Share in family care responsibilities with a spouse;
- Use leave on an intermittent basis so you can balance family life and health care responsibilities with your work schedule; and
- Have greater flexibility when dealing with routine, or unexpected, medical needs.

For more information on FMLA, contact a chapter officer or steward.

NTEU. Working for You.

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www.nteu.org

TOP FIVE REASONS TO JOIN NTEU

1. There's real strength in numbers. The reality is that the many right and benefits enjoyed by federal employees didn't come easily. No one handed them to us, either—no Congress, not the White House, not any federal agency. NTEU members won them, at the bargaining table, through legislation, and by having a voice in the workplace where policies are implemented on a day-to-day basis.

2. NTEU can help you be successful in your workplace. That's right; because management knows we speak for everyone in the bargaining unit, we can influence workplace rules in ways that make sense for employees and America's taxpayers. We turn back legislative attempts that harm federal employees and advocate for policies and laws that support you and help you do your job more successfully.

3. We take on both the big-picture issues—like pay—and the smaller stuff that gets under your skin at work. NTEU leads the way in fighting for a fair pay raise for you; and for the other stuff, our day-to-day workplace representation is second to none. No one does it better than NTEU.

4. You're a name and a voice to be heard, at all levels of NTEU, not a number. You have a vote in electing your chapter leaders; you can play as active a role as you want in your chapter's affairs; you own a vote in deciding whether or not to ratify a contract NTEU has bargained on your behalf.

5. Get important information on what's going on, both at the IRS and throughout the federal sector. There's a print newsletter—the *NTEU Bulletin*—to put issues in context. For more immediate news, NTEU has an electronic *e-Bulletin*.



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UNITED BENEFITS OFFERING BENEFITS YEAR ROUND

The National Treasury Employees Union (NTEU Chapter 97) is happy to announce the selection of United Benefits as our Voluntary Benefit Coordinators. Their purpose is to educate members and employees on the NTEU approved benefits selected to meet the needs of federal employees.

Benefits include:

1. Permanent Life Insurance (you own) available for employee, spouse, children & grandchildren (No physicals or exams required).

2. Short Term Disability (Paycheck Protection).

Guaranteed Issue - No Health Questions - No exams.

3. Cancer Benefits. Pays money directly to the holder for diagnosis, treatments and wellness visits (Employee, Employee & Children and Family).

4. Dental Plan (employee, children & family)

5. Vision Plan (employee, children & family)

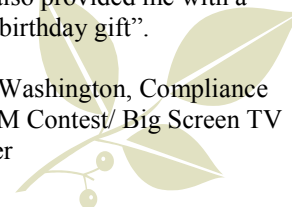
These benefits are available by phone year round from 6 AM until 6 PM Monday thru Friday and are offered through payroll deduction.

No waiting for open season. For more information on the benefits, stop by any Fresno or Tulare Union Office for a package or please call United Benefits directly at **800.662.5099**.

Quote:

“I would like to thank NTEU for inviting United Benefits because they provided me with disability insurance and cancer coverage; they also provided me with a early birthday gift”.

-Ella Washington, Compliance M & M Contest/ Big Screen TV winner





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CHAPTER 97

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Or Current Resident

WE ARE ON THE WEB!
VISIT US AT WWW.NTEU-97.ORG

HOW WELL DO YOU KNOW YOUR RIGHTS ON SICK LEAVE?

Probably every IRS employee will need sick leave at one time or another. Some will need it unexpectedly, others will need it to cover long absences, and still others to cover short, repeated absences from chronic illnesses. Sick leave is one of our most important benefits, but how much do you know about your rights to use it under the NTEUIRS contract. Test yourself.

Answer True/ False:

1. You can charge sick leave in as little as 15 minute increments. **Answer:** True

2. If you get sick before the workday begins, you must notify your supervisor before the workday begins. **Answer:** False

3. Management cannot require that you provide a doctor's or medical certificate if you only need less than four days of sick leave. **Answer:** True

4. If management demands that you provide a doctor or medical certificate to justify a sick leave request, you or the certificate must identify what is medically wrong (diagnosis) as well as what medical improvements are expected (prognosis). **Answer:** False

5. You can be required to submit a medical certificate each time you need sick leave if you have previously been counseled about suspected abuse of sick leave and after that counseling there are reasonable grounds to suspect the abuse has continued. **Answer:** True

6. When you are required to bring in a medical certificate each time you take sick leave, you have to tell the supervisor your diagnosis and prognosis. **Answer:** False

7. Employees suffering from chronic illnesses that require frequent, unanticipated absences, e.g., asthma, can justify

those absences with just a periodic, e.g., once a year, medical certificate.

Answer: True

8. If you get sick while on annual leave, you can change the leave charged from annual to sick leave. **Answer:** True

9. Sick employees who do not have enough sick leave to cover their absence may not get advanced sick leave.

Answer: False

10. Management can require you to submit medical certificates if you are on sick leave on certain critical days during the year; these are also known as "high volume" or "black out" days. **Answer:** False

For more information on sick leave and the 2009 National Agreement II, visit www.nteu.org