



Chapter 97 Welcomes NTEU National President to Fresno

On May 12, 2008, National Treasury Employee's Union, National President, Colleen Kelley will visit Fresno for the first time.

NTEU Chapter 97 welcomes her and will host a day long event in her honor.

All employees are invited to attend a Lunch & Learn, with Colleen as the guest speaker, beginning at approximately 11:30am at the Submission Processing Center. Colleen will begin her day by taking a tour of the Fresno Submission Processing Campus, then making her way to the West Side of the Cafeteria to meet employees, and address topics such as Parental Leave, FMLA, Retiree Benefits, and much more.

Colleen will also visit the Accounts Management Building shortly afterwards for a meet and greet session at approximately 1:00pm. Chapter 97 will be providing punch and cookies during this time.

Compliance employees will also get the opportunity to meet and greet Colleen,

after she makes her stop at the Accounts Management Building. She is expected to arrive at approximately 2:30pm. Punch and cookies will also be provided for her meet and greet with Compliance employees.

Colleen will end her day with one last stop at the Submission Processing Center where she will address swing shift employee at approximately 6:00pm for a swing shift lunch and learn.

Members and potential members are asked to contact Vice President Michelle Gardea via email at michelle.gardea@irs.gov or by phone 454-7229 with specific questions for Colleen Kelley. Because time is limited, all topics may not be addressed. We urge all members and non-members to get their questions in early to ensure their topic or question gets addressed.

NTEU will pick the top five questions or topics and address those first. If time permits, the next five questions will be addressed. All questions and topics are on a first come, first serve basis.



NTEU National President Colleen Kelley



Date: Monday- May 12, 2008
Place: Submission Processing Accounts Management Bldg Compliance Building

Inappropriate Behavior Of An AM Executive

In the Union's view, AM director Rosalind Kochmanski, comes to Fresno with a less than a stellar history of dealing with employees or with the Union. She showed her true colors during a recent grievance meeting where she got up and walked out while the NTEU Steward was giving her presentation. In NTEU's view, her action is disrespectful

to the employee, the Steward, and the process. In response, NTEU sent her a letter informing her that such behavior will not be tolerated. We also sent a copy to her bosses Richard Byrd and Glen Coles. NTEU would like employees to know that Chapter 97 will not tolerate such rudeness from an executive and are committed to ensuring that Ms. Kochmanski treats all employees and the Un-

ion with the utmost dignity and respect. Ms. Kochmanski may have gotten away with such actions in other posts of duties, but she will not engage in such behavior without hearing from Chapter 97 in Fresno. NTEU will be documenting her actions and will be filing the appropriate grievances.

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More and More Employee's Come Forward to Enforce Their Rights!!!!



Issue: Holiday Pay

Management returned employees on January 2nd with the intention of not paying them for the Jan 01st holiday which violates the Time and Leave handbook. Submission Steward, Stephanie Betancourt immediately filed the grievance and was successful in getting 10 Submission Processing Receipt and Control employees back pay for not receiving the entitled Holiday Pay. These Payment Processing employees can take that to the bank!

Issue: Advance Sick Leave

Management denied 40 hours of advance sick leave based on doctor's note. Management felt they needed a diagnosis to warrant the time. Employee gave Compliance D.M permission to contact doctor but D.M refused to take the info. Compliance Steward, Karen Jenkins immediately filed the grievance and was successful getting the employee all 40 hours of advanced sick leave. Article 34 enforced again!

Issue: Notice of Recall

Management bypassed Data Conversion employee when calling back for the October bubble. Employee updated information using Employee Express as required; but management did not update their records so the employee was not called back timely. Submission Steward, Ben Panduro immediately filed the grievance and was successful at getting employee 1 wk of back pay with interest. Article: 14/Section 2



Even the Chapter President's rights are violated
Pictured above: Vice President Michelle Gardea and President Jason Sisk

Issue: Evaluation

Management lowered AM employee Jason Sisk's evaluation from straight 5's with no basis or any counseling. All cumulative EQRS reviews were 100%. Based on violations of Article 12 Vice President Michelle Gardea filed a grievance and the employee, Jason Sisk will receive straight 5's and mandatory award with interest.

Issue: Conduct - Submission

Management tried to suspend employee for 15 days for rudeness & ludicrous remarks towards his manager. Michelle Gardea presented an Oral reply on behalf of the member and suspension was reduced to a 5 day suspension. Both APM Guide for Managers, and IRM 6 require that progressive discipline starts with the lowest level that will achieve the corrected or desired behavior.

Issue: Tax Compliance and AWOL

Management proposed a suspension of 14 days due to tax compliance issues and AWOL. Management violated FMLA laws by charging the employee AWOL. Vice President Michelle Gardea presented an oral reply on behalf of the AM member and the AWOL charges changed to LWOP and the tax compliance issue was completely removed. Employee saved from receiving a permanent blemish on their record. Article 34

Issue: Overtime

Submission Processing Steward Tammah Jahsi was successful at getting overtime for a Code & Edit employee who was originally denied. The employee asked to be taken off her learning curve so that she could work the overtime in her area. The manager denied the request even though the TEPS Managerial Guide allows this. After a clear & concise e-mail to the manager and Dept. Manager, the employee will be allowed to make up the lost overtime as well as work all future overtime

Issue: Emergency Check

New Hire ERS swing shift employee discovered she would not be paid on time based on management's errors. Employee was called to duty on March 5th, and notified management on March 6th, of her new address. Management did not timely or correctly input her address. Employee was advised to contact ERC but discovered the ERC number given to her in her new hire booklet (800-880-0412) belonged to a hospital. Correct number should be 1-866-743-5748. Employee was informed on March 21st, old address was still on record. Submission Steward Marcella Gutierrez, contacted front line manager to assure that emergency check procedures outlined in Article 53, Section 5 are followed. The DM stepped in to assist the manager and the emergency check procedures were in play by Thursday. Employee received her check 2 days later. DM also put in a request to other DM's and instructors to correct the ERC phone number in all New Hire packets.

NTEU Stepping in to Make Sure Employee's Rights Are Not Violated



Pictured Above: Ruthie Moreno and Pete Quiroz.

Issue: Evaluation

Accounts Management employee Ruthie Moreno received an Annual Appraisal that was not indicative of her performance. AM Assistant Chief Steward Pete Quiroz was successful in getting the employee's evaluation changed as followed: CJE 2B Issue Identification/Referrals~changed from meet to exceed.

CJE 3B Written Communication/Documentation~changed from meet to exceed.

CJE 4A Accuracy of Input~changed from meet to exceed.

CJE 5A Timeliness/Meeting Deadlines~changed from meet to exceed.

CJE 5B Time Utilization~changed from fail to meet.

CJE 5C Workload Management~changed from not apply to meet.

Violations of Article 12, Section 4 and 8, and the Memorandum of Agreement between NTEU and the IRS signed July 26, 1999 were used as a determining factor in this grievance.

Issue: AWOL

Management gave AM employee a written counseling for not having leave on the books and charged the employee with 13.5 hours of AWOL. AM Steward Martina Subia immediately filed the grievance and was successful at getting all 13.5 AWOL hours removed and AWOL changed to Leave without Pay (LWOP). In addition, the written counseling was also removed. Article 32

Issue: - UNAX - Submission

Employee charged with a UNAX violation and received a proposed removal from the service, Vice President Michelle Gardea presented an Oral Reply on behalf of the member. Evidence showed removal was too harsh of a penalty based on the facts of the case, IRM 6, APM Guide For Managers, and punishment given for the same or similar offense in other cases. Employee received a 15 day suspension instead. Employee's job saved!

Issue: Anti-Union Animus -

17 Stewards were released by their managers to attend a NTEU training class that had been denied by the Official Time Coordinator (OTC). An email went to management stating that there was not going to be training, but managers released their stewards any way. When the OTC found out about this, he ordered the managers to charge the stewards AWOL. NTEU, Vice President Michelle Gardea filed a grievance and was granted relief. All who were affected would receive Bank time for that time they were charged AWOL. Article 9 enforced!

Issue: Attempted Removal of Intermittent Employee -

Management was going to remove an Intermittent because they had requested union representation in regards to counseling on the way she was dressed. Vice President Michelle Gardea talked to the department manager and operation manager and they agreed not to remove the employee. Article 5

Read your 2006 National Agreement and your Employee Resource Guide to make sure your rights are not violated.

Issue: Improper Transfers

Several Accounts Management Bilingual employees were accused of inappropriately transferring phone calls and were counseled and written up. AM Steward Dawn Donovan served the manager with a designation for all affected employees but the manager refused to sign for the release of the drop files. Assistant Chief Steward Jerry Zarate then contacted the Department Manager. After several discussions, AM Steward Dawn Donovan and Assistant Jerry Zarate were successful in getting all counselings removed based on no proven facts that the employees improperly transferred calls. Article 5 & 12.



Pictured above: Marilyn Reyes and Susan Vasquez-Quiroz

Issue: Job Application Denied

Submission Employee, Marilyn Reyes' job applications were denied based on untimely submission. Employee applied to advance from a GS3 to GS4 but was scheduled off on the closing date. Employee timely submitted her applications in conjunction with her manager but was not considered due to untimely submission. Submission Assistant, Susan Vasquez-Quiroz contacted the Director of Personnel to discuss the violation and procedure and was successful at getting Ms Reyes, her GS 4 and retro pay dating back to the date the position was filled.

Here's To All Who Think There Is No Contract!!!!!!

Issue: AWOL

Management charged Compliance Employee with 8 hours of AWOL for calling in when the team leader was not available. Employee immediately contacted the Department Manager to request the leave but was told that the DM could not grant the leave. Assistant Chief Steward Jeannie Presswood immediately filed a grievance and was successful in getting all 8 hours of AWOL removed based on Article 34, Section 2.

Issue: Evaluation

Management lowered Accounts Management Employee's evaluation from straight 4's to 3,3,5,3,3 without any prior counseling. AM Steward Teri Goodwin immediately filed the grievance and was successful in getting the employee's "3's" raised to "4's" for an overall score of 4.2. Article 12

Issue: AWOL

AM employee was charged AWOL even after providing management with a doctor's note. AM Steward Teri Goodwin immediately filed the grievance and received an offer a day before the grievance meeting- informing her that all AWOL charges would be removed.

Issue: Part Time Denial

Management denied a Submission Processing Employee's part time request due to lack of knowledge. Article 22 of the 2006 National Agreement states in part "Seasonal employees may work full time, part time or intermittent work schedules". The Employee Personnel Resource Guide page 33 also indicates the same guidelines. Since the employee was denied the part time request, the employee requested to go swing. Assistant Chief Steward Jeannie Presswood contacted the Department regarding availability and because a slot was available, the employee was able to switch to swing the very next day.

Issue: AWOL

Accounts Management (AM) employee requested Leave Without Pay (LWOP) since the employee did not have any leave on the books but the employee was charged with AWOL instead. Per unit expectations, LWOP shall be considered on a case by case basis. AM Steward Anthony Garza discussed the issue with the front line manager and it was decided that the AWOL would be removed and changed to LWOP.

Issue: LWOP Restriction Letter

Accounts Management (AM) employee was put on a Leave Without Pay (LWOP) restriction letter which was unwarranted. AM Assistant Chief Steward Jerry Zarate immediately filed a grievance. Because a LWOP restriction letter does not exist, the Leave Without Pay restriction letter was removed. Article 34, Unit Expectations.

Issue: Aspect

Accounts Management Employee was being monitored by management using the aspect phone system when taking bathroom breaks. According to the 1999 Customer Service Agreement, the aspect will not be used to monitor employees. In addition to being monitored for breaks, AM employees are to remain signed on to the aspect system until the last 15 minutes of their Tour of Duty (up to 12:30am) although the phone lines close at 10pm. AM Assistant Jerry Zarate and Swing Chief Steward Cindy Delatorre filed the grievance and was successful at getting all AM employees to sign off the phones at 10:00pm.



Issue: LWOP

AM Steward was denied LWOP to attend an Internal Union Business Function and was charged with AWOL for the time requested. Assistant Chief Steward Jerry Zarate immediately filed the grievance and was successful at getting the AWOL changed to leave without pay. Article 32, Article 9.

Issue: Evaluation

ICT employee was given presumptive 3's for several years in a row without the required assistance from her managers to achieve the desired level of performance required in Article 12 and Exhibit 5-5. Chapter 97 President Jason Sisk, filed the grievance and was successful at getting the employee's evaluation raised from 3.0 to 3.4 .

Issue: Letter of Reprimand

Management issued 2 Data Transcribers letters of reprimand based on hearsay. The employees were treated disparately due to a manager being personal friends with another employee who was at odds with the grievants. The unwarranted punishment was in violation of Article 5, 38, IRM 6 and the APM Guide for Managers. Some of these sources *require* the least severe form of discipline even if it were warranted. Counseling and a Letter of Admonishment are two lower levels that were skipped all together. President Jason Sisk filed the grievance and was successful at getting both letters of reprimands removed from the employee's records.

More Examples Of Violations of The 2006 National Agreement

Issue: Within Grade

Data Transcriber was being paid as a GS 3 even though she was performing well enough to be fully successful at the full working level of her position (GS 4). President Jason Sisk contacted manager and discussed the fact that fully successful employees at the 2,3, or 4 grade levels should not be expected to do the same number of documents without being compensated to the highest grade level of their position. The manager checked into the provisions cited and did the PAR action to place the employee at the grade 4.

Issue: Institutional Grievances

Management has been violating Article 38, Section 8A of the 2006 National Agreement on an on-going bases. This part of the contract requires The Agency to simultaneously issue to NTEU a properly sanitized copy of all admonishment, written reprimands, proposal, and decision letters for suspension of fourteen (14) days or less upon their issuance to employees. NTEU uses these letters to help defend employees who are being treated disparately for the same or similar offense in previous cases. Chapter President Jason Sisk filed eight (8) Institutional Grievances on the issue with many examples that clearly show the agency was not following the contractual requirement. This hindered NTEU efforts to use these copies in defense of the employees. Additionally, the copies NTEU has been provided, have been over sanitized where they cannot be used as required. A National Grievance has been filed on the issue and NTEU is awaiting the decision which should be available soon. AM Director James Gaither agreed to assure NTEU is timely provided copies as required and will continue to monitor the issue and take corrective action in following Article 38, Section 8A.

Issue: Part Time Denial

Management denied data transcriber the request to go part-time as allowed in the 2006 National Agreement and in the Employee Resource Guide. President Jason Sisk contacted the Department Manager and pointed out that seasonal employees are entitled to work part-time for education purposes and to care for their young children. Management agreed and the employee received her part time request.



Employee: Sandra Leanos and NTEU Assistant Susan Vasquez-Quiroz after grievance win.

Issue: Evaluation

Submission employee Sandra Leanos received an evaluation that reflected a failing rating due to not meeting the measured standards for the area. Because of this, her with-in grade (WIGI) entitlement was denied. When evaluating employee, management did not consider that fact that the employee was under reasonable accommodations and doctor's restrictions during the rating period. Assistant Chief Steward Susan Vasquez-Quiroz met with the Operations Manager on accommodating the employee because of her restrictions. Management agreed to transfer the employee to an unmeasured area, restore her evaluation to a fully successful rating and reinstate her WIGI entitlement.



NTEU Members:

Stop by our office during day or swing shift to pick up your spill-proof mug if you haven't done so already.

Liberal Leave: IRS has offered Liberal Leave for years. This is when there is a lack of work for a short period of time. Employees have always been given the option to take Annual or LWOP when Liberal Leave is offered. Recently, management has only been offering LWOP and denying the use of annual leave. Management cannot force you take LWOP! Don't settle for LWOP unless it is to your benefit.

80 hour cut-back -Be aware of losing your leave for any pay period you hit your 80 hour cut-back. Ask your steward for details. If you request Annual and get denied based on your 80 hour cut-back, contact NTEU immediately and we will file and WIN a grievance based on Article 32 violations! Reminder: This is your leave and by offering LWOP, the agency has admitted there is no valid reason to deny your annual!

Attention All Employees:

If you receive any notices proposing disciplinary action, contact NTEU immediately. Provide your steward with a copy of the proposal so we may defend your employment and possible permanent blemish on your work record.

TIGTA-

NTEU would like to remind all employees to never talk to TIGTA without union representation. Contact our office if you are being asked to meet with TIGTA.



NATIONAL TREASURY
EMPLOYEES UNION
CHAPTER 97

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559-251-4021 Fax



NTEU Members Only
Have you requested your BC's \$14.99 X-large pizza coupon or your discount to the Elephant Bar Restaurant? Call x-6626 for more details.



Vacation Packages Now Available



With summer approaching, many members have inquired about the annual vacation package that includes coupons and discounts to some of the popular hot spots in California.

NTEU has received all it's 2008 vacation package information and is ready to prepare a package for you!

Simply pick-up an "Announcement Card" located in any of the take-one bins at all buildings. If one is not available, please email Membership/Benefits Coordinator, Marcella Gutierrez at: marcella.m.gutierrez@irs.gov and one will be emailed to you.

Please remember to include your Stop Number so your package can be mailed back to you. Furloughed employees, please include your address and indicate "furloughed" on your announcement card.

If you did not receive your 2008 NTEU Membership Card we may have an old address on file for you. Please remember to include your new address if this applies.

Unfortunately, NTEU does not carry tickets to Disneyland or coupons to Disneyland. However, a brochure on Disneyland packages is included in your Vacation Pack. Pick up an Announcement Card today!

2008 NTEU Member Prices

Knott's Berry Farm Adult \$25.99 / Child \$17.99

Legoland (all tickets) \$41.00

Monterey Bay Aquarium

Adult \$21.95 / Child Ages 3-12 \$12.95

Universal Studios \$64.00 -Annual Pass / 2 -day Pass \$49.00

Great America \$29.99- All tickets

Santa Cruz Beach Boardwalk \$22.95

Gilroy Gardens \$23.00 - All tickets

Wild Water Adventures \$16.00

Island Water Park \$15.00 - includes all day beverage

Raging Waters \$ 21.99

Magic Mountain Adult \$24.99 Child \$15.00

Movie Tickets \$7.00 - no restrictions

Announcement Card Example:

Name:
Address:
Home Email:
Did you receive your NTEU card?
What building do you work at?
(Tulare/ Compliance/ Butler/ Tower)
Stop Number:
Ext:

Please indicate which of the following you would like more information on:

NTEU Credit card
Real Estate Service
Car Rentals & Hotel/ Motel Discounts
Long Term Care Insurance, In-Hospital Cash Plan,
Auto & Homeowners insurance,
Professional Liability Insurance,
AD & D Insurance,
3rd Party Dental & Vision,
Vacation Park Discounts,
Interstate moving services,
Prepaid legal plans.

Please allow 48hours.

*Question: What do you like best about the newsletter?
And Why?
Answer this question and enter a drawing to win a prize.*



*All answers should be sent to Marcella Gutierrez via email at:
marcella.m.gutierrez@irs.gov*

*Deadline is June 1st. Remember to include your stop # and ph #.
The winner will be announced in the next newsletter.*