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Chapter 97
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NTEU Helps Employees Get Jobs Back

"UNAX is real,
employees will lose
their jobs over it!"

After a long eleven month battle over a UNAX issue, NTEU was successful at getting AM employee Bobby Edwards his job back. Vice President Michelle Gardea represented Mr. Edwards on his proposed removal and presented an oral reply on his behalf.



Reinstated Accounts Management Employee, Bobby Edwards pictured above with Vice President Michelle Gardea

"This case should be an eye opener for all employees who work on IDRS, UNAX is real and employees will lose their jobs over it!" said Vice President Michelle Gardea. NTEU would like all employees to know the Form 11-377 should be completed immediately when a questionable access has occurred and a copy should be kept for your records. Management has been known to lose or misplace these records which may be your only defense if questioned on an access at a much later time.

NTEU was also successful at getting an RPS employee reinstated after a coerced resignation. President Jason Sisk intervened when the employee was denied her needed maternity leave and advised to resign. Article 33 states an employee will not be required to return to work sooner than six months after childbirth. The resignation was rescinded and the employee reinstated with the additional option of part-time employment.

NTEU Holds Annual Membership Meeting

On July 26, 2008, NTEU held its second Annual Membership Meeting under the leadership of President Jason Sisk, and Vice President Michelle Gardea. For the members who took time out of their schedule, they were treated to refreshments, a report from the Chapter President and Vice President, a financial report from the Secretary Treasurer and as an added bonus, a question and answer session with Retirement Specialists Raul Lizalde and Bob Henderson. These two FERS & CSRS specialists gave invaluable information and tips regarding both retirement plans as well as Federal Employee Group Life Insurance (FEGLI).

"I learned more in one hour than I have in the past 2 years. Thank you NTEU for having this available for us." said AUR Compliance Union Member Lydia Ortiz.

A common misconception is that only employees close to retirement need to learn about this type of information. Almost all in attendance indicated they wish they could have known of this information years ago. Article 36 section 12 allows for up to 4 hours to receive financial counseling, supplemental retirement counseling and retirement planning.

NTEU has invited Mr. Lizalde and Mr. Henderson back to share their retirement tips and advice during Labor Recognition week (Sept 2008). Make plans to attend.



INSIDE THIS ISSUE

- Page 1 NTEU Wins Jobs back
- Page 2 Grievance Wins
- Page 3 Grievance Wins
- Page 4 New Stewards
- Page 5 Membership
- Page 6 Q & A

Retirement Specialist, Raul Lizalde educates NTEU members during Annual Membership Meeting.

Chapter 97 Strong and Successful

Issue: AWOL

Area: Submission –Data–Swing

Employee was charged 8 hours AWOL for calling in sick, without properly requesting sick leave. Steward Brandon Dominguez filed the grievance and was successful in having the 8.0 hours of AWOL removed and changed to 4.0 hours sick and 4.0 hours charged to LWOP. Article 34

Issue: AWOL

Area: Compliance –ACS- Mid Shift

A steward was charged 4.0 hrs of AWOL instead of Official Time for the Colleen Kelly visit. The steward was helping with the festivities for the entire day but the manager stated she did not know where she was. The chapter had let the OTC, Thomas Theis know all the activities and was asked if the stewards could be released to assist with the festivities. Vice President Michelle Gardea met with management and management agreed to change the AWOL to Official time. Article 9

Issue: Evaluation

Area–Submission-DCO-Swing

Employee's evaluation was lowered without any progress reviews or counseling. In addition, the employee's departure rating was not within 60 days of the end of their rating period. Swing Chief Steward Cindy Delatorre, Steward Chris Killian and AM Assistant Chief Steward Jerry Zarate assisted in the grievance and were successful at getting the employee's evaluation restored to it's original rating of straight 5's. Article 12 Section 4

Issue: AWS

Area: AM– Bilingual – Swing

Employee had been denied her request to change her T.O.D. The employee was requesting a one-hour lunch in order to provide medical care for a family member. Steward Jerry Zarate discussed the issue informally with management, and the employee was allowed AWS (one-hour lunch). AWS bid sheet / local agreement

Issue: Bereavement Requests

Area: Submission– Rejects-Days

Employee contacted NTEU for assistance with bereavement requests since she needed to request time off from work. The employee stated she had no leave on the books but needed time off. Submission Steward Sandra Leanos assisted the employee and learned she was qualified to request advance sick leave under Article 34 Section 5A. The employee indicated she was nervous about requesting the leave from her supervisor and asked NTEU to help her. Steward Sandra Leanos spoke to The Team Leader who was in agreement with Article 34 Section 5A and immediately granted the employee the advanced sick leave.

Issue: AWOL

Area: Submission– DCO- Swing

Employee was charged with .5 hours of AWOL for arriving late to work. Although the Employee had a medical reason for being late, the manager did not follow the proper procedure by verbally counseling the employee, issuing the employee a written warning or simply allowing the employee the opportunity to take leave. Steward Dawn Horton met with the Department Manager to discuss the issue and was successful at getting the AWOL removed and changed to sick leave as originally requested. Articles 5, 34, & 36.

Issue: OWCP

Area: Accounts Management-Swing

Management forced an injured employee to use LWOP in addition to her own leave, to cover her time off after suffering from a work related injury. Compliance Swing Assistant Chief Steward/FMLA Coordinator Jeannie Presswood spoke with the Team Leader and explained that the employee was entitled to Continuation of Pay (COP) for her work related injury. The manager corrected the SETR for the employee and provided COP immediately.

Issue: Leave

Area: AM –Days

A steward was denied the appropriate travel time for approved NTEU National Training. Although the amount was determined at a National Level the steward's Team Leader charged the steward annual leave instead of approved travel. Vice President Michelle Gardea intervened and had several conversations with the Department Manager and the OTC regarding the issue. Team Leader was forced to change the Annual leave to appropriate Travel Leave.

Issue: Evaluation

Area: MITS-Days

MITS employee contacted NTEU after receiving an evaluation that was lowered without counseling. Submission Steward, Mark McFall contacted the employee's Team Leader and informed management that the employee did not receive a mid year or any counseling, therefore the evaluation could not be lowered. Management immediately issued a corrected evaluation reflecting corrected overall scores. Article 12 various sections

Issue: Tax Compliance

Area: Accounts Management-Days

Employee received a proposed removal from the service for a non-compliance tax issue. AM Assistant Chief Steward Pete Quiroz presented an oral reply on behalf of the member. Evidence presented 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 showed removal was unwarranted. A decision letter was issued to NTEU indicating the removal from service was mitigated down to a 3 day suspension. Another job saved due to union membership and experienced representation.

President's Column



Above: President Jason Sisk & AM Employee Diana Tercero

Issue: Evaluation
Area: AM-Swing bilingual

Temp AM Manager lowered employee Diana Tercero's evaluation without required counseling, or any apparent reason. Upon review of the employee file, the employee actually deserved a higher rating than she had the prior year according to the mid-year/departure rating from her prior manager. After filing the grievance, the Department Manager contacted me to indicate a meeting would not be necessary because she agreed to raise the eval as requested. The temp manager was not happy and commented that we don't have a strong union anyway! I say she just has sour grapes and needs to remember where she came from. I have taken steps to assure this manager provides all her employees with copies of the contract and Employee Personnel Resource Guide that they are entitled to. It is employees like Diana who are willing to stand up for their rights that make our chapter the strongest in the country. We have the most members, most stewards, and most grievances filed in the whole country-that's fact! How's that for strong??? We will be watching this manager because of her actions and comments for any retaliation. Article 12 various sections

NTEU strives to assure managers help all employees be successful-that's in everyone's best interest. Remember, you never know who may be in a position later to return the treatment you gave them!

Issue: AWOL
Area- Submission-DATA- Swing

Management claimed the employee failed to follow a directive and decided to walk the employee out. Management also denied the employee Union Representation and charged the employee 5.5 hours of AWOL. Submission Swing Assistant Chief Steward Marcella Gutierrez ordered the employee's drop file and found no AWOL counseling was issued to the employee per Article 32 Section 9. After speaking to the Department Manager, all 5.5 hours of AWOL were removed and replaced with 5.5 hours of Annual Leave.

Issue: Disciplinary Actions
Area: AM- Bilingual - Swing

Employee received Letter of Reprimand (LOR) for late payment of their 2006 tax. The LOR was to be placed in the employee's OPF for a period of 5 years. Steward Jerry Zarate was able to resolve the issue informally and was successful in pointing out the 5 year requirement had not been implemented until 2007. Management agreed to change the LOR to read 2 years vs. the 5 years. Office of Government Ethics (OEG) Section 2635.809, Subpart H

Issue: Evaluation
Area: Submission- Days

Employee was given a performance appraisal reflecting a lowered CJE rating. Research showed no "required" counseling or no opportunity letter in the employee's drop file. Submission Steward, Ben Panduro immediately filed the grievance. During the grievance meeting, the Director offered to raise the employee's CJE rating from a 1 to a 3 if the employee could show improvement after 60 days.

Issue: AWOL
Area: AM - Swing

The employee's annual rating was lowered and the narratives were not indicative of the rating. AM Steward Teri Goodwin filed the grievance on behalf of the employee and withdrew the grievance due to management fully granting the relief. The employee's evaluation was restored to straight to 5's. Article 12

Issue: AWOL
Area: Submission-ERS-Swing

Upon arriving at work, ERS employee immediately informed her work lead she was ill and wanted to go back home. In the Team Leader's absence, the work lead instructed the employee to go visit the health unit first. After visiting the health unit, the employee left for the day. Upon the Team Leader's return, the employee was charged with 7 hours of AWOL for not requesting leave and for not visiting the health unit, as instructed. Assistant Chief Steward Marcella Gutierrez immediately filed a grievance on behalf of the employee. A designation was presented to the FOH Nurse who verified the employee was seen on the date in question. Inconsistencies regarding the AWOL counseling's were brought up to the Operation Manager who decided prior to the grievance meeting, she would be removing all 7.0 of AWOL and replacing it with 7.0 of sick leave. Article 34

Issue: Evaluation
Area: Accounts Management- Swing

Employee was rated below fully successful but had not received a mid year progress review. Chief Steward Cindy Delatorre and Assistant Jerry Zarate filed the grievance and was successful at getting the evaluation raised to straight 3's prior to the grievance meeting. Article 12-



New Stewards From Left to Right

George Berry, Teresa Tamplin, Keith Richards, Sandra Leanos, Teresa Martinez, and Cami Carrillo.



Not Pictured: Adelen Garza, Telbina Zambrano, Katie Kochergen, Belisario Lopez, and Lisa Ramirez

Teresa Tamplin

After 19 years of service, AUR employee Teresa Tamplin gives stewardship a try. "I have always wanted to be a steward but my family needed me and now that they are older, I decided there was no time like the present". Chapter 97 welcomes Teresa and has assigned her to the 5th floor where she will represent swing shift employees at the Compliance Building from the hours of 4:30pm-1:00am. When asked why Teresa was interested in becoming a steward, she commented "Sometimes management makes up their own rules as they go and there needs to be someone there to stand up for the employees and let management know their own rules won't be tolerated".

Keith Richards

Keith Richards joins Chapter 97 after 26 years of service. "I got tired of seeing my own manager treat employees without respect" commented Mr. Richards when asked why he decided to become a steward.

Keith comes to Chapter 97 from the ICT unit in Submission and is representing employees in the Document Perfection Branch as well as in Accounting and RAVIS during the hours of 6:00am-2:30pm.

Not only is Keith's mission to educate employees about their rights under the contract, he would like all his employees to know "they can count on me to do my job as a union steward to the best of my ability, I like helping employees with their concerns and problems".

Teresa Martinez

Accounts Management Mid-shift employee Teresa Martinez joins the Chapter 97 family after 19 1/2 years of service. Why would employees chose to become stewards? "Educating my fellow co-workers on their rights and preventing employees from working in a hostile work environment" are a few reasons why, according to Teresa.

Teresa represents employees on the 7th floor from 8:30am-6:00pm.

George Berry

If anyone knows how hard NTEU stewards work for employees, new Submission Swing Shift Steward George Berry does.

"I was so impressed with the handling of my grievance by Jason & Chris, which resulted in saving my job-that I decided this was an area I would like to get acquainted with and be a part of" answered Berry when asked why he wanted to become a steward.

Cami Carrillo

Cami Carrillo may be new to stewardship, but she is not new to the IRS. Cami joins the Chapter 97 cadre with 22 years under her belt. Cami is a Customer Service Representative at The Tower (Accounts Management) and currently works the NTA line. She stated "I wanted to become a steward to assist employees with recognizing their rights as well as being treated fairly by management". Cami is currently assisting employees on the 4th floor during the hours of 5:30am-2:00pm. Cami would like employees to know she looks forward to clarifying all questions and answers for employees.

Members Get Pampered

Chapter 97 has recently spoke to the professionals and owners at The Parlor Hair & Nail Lounge located on Ventura and O Streets and are proud to announce a new discount for NTEU members!

Professional Hairstylist "Ms. Diva" has offered VIP packages and exclusive discounts to all interested members, and has agreed to extend the offer to friends of members. It's not what you know, it's who you know. The friends of a NTEU Member's purchasing a spa pedicure at regular price can receive the spa pedicure at half price. Any regular price hair service, make up application, or eyebrow waxing, friend's will receive it at half price, as well.

Ms. Diva has also put together a "day at the salon" party package for 10 or more members and friends who wish to purchase salon services. For party packages, the fine folks at The Parlor and Nail Lounge offered to close down the salon exclusively for this pampering party. The package also includes: red carpet entrance , a hostess, maidettes to cater and serve at the party, complementary hor d'ervers and beverages, a parlor souvenir photo and a special thank you gift. Book today!

The Parlor Hair and Nail Lounge is opened 7 days a week, 6am-Midnight (before 9am & after 8pm-by appointment only). Ph 237-2159 Cash and checks are accepted.

Don't wait, pamper yourself today! Call Ms. Diva and tell her your Membership/Benefits Coordinator sent you!



Employee's Make Suggestions

For the past year, Chapter 97 has asked employees to become involved, ask questions, make suggestions for the newsletter. The word was out and the responses came in.

Chapter 97 would like to thank Ronda Brown/ AM/Days for participating and telling us how she liked the grievance page(s).

Tim Lancaster/Compliance/Days for suggesting a letter to the editor column in which he is working on sending Chapter 97 the first one!

And last but not least, Katrina Adolph for suggestion a question and answer section.

Get involved, contact Newsletter Editor, Marcella Gutierrez at marcella.m.gutierrez@irs.gov with any comments or suggestions.

MySpace or Yours???



Now it is easier than ever to contact NTEU Chapter 97. Chapter 97 now has a myspace page and we really want to be your best friend on the internet, as well as in the work-

place. Visit us at:
www.myspace.com/nteu97.

Myspace allows us to communicate freely with our members as well as allowing our members to communicate freely with us. Chapter 97 will keep you informed with our latest steward listings, legislative news, social and fundraising events, links to National and local links and best of all, no IRS administrators.

Request us as a friend today!



Attention Employees:

NTEU has just been notified that the 2008 consignment tickets currently being sold by Chapter 97 for Knott's Berry Farm in Buena Park, CA will not be valid on Saturday, October 25th. No Exceptions! The member must purchase a special ticket for this day only. Chapter 97 must order these tickets in advance and once ordered, all tickets have a 10-15 business day turnaround time. If planning to visit Knott's Berry Farm on October 25th, please contact Chapter 97 Membership/Benefits Coordinator, Marcella Gutierrez immediately regarding ticket information.

All consignment tickets before and after October 25th, will remain at \$25.99 for adults and \$17.99 for children.

For more information, please contact Marcella Gutierrez at 454-6626 or via email at Marcella.m.gutierrez@irs.gov.



NTEU Answers Employee Questions

Q. According to the 2006 National Agreement, what are the requirements before lowering an Annual Evaluation? And is the same procedure followed for Progress Reviews?

A. Article 12 Section 4M says it best “counseling will normally take place when a supervisor notices a decrease in performance, and include advice or recommendations, provide supplemental training, and/or additional coaching until the employee shows improvement.” Progress reviews are not grievable until they are used to lower the employees annual appraisal. Employees should always rebut any mid-year/progress review or evaluative error that they disagree with.

Q. In accordance to the 2006 National Agreement, what is the correct break schedule for an employee with a 5/4/9, 4/10 or 10 hour overtime shift?

A. Start with Article 28. Employee’s on a 5/4/9 shift are entitled to two 15 minute breaks, and one 5 minute break. Employees on a 4/10 shift are entitled to two 15 minute breaks, plus one 10 minute break, and employees working a 10 hour overtime shift is entitled to two 15 minute breaks, plus one 15 minute break immediately following their 8 hour shift.

Employee’s Top 10 Mistakes

#10. Not contacting NTEU within 15 days of becoming harmed or awareness of harm. Article 41

#9. Not contacting NTEU when receiving a proposal to terminate employment.

#8. Not contacting NTEU before speaking to TIGTA. If asked, Never Go Alone!

#7. Not contacting NTEU before considering resigning from the service.

#6. Not contacting NTEU when asked to attend a tax compliance meeting w/management.

#5. Not contacting NTEU when receiving a proposed suspension or letter of reprimand.

#4. Not contacting NTEU when charged AWOL.

#3. Not contacting NTEU when improperly released or recalled to duty. Article 14/TEPS Guide

#2. Not contacting NTEU when receiving a lowered evaluation. Article 12

#1. Committing UNAX