



# NTEU

The National Treasury Employees Union

National Treasury  
Employees Union  
Chapter 97

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## Chapter 97 At Work For You

We have recently filed grievances over bilingual awards in AM, Compliance, and AMTAP for 2011. These awards are supposed to be paid prior to performance awards yet many qualified members have not received them. Chapter 97, Puerto Rico, and NTEU National already had grievances filed and in the works for the last two years. As you may know OPM has directed that all awards be eliminated or reduced and only because we are under current contract, did employees not get a reduced award this year.

The agency has already opened negotiations to bargain reduced award amounts as mandated so NTEU must

try to salvage a fair award formula for employees. 13 contract articles in all have been reopened so a team of Chapter Presidents including Jason Sisk will rotate in DC to assure a fair shake for employees. The coming months of bargaining hold numerous management proposals that will negatively impact employees. Awards, overtime rights, AWS, competitive promotion rules, and even attacks on time for your union stewards to help you with workplace issues are targeted.

On the more positive side NTEU has had some success evening out workload for Fresno and other Center TAS sites as well as assuring paper programs will remain at

center AM sites rather than going to remote sites. Fresno AM has hired 155 new hires and there is hope there will be another perm conversion offer in the near future. Jason is also on a National Team of four Chapter Leaders assigned to work the National Grievance over Customer Service Agreement violations impacting AM and Compliance employees.

The chapter has arranged three companies to come in November during open season with offers of health, dental, vision, disability, and life insurance. All employees qualify!!!



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## NTEU Member/Steward Delivers Heartfelt Speech



NTEU Member/Steward George Berry delivers his 9-11 Speech.

Sept 11th, 2001- a day that American's will never forget as it was the tragic day the United States was under attack.

American's have chosen to remember and honor the victims of that tragedy in a variety of ways. NTEU Chapter 97 Steward George Berry chose to put his into words.

Chapter 97 proudly publishes an excerpt of the speech Mr. Berry presented on behalf of NTEU.

“This year has brought heated debate on how best to honor those that lost their lives in this disaster in defense of the freedom we all enjoy.

We have fought to defend this freedom in many places throughout the world and many of finest young men and women have given the ultimate gift of their lives to further this cause. To honor these gifts, we must renew our resolve to truly make an effort to band together as one nation indivisible and with justice for all and to secure this freedom for all the people of this Nation”.



## Chapter 97 Awarded For Hard Work and Results



NTEU National President Colleen M. Kelley presents a 2011 Vincent L. Connery Award to Jason Sisk, president of Chapter 97, IRS Fresno Campus, on August 8th at the NTEU National Convention in Seattle, Wash.



### Comments by NTEU National President Colleen M. Kelley on presenting a 2011 Vincent L. Connery Award to Jason Sisk, president of Chapter 97, IRS Fresno Campus:

This next Connery award winner works very hard to make employees realize that every day their work life is impacted by NTEU. This president oversees a program that takes full advantage of the new hire orientations in this large workplace.

That means a full presentation not only about the virtues of NTEU, but about the key elements of the NTEU-negotiated labor agreement, as well.

The chapter's recruiting committee never misses a new hire session. The committee uses a video and supplies information packets to new hires with material tailored to their home area, including discount coupons from local merchants. The chapter is meticulous in its follow-up, too, which, as you know, is a vital element in membership growth.

And none of that is an easy task in a workforce numbering over 7,600.

This chapter supplements the national summer recruiting program with a local bonus and this chapter also has a vital communications program that keeps its members engaged in the chapter.

These efforts and others help the chapter maintain a healthy membership level among a workforce where turnover can make that a particular challenge. At IRS campuses, many temporary, term or seasonal employees join the agency to get a foot in the door in hope of getting a permanent position down the road. This chapter's leader recognizes and capitalizes on the opportunity to gain immediate access to these employees and educate them on the value of NTEU in their everyday life, whether they are at the IRS for 90 days or 30 years.

**This Connery Award is presented to Jason Sisk, Chapter 97, IRS Fresno Campus.**



## Making Chapter 97 Members Recognized and Proud



The 2011 NTEU National Convention of delegates in Seattle, WA saw Chapter 97 Leaders bring home three prestigious awards for their members. The award on the right is for most new union members joined of all chapters from June 1, 2009 through May 31, 2011. Fresno employees benefit from one of the most active and effective chapters around. Chapter 97 is well respected and fellow chapters often consult with 97 leadership to assure coordinated and effective actions are carried out nationwide.

This helps benefit all members so that issues impacting you are properly addressed. A right enforced, or a grievance won for an employee anywhere, protects federal employees everywhere. Fresno has more cases set for hearing by an arbitrator than all other service centers combined. This process assures a binding ruling to force management to follow the contract it agreed to and impacts all federal employees in a variety of ways. As you can imagine this requires many, many hours of extra personal time as well as lot's of dedication. Our staff and steward cadre provides years of knowledge, experience, and consistent representation for the 7,600 employees in

eight buildings we represent on all shifts.

Chapter 97's most formidable team also brings one of the most active legislative committee's to the table to benefit federal employees. We were again awarded The POWER Award for most legislative activities amongst chapters. Legislative issues impact us and our families during our career as well as into our retirement. We invite and ask you to do your part by joining as a team member today. Please visit our website to learn how you can directly help our congressional leaders hear our collective voice.

[www.nteu.org](http://www.nteu.org) (see Cap Wiz)



Chapter 97 President Jason Sisk pictured with National V.P. Frank Ferris



## Buy A Ticket-Win a Prize



On August 28<sup>th</sup> 2011- Fresno Fans said goodbye to baseball and to the Fresno Grizzlies for the season.

NTEU would like to thank the Fresno Grizzlies for partnering with NTEU and offering great deals, great seats, and great discounts to the members of NTEU Chapter 97. NTEU would also like to thank those who supported the Fresno Grizzlies by purchasing tickets during this 2011 season. Ticket sales doubled from 2010!

Looking back on this season, NTEU members and fans came out to celebrate their first annual Taco Truck Throw-down, the Buster Posey and Madison Bumgarner Bobblehead Night, the Fear the Beard Night, and Fresno's chance to be in an upcoming movie starring Billy Crystal.

This season, NTEU raffled off several gifts courtesy of NTEU & Fresno Grizzlies to members who purchased tickets. Together we can make the 2012 a bigger success, meet you at the ballgame!



September Grizzlies Raffle Winner:  
Maria Elena Acevedo -Compliance

August Grizzlies Raffle Winner:  
Sonia Horton Palacios- Submission Processing

## Have You Taken A Good Hard Look At Your NTEU Chapter 97 Benefits Lately?

Are you currently taking advantage of all of The Chapter 97 Benefits available to you? Well if you are not, then we are here to help you. JM Marketing has been providing specialized benefits for Federal Employee Associations and unions for over 25 years.

Our goal is to work for you, the hard working dedicated members of NTEU in helping find affordable benefits and financial services that meet your own specific needs.

You'll find our customer service is unbeatable as we strive to provide personal-

ized one on one assistance in serving you, your insurance, and your financial needs.

Because of JM Marketing, Chapter 97 Members have special products and services that are not offered to all Federal Employees. A perfect example of the special benefits (that are afforded to Chapter 97 Members) is open enrollment for the Federal Dental Plan.

Did you know that Chapter 97 Members have access to a dental plan that is extremely competitive in both pricing and coverage to the Federal Dental Plan and

does not charge an additional premium for spouses or dependants? Members wishing to learn more can visit contact NTEU Membership/ Benefits Coordinator Marcella Gutierrez at marcella.m.gutierrez@irs.gov or by contacting your local JM Rep. Zachary Navo at (559) 733-5169. Members can also view benefits by accessing: [www.mybenefitsportal.com/NTEU97](http://www.mybenefitsportal.com/NTEU97)



Zachary Navo

## Providing an Email Address Entitles Members To a Dental Discount



Call AFFINITY DENTAL at 559-436-3470 and get back to dental health!

### Oral Health: Don't Brush it Aside!

New Medical research indicates there is a significant link between oral health and overall physical health.

Gingivitis, or inflammation of the gums, is caused by a sticky film called plaque that coats your teeth both above and below the gum line. Gingivitis is reversible, however "if the wall of gum tissue gets too inflamed it can thing to a point where there is a pathway-a portal of entry for this bacteria to get into your bloodstream".

The current thinking is that when these bacteria enters the bloodstream, they end

up adhering to and/or inflaming the walls of the arteries, increasing that risk of heart attacks and stroke. It could be that serious!

With this in mind, every time a NTEU member visit Affinity Dental for hygiene re-care appointments, Affinity Dental will suggest antimicrobial solution to irrigate out the bacteria. Normal fee for this service is \$30.00. If members provide a valid email address prior to their visit, the fee will be waived and the service will be free!



## Submission Processing Grieving Management's Violations

**Submission Processing DCO** day shift employee contacted NTEU after receiving conduct counseling. Research showed the employee was accused of assaulting another employee but had no witness and management based the counseling completely on hearsay. Submission Day Chief Steward **Terrie Laney-Brown** filed a grievance based on the Expectations and Code of Ethics violations and met with the employee's manager to discuss why the counseling should be removed. As a result, the manager agreed to remove the counseling from the employee's file.

**Submission Processing DCO** day shift employee contacted NTEU after being denied a shift change. Research showed the employee requested to change her TOD from day shift to a swing shift to allow her to care for her elderly ill mother. Chief steward **Terrie Laney-Brown** met with management, addressed the Article 22 & 23 violations, and gave names of employees who were willing to do a job swap. As a result, the employee was granted her shift change.

**Submission Processing Accounting** day shift employee contacted NTEU after being charged 2.5 hours of AWOL. Research showed the employee had never been notified or given a memorandum. The employee became aware of the AWOL charges when she received her paystub. Submission Assistant **Martina Subia** met with the front line manager to discuss the Article 32 Section 9 violation and to show the employee had never been made aware of the charges nor had she signed for any charges. As a result, the AWOL was removed.

**Submission Processing ICO** Swing shift employee contacted NTEU after receiving 24 hours of AWOL. Research showed the employee was charged AWOL for allegedly not providing documents for bereavement purposes. Submission Steward **Carolina Caldera** filed a grievance based on the Article 32 section 5 violation. As a result, the AWOL was removed and changed to LWOP.

**Submission Processing RCO** swing shift employee contacted NTEU after learning she was not called to duty. Research showed the employee was an "on-call" intermittent employee who was never informed of the 13 hours of work being offered. Swing Chief steward **Marcella Gutierrez** filed the grievance based on the Article 14 violation and was able to provide the employee's phone logs showing management did not call her for the two days in question. As a result, the employee was awarded 13 hours of back pay. \$\$\$

**Submission Processing ICO** day shift employee contacted NTEU after not being given proper notification of furlough. Research showed management gave employees a 1 day notice despite what the contract calls for. Chief steward **Terrie Laney-Brown** filed the grievance based on the Article 14 Section 2B violation. Terrie met with management to discuss the importance of the 5 day notice and was successful in getting the 5 day notice (or as soon as possible) for future furloughs.

**Submission Processing DCO** day shift employee contacted NTEU after being counseled for being late and talking during training. Research showed the employee had not been given unit expectations or classroom expectations and was unaware of what was expected of him. Chief Steward **Terrie Laney-Brown** filed the grievance based on the "Submission Processing Expectations" and explained to the manager that at no time was the employee observed of such behavior or conduct. As a result, the manager agreed to remove the counseling.

**Submission Processing Entity** Swing shift employee contacted NTEU after being denied a hardship shift change. Research showed the employee was denied a shift change to accommodate her child care issues. Submission Steward **Carolina Caldera** filed a grievance based on the Article 23 section 7 violation. As a result, the employee was allowed the shift change to days.

**Submission Processing DCO** day shift employee contacted NTEU after being denied her vacation request. Research showed the employee had submitted her vacation request months in advance and was denied within days of leaving for vacation. Day shift Chief steward **Terrie Laney-Brown** immediately set up a meeting with the Team Leader and advised her of the Article 32 Section 1 violation. Terrie also explained that a few days notice was not sufficient notice to the employee. As a result, management agreed to allow the employee the time off to go on vacation.

**Submission Processing RCO** swing shift intermittent employees contacted NTEU after learning they should have received night differential during a detail. Research showed the employees had a set TOD of 40 hour work week for more than 2 consecutive pay periods, and overtime after 6pm. Swing chief steward **Marcella Gutierrez** filed the grievance based on the Article 22, Article 14, Article 24, 5 USC 5545(a) violations and asserted the employees should have been converted to seasonal, be given their leave accruals, and night differential for all hours after 6pm including overtime. As a result, management agreed and awarded 16 employees with back pay for night differential as well as the leave accruals. \$\$\$\$\$

**Submission Processing RPS** swing shift employee contacted NTEU after becoming aware that management never sent his annual appraisal. Research showed the employee was on furlough at the time his evaluation was due and had been informed his CJE 5 was lowered from a 3 to a 2. The drop in CJE had a tremendous effect on his release recall number. Submission Steward **Tiffannie Mays** filed the grievance based on the Article 12 and IRM 6.430.2 violations and was able to prove the employee was not entitled to receive the "2". As a result, the CJE score was changed back to an unmeasured "3". \$\$



## Submission Stewards In Action

**Submission Processing RCO** swing shift employee contacted NTEU after not being returned to duty timely. Research showed the employee was “on call” and management did not notify the employee of 19.5 hours of work. Swing shift Chief Steward **Marcella Gutierrez** filed the grievance based on the Article 14 Section 2c2 violation. Marcella was able to provide attendance records to show how many hours were offered to other intermittent employees and how many hours the employee was entitled to. As a result, management agreed to award the employee with 19.5 hours of back pay. \$\$\$\$

**Submission Processing Code and Edit** swing employee contacted NTEU after not being offered overtime. Research showed the employee was not present for the overtime meeting and was not made aware 8 hours were being offered. Submission swing shift steward **Tiffanie Mays** filed the grievance based on the Article 24 violation and informed upper management the employee’s manager admitted to forgetting to call the employee. As a result, the DM agreed to pay the employee for the full 8 hours of missed overtime.

**Submission Processing Entity** swing shift contacted NTEU after learning she was not called back to duty in release recall order. Research showed management by-passed the employee by contacting employees with higher release recall numbers resulting in 64 hours of harm to the employee. Submission swing shift steward **Tiffanie Mays** filed the grievance based on the Article 14 violation. As a result, management offered the employee 8 days of back pay totaling 64 hours, and giving the employee credit for time in grade and pay with interest earned on lost wages. \$\$\$

**Submission Processing DCO** swing shift employee contacted NTEU after learning she was charged AWOL. Research showed the employee was charged AWOL for an unaccounted absence of 1.3 hours. Swing Chief Steward **Marcella Gutierrez** filed the grievance based on the Article 32 Section 9 violation and informed management that they issued the AWOL memorandum but failed to input it into SETR. Marcella also stated the AWOL could not be retroactively input into SETR months after the incident date. As a result, the AWOL memorandum was removed from the employee’s file.

**Submission Processing DCO** swing shift employee contacted NTEU when they became aware overtime was being offered. Research showed the employee was not notified of the overtime and missed out on 2 hours. Submission swing shift Assistant Chief Steward **Dawn Horton** filed the grievance based on the Article 5, Article 24 violations as well as on disparate treatment. As a result, the grievant will be allowed to work the 2 hours of overtime when they return back to work for the bubble. \$\$\$\$

**Submission Processing DPO** swing shift employee contacted NTEU after being charged with 1.7 hours of unwarranted AWOL. Research showed the employee (a full time student) called in timely and requested leave to allow time to finish a homework assignment. AWOL was charged to the employee due to her manager refusing to accept her SF-71 when she arrived to work. Swing Chief Steward **Marcella Gutierrez** filed the grievance based on the Article 32 and Unit Expectation violations. Marcella was able to provide management with a copy of the homework that was emailed to her professor verifying the time and showing management prevented the employee from being in compliance of the unit expectations. As a result, the 1.7 hours of AWOL were removed.

**Submission Processing RCO** swing employee contacted NTEU when they learned they were not returned to duty timely. Research showed the employee missed 72 hours of work due to management failing to return the employee in release recall order. Submission Processing Assistant Chief Steward **Dawn Horton** tried to resolve this informally with management but they only offered to allow the employee to make up the hours missed which was not acceptable. Dawn immediately filed the grievance based on the Article 14 and Article 41 Section 7 violations. As a result, management offered to give the employee 72 hours of back pay. \$\$\$\$\$

**Submission Processing DCO** swing shift employee contacted NTEU after being denied her part time request. Research showed the employee had a medical issue and a recommendation from her doctor to switch from full time to part time. Swing shift Chief Steward **Marcella Gutierrez** filed the grievance based on the Article 22 violation and cited the Employee Personnel Resource Guide and Federal Employees Part Time Career Act as other violations. Marcella also pointed out that management was requiring the employees to use a form that was never negotiated with NTEU. During the grievance process, the employee furloughed. Management agreed to approve the part time schedule when she returned from furlough.

**Submission Processing Entity/1040x** swing employee contacted NTEU after receiving an evaluation that was not indicative of his performance. Research showed the employee was new to the area but was never counseled or informed he was performing at a below fully successful level. The employee also did not receive consistent counseling to warrant a 2 in CJE 3. Submission Assistant **Dawn Horton** filed the grievance based on the Article 12 Section 4L violation and was successful at getting the 2 raised to a 3 in CJE 3. \$\$\$\$



## Submission Stewards Holding Management Accountable

**Submission Processing DCO** swing shift employee contacted NTEU when they were not returned to duty timely. Research showed the employee was not returned in release recall order and was charged 88 hours of AWOL for not returning to work. Submission steward **Lynn Borboa** immediately filed the grievance based Article 5 Exhibit 5-5, Article 14, and Article 32 Section 9 violations. Lynn was also able to show that management violated the APM Guide for Managers, and the Fair Labor Standards Act (FLSA). As a result, the director agreed to remove all 88 hours of AWOL, pay the employee 11 days of back pay plus interest, compensate the grievant with the appropriate leave accruals and time in grade. \$\$\$\$

**Submission Processing-DCO** swing employee contacted NTEU after receiving a performance appraisal that was not indicative of her performance. Research showed the employee received an incorrect appraisal reflecting a non-ratable rating which ultimately affected her release recall number and her return to duty. Submission Processing Assistant Chief Steward **Dawn Horton** filed the grievance based on the Article 12, and Article 14 violations. During the grievance meeting, Dawn was also able to prove management also violated IRM 6.430.2 and that the appraisal was restored to the previous year's numbers. As a result, management offered to pay the employee 16 days of back pay plus interest, any leave that would have accrued and time in grade. \$\$\$\$\$

**Submission Processing DCO** day shift employee contacted NTEU after receiving an annual appraisal that was not indicative of her performance. Research showed that the employee had been given a departure rating prior to being furloughed. Submission steward **Micaela Cardenas** filed the grievance based on the Article 12 & 14 violations and was successful at getting the evaluation raised reflecting the departure rating. \$

**Submission Processing DCO** day shift employee contacted NTEU after receiving an evaluation that was not indicative of her performance. Research showed the employee did not have enough counseling to warrant the lowering of the evaluation. Submission steward **Micaela Cardenas** immediately filed the grievance based on the Article 12 Section violation. As a result, the evaluation was raised. \$

**Submission Processing ERS** day shift employee contacted NTEU when she was denied time off not in a timely manner. Research showed the employee submitted her SF-71 one month in advance but management denied the request one day before the requested day off. Submission Steward **Micaela Cardenas** met with the DM and quoted Article 32 Section 1D and was successful in getting the requested time off for the employee.

**ICT** swing shift employee contacted NTEU after receiving a Letter of Reprimand. Research showed the employee received a LOR for allegedly failing to observe IRS parking lot rules. Management alleged the employee was observed by IRS security guards cutting through parked cars across one way traffic lanes in the parking lot. The evidentiary file was ordered and did not contain a report, warning, or a ticket issued by an IRS security guard. Swing Chief Steward **Marcella Gutierrez** filed the grievance based on the false statements made by management as well as the APM Guide for managers, IRM 6.751.1.16.1, and Article 38 violations. Marcella was able to prove to management the accusations were unwarranted and that a simple counseling would have been more appropriate. As a result, the LOR was removed and replaced with a written counseling.



**Submission Processing Code & Edit** swing shift employee contacted NTEU when she was not returned to duty timely. Research showed management returned employees out of release/recall order and skipped over the employee. Submission Processing Assistant Chief Steward **Dawn Horton** filed the grievance based on the Article 14 violation. As a result, the director offered to pay the employee 7 days of back pay plus interest, accrued leave, and time in grade. \$\$\$\$\$

**Submission Processing DCO** swing shift employee contacted NTEU after learning the agency was proposing to suspend the employee from duty for 5 calendar days. Research showed the suspension was unwarranted. Submission Processing Assistant Chief Steward **Dawn Horton** filed an oral reply based on the Article 5, Article 38, violations as well as on the IRM 6.751, and APM Guide for Managers. As a result, management agreed to withdraw the suspension and issue a Letter of Reprimand. \$\$\$

**Submission DCO** employee contacted NTEU after receiving a Letter of Reprimand. Research showed the employee received a LOR for a conduct issue. Submission Assistant **Dawn Horton** filed the grievance based on the Article 38 violation and was successful at getting the LOR reduced to an Admonishment.

**Submission Processing RCO** day shift employee contacted NTEU when he was charged 8 hours of AWOL. Research showed the employee had a medical procedure done and called in the day prior to request leave. The employee was charged AWOL because management alleged he did not use proper leave procedures. Submission steward **Micaela Cardenas** filed a grievance based on the Article 34 violation. As a result, the AWOL was removed and changed to LWOP.



## Compliance Stewards Getting Relief For Employees

**Compliance CSCO** day shift employee contacted NTEU after learning overtime was not being distributed equitably. Research showed other employees in the same area were being offered 10 hours of work where as the employee was only being offered 8. Compliance Assistant Chief Steward **Adelena Garza** met with the Ops which resulted in filing the grievance based on the Article 4 and 24 violations. As a result, management offered the remaining hours to be made up. \$\$\$

**Compliance ACS Support** day shift employee contacted NTEU after learning her Advanced Sick Leave was denied. Research showed the employee requested Advanced Sick Leave but management listed the time under LWOP. Compliance day shift steward **Lori Bohanna** filed the grievance based on the Article 34 violation and was successful at showing management the employee met the requirements for Advanced Sick Leave and the LWOP was inappropriate. As a result, management replaced the LWOP with Advanced Sick Leave. \$\$\$

**Compliance Exam** day shift employee contacted NTEU after receiving a proposal for a 5 day suspension for allegedly failing to pay the 2009 Federal tax liability. Research showed management failed to follow the procedures regarding adverse actions. Compliance day shift Assistant Chief Steward **Adelena Garza** immediately filed the oral reply on behalf of the employee and presented the Douglas Factors outlined in Article 38 of the National Agreement and was successful at getting the 5 day suspension mitigated down to a Letter of Reprimand. \$\$\$

**Note: Oral Replies are a member only benefit. Join Today!**

**Compliance ACSS** day shift employee contacted NTEU after receiving a proposal for a 14 day suspension for allegedly failing to file the 2008 Federal tax return. Compliance Assistant Chief Steward **Adelena Garza** immediately filed the request for an oral reply on behalf of the employee. During the meeting Adelena addressed the mitigating factors as well as the Douglas Factors and was successful at getting the 14 day suspension reduced to a 4 day suspension. \$\$

**Compliance AUR** day shift employee contacted NTEU after being charged AWOL. Research showed the AWOL was not issued timely. Compliance day shift Assistant Chief Steward **Adelena Garza** met with the first line manager to explain the Article 32 Section 9 violation and was successful at getting the AWOL removed and changed to LWOP.

**Compliance AUR** day shift employee contacted NTEU after being issued a Sick Leave Restriction Letter. Research showed the timeframe management used was the time the employee was out for a surgery and recovery. Compliance day shift **Assistant Chief Steward Adelena Garza** & steward **Sal Fierro** filed and presented the grievance based on the Article 34, Article 5 and 7 violations and proved that management mailed the letter to the wrong address in which her information was disclosed. As a result, the Sick Leave Restriction Letter was removed.

**Compliance Exam** day shift employee contacted NTEU after receiving a Sick Leave Restriction Letter. Research showed the employee was given a leave counseling followed by a Sick Leave Warning. Management then followed up and issued the SLR Letter. Compliance steward **Kristine Ledesma** filed the grievance based on the Article 34 Section 4 violation and asserted the grievant showed improvement prior to being counseled and proving the warning should have never been issued. As a result, the SLRL was removed from the employee's file.

**Compliance Exam** day shift employee contacted NTEU after being denied her Advanced Sick Leave request. Research showed the grievant provided acceptable medical documentation and met all the criteria. Compliance Steward **Kristine Ledesma** filed the grievance based on the Article 34 Section 6 violation. As a result, the Advanced Sick Leave was granted. \$

**Compliance ACS** day shift employee contacted NTEU after receiving an evaluation that was not indicative of her performance. Research showed the employee received a departure from her previous area but was presumed to be only fully successful. Compliance Steward **Kristine Ledesma** filed the grievance based on the Article 12 violation as well as the IRM 6.430.2.3.1(1) violation. Kristine explained that the evaluation should have not been lowered just because she accepted a new position. As a result, the employee's evaluation was restored to the departure rating.

**Compliance AUR** day shift employee contacted NTEU for assistance in moving to swing shift. Research showed the employee was asked to complete the Form 10590 to request a hardship. Compliance steward **Lori Bohanna** met with the department manager to discuss the Article 23 Section 7 violation and explained the employee's request was not a hardship, it was just a shift change. As a result, the employee's request was granted.

**Compliance ACS** day shift employee contacted NTEU after being denied Advanced Sick Leave. Research showed the employee given LWOP instead of the Advanced Sick Leave as requested. Compliance Steward **Lori Bohanna** immediately filed a grievance based on the Article 34 Section 6 violation. As a result, the LWOP was removed and replaced with the Advanced Sick Leave originally requested. \$

## Compliance Stewards Fighting For The Rights Of Employees

**Compliance AUR** swing shift employee contacted NTEU after being sent home and being forced to use her own leave. Research showed the manager felt the employee had a contagious illness and was forced to go home. Compliance swing Assistant Chief Steward **Chris Tabarez** filed the grievance based on the Article 32 & 36 violations in addition to the IRM 6.600.1.6.751.1 and OPM Sick Leave Guidelines. As a result, the employee was awarded 8 hours of Administrative Leave. \$\$

**Compliance AUR** swing shift employee contacted NTEU after being denied overtime. Research showed the employee was previously sent home for a alleged contagious illness and management refused to let her return to work the overtime. Compliance Swing Assistant Chief Steward **Chris Tabarez** filed the grievance based the Article 24, 32 & 36 violations. As a result, the employee was allowed to make up the 8 hours of overtime. \$\$

**Compliance AUR** swing shift employee contacted NTEU after receiving an evaluation that was not indicative of her performance. Research showed the employee received 100% reviews but never received a departure, or a progress review. Compliance steward **Teresa Tamplin** filed the grievance based on the Article 12 violation. As a result, the manager agreed to roll over the employee's prior evaluation bringing the scores back to a straight 5's. \$\$

**Compliance Exam** swing shift employee contacted NTEU after receiving a proposal for a 10 day suspension. Research showed the employee had an Employee Tax Compliance issue. Compliance steward **Teresa Tamplin** requested an oral reply on behalf of the member. During the meeting, Teresa addressed the mitigating factors and was successful at getting the 10 day suspension reduced to a 5 day suspension. \$\$

**Compliance AUR** day shift employee contacted NTEU after being charged AWOL. Research showed the employee requested Advanced Annual Leave for bereavement purposes but was denied by management. Compliance steward **Lori Bohanna** filed the grievance based Article 32 Sections 5 & 6 violations and was successful at getting the AWOL removed and replaced with Advanced Annual Leave. \$

**Compliance ACS** swing shift employee contacted NTEU after being charged AWOL. Research showed the employee was charged with 2.3 hours of AWOL for allegedly calling in 15 minutes after the 2 hour requirement. Compliance Assistant Chief Steward **Chris Tabarez** filed the grievance based on the Article 32 Section 9 and Article 34 Section 2 violations. As a result, the AWOL was removed.

**Compliance ACS** swing shift employee contacted NTEU after being charged AWOL. Research showed the employee was charged 1 hour of AWOL after being denied his FMLA Annual request. Compliance Assistant Chief Steward **Chris Tabarez** filed a grievance based on the 5 CFR 630.1201 and Article 32 & 33 violations and was successful in getting the AWOL removed and changed to FMLA Annual.

**Compliance AUR** day shift employee contacted NTEU after being charged AWOL. Research showed the employee was charged 8 hours of unwarranted AWOL. Compliance steward **Lori Bohanna** filed a grievance based on the Article 32 violations as well as the IRM 6.630.1.16 violation. As a result, the AWOL was removed and replaced with LWOP.

**NTEU**  
The National Treasury Employees Union

**Compliance ACS** day shift employee contacted NTEU after being denied overtime. Research showed the employee was improperly denied the opportunity to work 6 hours of overtime on the offered Saturday. Chapter President **Jason Sisk** filed the grievance based on the Article 24 Section 2A violation which resulted in the opportunity to make up the overtime during the week. \$

**Compliance ACS Support** swing shift employee contacted NTEU after receiving an evaluation that was not indicative of his performance. Research showed the employee was lowered in three CJE's without counseling, coaching, or additional training (as required) once management noticed the drop in CJE scores. Swing Chief Steward **Marcella Gutierrez** filed the grievance based on the Article 12 Section 4L violation as well as the IRM 6.430.2 3.3 violation and proved that management could not substantiate the lowering of CJE 2, 3 and 5. Marcella was also able to show the grievant received no feedback after his mid-year but continued to improve. As a result, the evaluation was raised from a 3.8 to a 4.4. \$\$\$

**Compliance ASFR** swing shift employee contacted NTEU after being charged 18.3 hours of AWOL. Research showed the employee was out ill for a couple of days and provided doctor's note but was charged AWOL for not providing notes and arriving 15 minutes late to work. Compliance Assistant Chief Steward **Chris Tabarez** filed the grievance based on the Article 34 violation and was able to prove the employee did provide the doctor's notes. Chris also proved the employee was within her 2 hour requirement to request leave and that the 15 minutes of AWOL was unwarranted. As a result, all 18.3 hours of AWOL were removed and replaced with LWOP.

## Need Representation– Chapter 97 Has You Covered!

# NOW is the TIME!

Would you wait until after an illness  
to apply for health insurance?

Or until after an accident to seek coverage for your car?

**Then why wait for a problem or loss to  
get the protection you need at work?**

## JOIN NTEU TODAY!

- NTEU members have the protection they need now—even if they are not experiencing work-related problems and believe they never will.
- NTEU provides members with trained and experienced representatives to fight on their behalf against any charges. NTEU is there for members whenever they need us.
- NTEU members have more representation than nonmembers! NTEU is under *no obligation to represent nonmembers* in connection with oral replies to proposed suspensions, adverse actions or actions based on unacceptable performance.

**Join now and we will be there for you!**



For more information, or to join NTEU, contact any chapter officer or steward.

**NTEU Chapter 97  
Office Numbers:**

**Submission:  
559-454-6626**

**Accounts Management  
559-454-7308**

**Compliance:  
559-458-7714**

**Fax: 559-251-4021**

**Website:  
[www.nteu-97.org](http://www.nteu-97.org)**

 **NTEU Chapter 97**

### IRS EMPLOYEES





**National Treasury Employees  
Union Chapter 97**

4974 N. Fresno Street Ste 193  
Fresno, California 93727

Phone: 559-454-6626  
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We're on the web!  
Visit us at  
[www.nteu-97.org](http://www.nteu-97.org)  
or follow NTEU Chapter 97 on



**Or Current Resident**



**Its' Coming!!!!**  
**December 10th—**  
**Annual Member**  
**Christmas**  
**Dinner**

## Sick Leave Quiz

**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 your most important benefits, but how much do you know about your rights to use it under the NTEU-IRS contract?**

**Here is a TRUE-FALSE quiz you can use to test your knowledge.**



1. You can charge sick leave in as little as 15 minute increments? **Answer: True— (Article 34 Section 1)**
2. If you get sick before the workday begins, you must notify your supervisor before the workday begins? **Answer: False- . (Article 34 Section 2B)**
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 (Article 34 Section 3A,B & E)**
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 medical improvements are expected (prognosis)? **Answer: False (Article 34 Section 3C)**
5. You can be required to submit a medical certificate each time you need sick leave if you have previously been counseled about suspected sick leave abuse and if there are reasonable grounds to suspect the abuse has continued? **Answer: True (Article 34 Section 4A)**
6. You can require to submit a medical certification each time you need sick leave, you have to tell the supervisor your diagnosis & prognosis? **Answer: False (Article 34 Section 4 & 7) .**
7. Employees suffering from chronic illness that require frequent, unanticipated absences (e.g asthma) can justify those absences with a periodic medical release? **Answer: True (Article 34 Section 4C)**
8. If you get sick while on annual leave, you can change the leave to sick leave? **Answer: True (Article 34 Section 5)**
9. Sick employees who do not have enough sick leave to cover their absences may not get advanced sick leave? **Answer: False—If an employee needs more leave to cover their absence, he/she can get it if criteria is met. (Article 34 Section 6)**