



Firebird 24

Reborn From Our Ashes

NTEU Chapter 24 Newsletter

Volume 3

December 2005

WIN DINNER **FOR TWO!!!!**

Why did you join NTEU Chapter 24? Send us your reason for joining and be entered into the contest to win dinner for two. The best concept will be chosen and awarded the prize by Chapter 24 officers and members of the board. The second place entry will receive a NTEU Chapter 24 travel mug. Participants should send their entries to: NTEU Chapter 24, P. O. Box 117, Detroit, MI 48231; or E-Mail **Ronald Woytalewicz** at Ronald.E.Woytalewicz@irs.gov. Can't remember your reasoning? Don't worry; there'll be chances for further prizes in later issues of this newsletter. Membership has its benefits. (*Firebird 24* reserves the right to re-print any or all entries to this contest.)

From Our Readers

Now that we've piqued your interest with goodies, we once again solicit ideas from you, the reader, as to what you would like to see in future issues. Do you want information about the evaluation process? Grievances? Maybe more information on TIGTA interviews? Like NTEU, and Chapter 24, the newsletter is for your benefit, and looks to serve you.

Let us hear from you.

In Memoriam

It is with deepest regret that we report the death of Steward **Lillie M. Jones** of ACS. Lillie passed away November 22, 2005, after a long illness. She is survived by two daughters. Lillie was an employee with Internal Revenue for 15 years, and a Steward since 1997. She had also been awarded Steward of the Year for 2005, as reported in Volume 1 of this newsletter, as well as the first (and only) volunteer for the Employee Spotlight of *Firebird 24*. Our thoughts go out to her family for their (and our) loss. We'll miss her very much. Lillie was 42 years old.

Episode Ad Nauseam
The (Old) Empire Strikes Back

October 17, 2005—Memorandum from **Mark Matthews**, Deputy Commissioner Services & **Enforcement** [emphasis added]—“*This year, with our renewed emphasis on enforcement...many of you have raised questions about the impact of Section 1204...*” [Section 1204 is that part of the Internal Revenue Code that FORBIDS management from using enforcement statistics in evaluations.] This is but the tip of the iceberg in an ever-increasing, deliberate effort to return to the days of pre-RRA 98. In collection, it was known as “Seizure Fever—Catch It”.

The IRS has, unilaterally, been “re-interpreting” the restrictions of RRA 98 for years. Now, as Mr. Matthews’ memo states, IRS is looking for “*additional clarification as to what is permissible under Section 1204.*” That management has always used enforcement statistics in evaluations (despite the law) is the worst kept secret in the IRS. Anyone who believes to the contrary should share the drugs they’re taking.

Let us cut to the chase: IRS managers will soon be evaluating employees (solely?) on enforcement statistics.

IRS is also seeking to rewrite current legislation, Existing Regulations with Temporary Regulations that will “*eliminate reference to limitations on use of quantity measures in evaluation of organizational units with employees who exercise judgment with respect to tax enforcement results.*” (e.g. Revenue Agents, Contact Representatives, and Revenue Officers) Furthermore, tax enforcement results will be redefined so that “*tax enforcement results [no longer] include a quantity measure and data derived from a quality review or from a review of an employee’s or a work unit’s work on a case, such as the number or percentage of cases in which correct examination adjustments*

were proposed or appropriate lien determinations were made.” These changes will allow “*...Area Director similarly communicates to each Territory the expectation that on average, they will close [a given number of units], subject to similar factors of workload mix and staffing. Similar communications then occur at the next level of management between Territory Managers and their Group Managers, and between Group Managers and their employees. Setting these quantity measure goals, and the communication of those goals, is permissible because case closures are a quantity measure. Case closures are an example of outcome-neutral production data that does not specify the outcome of any specific case such as the amount assessed or collected.*”



-I am altering the deal. Pray I don’t alter it any further.

Put another way, those who “*exercise judgment with respect to tax enforcement*” are going to be expected to close a given number of cases within a given time, will be evaluated on such, and in order to achieve those numbers, will be forced to take premature or inappropriate enforcement actions. Yet, all this insures that managers can evaluate employees on these strong arm tactics without being held accountable for such; only the front line employee will run the risk—same as always.

NTEU filed a National Grievance against IRS on November 23, 2005, over the use of certain statistics in evaluations of employees.

Combined with the increasing efforts of front line managers to impose their own personal "Elements and Standards" for evaluative purposes, as well as the agency's plan to switch to pay for performance (i.e., doing away with the tried and true Grade and Step increases of the current civil service system), employees are in for a very rough time ahead. Retirement, unless imminently close, appears to be forlorn hope. Pay raises will soon be granted only to those who have the highest enforcement statistics, or those who please management in other ways.

In 1998, Senator Roth and the Senate Finance Committee castigated (and castrated) IRS, with special emphasis directed toward heavy-handed enforcement. That was the will of the Senate, House of Representatives, and President, when RRA 98 was passed. And nothing in that law has been repealed; at least not by the people who have the right (Congress) to do so, regardless of Mr. Matthews psychic connection to, "*the expectations of the American public.*"

Management is asking IRS employees to go out on very, very thin ice, "*with our renewed emphasis on enforcement*". But we know from just a very short time ago (1998, remember?) that should Congress raise issue with this renewed emphasis, IRS management will be at a loss to explain (just like in 1998) the unaccountable tenacity of the rank and file, or will simply be lost, hiding under their desks, as before.

Employees, on the other hand, will have to attempt to walk the fine line between RRA 98, and other laws, against the whimsical re-interpretations, clarifications, and psychic connections of management.

My Role As A National Vice President -by Phyllis Vidler

Colleen Kelley held her executive board meeting on Saturday, September 17, 2005. As a new member, I was brought in on Friday to meet with all the department heads. I knew most of them from my days as chapter president, but there were a few new faces. The Board meeting was held on Saturday, starting at 9:00 a.m. and lasting until 6:30 p.m. A variety of topics were covered, from Hurricane Katrina to the National NTEU budget. All of the department heads gave a report on the activities in their departments. Colleen's priorities for NTEU continue to be growth, communications, contracting out, the 2006 Congressional elections, and membership. NTEU ended 2005 with fewer members than it did in 2004. NTEU continues to lose members to Reductions-in-Force (RIFs), retirements, contracting out, no hiring, and reclassification of bargaining unit employees to non-bargaining unit employees. As an example, FDIC lost over 1,000 employees to RIFs in 2004. Colleen further stated that the new OPM Director, **Linda Springer**, appeared to be a puppet of the current administration, and as a result OPM will not be standing with us on many issues as they have done in the past. Also, the IRS Commissioner, **Mark Everson**, wants to take back as much as possible from employees.

I also attended the Chapter 74 (Akron) and Chapter 100 (Youngstown) annual dinner membership meeting on October 20, 2005, where **Frank Ferris**, National Executive Vice President, was the guest speaker. It was held at a local golf course between the two cities, and I thoroughly enjoyed myself. I will be attending a meeting with the majority of the District 6 (made up of states of the northeastern United States, including Michi-

gan) chapter presidents in Baltimore, Maryland, on October 25, 2005. And on the home front, Chapter 24 has invited me to attend their out-state membership meeting in Grand Rapids on November 3, 2005, and of course I will be going.

That's all for now, and if anyone wants to contact me, please do so; my e-mail address is **PVidler@aol.com**.

On the Road with Chapter 24 -by Mary Cook, Board Member and Steward

On October 12, 2005, NTEU Chapter 24 held a General Membership Meeting at **Nemo's**, on Michigan Avenue in Detroit. During the meeting, the newly elected officers and members of the board were sworn in by **Phyllis Vidler**, National Vice President. The final election results are: **Ron Woytalewicz** returns as president; **Jeri Burger** is the new Vice President; **Marianne Gordon** is the new Secretary. The elected Members of the Board are: **Mary Cook, Carol Engelsman, Victor Jackson, and Scott Whitehead**. As Phyllis could no longer serve as a member of the board after her election as National Vice President, her elected position was filled by **Zondra Rhim**, by appointment. These members also appointed **Henry Morrison** as Treasurer, replacing **John Copenhagen**, and additional Members of the Board **Cynthia Harris** and **LaDare Burroughs**. The membership meeting at Nemo's was attended by over 60 people, making it one of the largest meetings in a long time. On Thursday, November 3, 2005, NTEU Chapter 24 hosted an Outstate General Membership Meeting at **Brann's** on 28th Street, Grand Rapids. All elected officers, elected and appointed board members were in attendance for the meeting. National Vice President, **Phyllis Vidler**, also attended. Nearly fifty members and retirees and guest

attended. They came from many PODs, including Grand Rapids, Kalamazoo, and East Lansing. The meeting started about 5:30 pm with **Ron Woytalewicz** bringing the members up to date on both national and local issues. He answered questions as they were asked. Vice President/Chief Steward **Jeri Burger** also addressed the group, discussing local items and grievance issues. All were served a tasty meal and much discussion ensued both during and after. A 50/50 raffle and prize giveaways were a big hit with the members. The meeting was rated as informative by the attendees and all received some information to take away. NTEU Chapter 24 hosts two Metro Detroit meetings and one Outstate meeting each year. We invite all members to attend and learn about the issues.

New Contract Terms

After a long, long fight with IRS and Treasury, the midterm contract will finally go into effect January 2, 2006. The contract was initially negotiated last winter, but IRS and Treasury whined about some of the terms that were initially agreed to, requiring NTEU to appeal to the Federal Labor Relations Authority (FLRA).

Among the new items that are of interest to employees are:

-Bargaining unit employees may now earn 3 credit hours on any work day (previously only 2), and 10 credit hours on non-work days (previously 8). Credit hours do not have to be earned contiguously (e.g., an employee may earn 1 credit hour in the morning and 2 in the afternoon).

-The categories of employees eligible to work Flexiplace have been expanded. Furthermore, employees eligible to work Flexiplace now will rather than may be permitted to work them.

-There is now no limit on number of stewards.

-An employee's immediate manager is no longer part of an appraisal dispute. The challenge now goes to the manager's supervisor, and is no longer called a request for reconsideration, but a grievance. Once the mid-term changes have become effective, Chapter 24 plans to do a series of Lunch and Learns throughout the state to go over the changes.

Bad Moon Rising

The Bush Administration is moving forward with its proposed legislation, **Working for America**, for personnel changes and "pay for performance". This is a cataclysm looming over the heads of most federal government and IRS employees.

Impacting employees directly is the DHS/DoD model pay, performance, and classification system; this system has already adversely eroded morale amongst those employees affected. Employees would no longer be assured of annual pay adjustments to preserve buying power. Nor would they necessarily receive "pay for performance" increases, despite having performed at an outstanding level. Agencies would be given discretion to distribute performance pay funds among "pay pools" determined by the employer. (Money for management only?) Performance pay increases would be based on annual ratings derived from an untested performance system by managers who have difficulty administering the current system.

If passed, this legislation would also:

-Reduce collective bargaining rights, allowing an agency to take actions without bargaining during broadly defined "emergencies".

-Make it harder for federal unions to perform their representational duties, by limiting union's right to information to perform its duties, and restricts the current right of exclusive representative right to represent

employees at formal discussions.

-Reduces the ability of employees and unions to meaningful remedies for wrongful agency actions, restricting the FLRA's current authority, and eliminating the right of direct judicial review of matters falling within the scope of a negotiated grievance procedure.

-It also narrows the definition of "grievance," making fewer management actions subject to challenge.

-It also undermines and reduces the finality of arbitration decision by permitting agencies to obtain review of the decisions by the MSPB.

These are difficult days for federal employees, and IRS employees. Never has it been more critical to write your elected representatives in Washington to voice your opinion (see Capwiz.com on the NTEU website, nteu.org-do not use IRS computers while on duty to send Capwiz petitions to Congress) You can also make a difference through your support of NTEU; this can be as simple as pressuring a non-member to join. The more united we are, the greater our influence.

Turkey Drawings

Once again, Chapter 24 Stewards will be holding drawings for Thanksgiving/Christmas turkeys. Normally, the actual transaction is a gift card to a local grocery store. This has been a tradition of Chapter 24 for over 20 years. In fact, it goes back so far that those of us who have been around a long time don't remember when it started. Nevertheless, it is Chapter 24's way of giving back to its members during the holidays, thanking them for their membership, and wishing all members a very happy holidays.

Around the State

The Farmington Hills Post of Duty held its fall harvest luncheon and Labor Relations Week celebration October 5, report Stewards **Ella Porter** and **Timmierae Sharp-Boyd**. Aside from donuts and bagels, the luncheon was catered by Romano's of Farmington Hills. **Chapter 24** contributed to the expense, and Chapter President **Ron Woytalewicz** attended. Aside from Timmie and Ella, assistance was given by **Therese Babcock** and **Judy Brocklebank**. Steward **LaDare Burroughs** reports **Chapter 24** sponsored a Hawaiian Luau in the Detroit Computing Center on November 1. The menu included Fruit, Pasta, and Tossed Salads, Rice Pilaf, BBQ Party Wings, Sweet and Sour Meatballs, Rolls, Cake, Cookies, Brownies, and Punch.

Did You Know

Under Article 21 of the National Agreement [the contract] bargaining unit employees within 6 years of retirement are entitled to attend one (1) retirement planning program on official time. *But did you also know* that under Article 36 [Administrative Leave], Section 12, "Subject to workload considerations the Employer may grant an employee up to a total of four (4) hours excused absence per calendar year for the purpose of attending health benefits fair, reviewing health benefits information and materials, and receiving financial counseling, and seeking supplemental retirement counseling."

Also, we are reliably informed that those of you with Thrift Savings Accounts, if you transfer the account directly into an Individual Retirement Account (IRA), it is **not taxable** under Michigan tax law, but **is taxable** if you transfer the funds into an annuity.

End of Year/Holiday Message

We at NTEU Chapter 24 and Firebird 24 want to wish all our members and readers very happy holidays in the coming weeks, and the hope of a wonderful new year in 2006.

We sometimes forget the blessings we have; working for the IRS, that can easily happen. And while, at times there appear to be only dark days ahead, all of us should remember the words of the statesman and Noble Prize winning writer **Winston S. Churchill**:

"In War: Resolution

In Defeat: Defiance

In Victory: Magnanimity

In Peace: Good Will"

We'll see you in the New Year.

Firebird 24

Ronald Woytalewicz, President

Jeri Burger, Vice President

Marianne Gordon, Secretary

Henry Morrison, Treasurer

David Hauenstein, Editor

Chapter 24 Website, www.nteu24.org

Caroline Trinkwalder