



## **Firebird 24**

*Reborn From Our Ashes*

### *NTEU Chapter 24 Newsletter*

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**Volume 4**

**March 2006**

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#### **Contest Time!**

Last issue of [Firebird 24](#), we offered a free dinner for two for the best reason from our members for joining NTEU. The winner of the contest, and dinner for two was Carol Briney. Second prize, claiming an NTEU Chapter 24 travel mug, was Donald Goodwin. This time, we are asking: What is your idea to get non-members to join NTEU? First prize winner will receive dinner for two. Second prize winner will receive a Chapter 24 travel mug. Please forward your entry to [Ronald .E. Woytalewicz@irs.gov](mailto:Ronald.E.Woytalewicz@irs.gov) As before, NTEU Chapter 24 and [Firebird 24](#) reserve the right to re-print any or all entries.  
Good luck.

#### **Employee Tax Obligations**

April 15 is now just a short time away. Chapter 24 reminds all employees of their obligation to

file and pay all federal, state, and, if applicable, local tax returns on or before April 15. The consequences of not doing so can be cataclysmic; you can be fired under Section 1203 for failing to file your Federal tax return on time. If you have a problem with your return, technical or payment, please call Ron at (313) 628-3863, or Jeri at (313) 628-3562. We would rather help you with your issue up front than try to correct it after the fact.

#### **Locally Significant Cases -Jeri Burger, Vice-President & Chief Steward**

Chapter 24 has resolved some significant cases this past year. An Arbitrator reinstated a Revenue Agent with full back pay. The Agency had charged and removed the member for an alleged violation of 1203(b)(4). The Arbitrator determined that the employee committed a procedural error, not a willful act of falsifying records. A memorandum issued by National President **Colleen Kelly** stated "The case is significant because it firmly establishes that the IRS cannot simply bypass its obligations and your rights under the negotiated National Agreement. Congress intended mandatory removal under Section 1203 only in instances of egregious, outrageous conduct that affected taxpayer rights. The agency tried to apply 1203 when traditional disciplinary means that have always been available to them were more appropriate given the facts of the case."

The Agency proposed to remove a Revenue Officer for a UNAX violation. The removal was reduced to a 14 day suspension. Chapter 24 grieved the 14 day suspension and the case was closed with no action. The member received a clearance letter containing a cautionary statement. The Revenue Officer accessed a closed case on IDRS and ICS to rebut a review and defend a grievance. The Agency agreed with the Chapter's arguments: 1) The unauthorized access was not an intentional violation 2) UNAX training did not adequately cover the specific circumstances of the access.

**It is important to note that you should never access any system unless you have an assigned case or you have a tax administration purpose for doing so. For example, you should ask your manager to access any closed case in order to rebut a review or performance appraisal. While your rebuttal may be business related it is not a tax administration matter.**

A performance appraisal case was scheduled for arbitration. The case was settled prior to the hearing to the mutual satisfaction of the parties. We have invoked arbitration for 6 other cases. We are waiting for the arbitrator's decision on one case and the other 5 are pending hearing dates

**I Need a Different Steward  
-by Mary Cook, Steward  
And Member of the Board**

There is an issue in your work life. Perhaps it is a concern regarding a number on your annual appraisal, perhaps TIGTA has called you for an interview, or perhaps there is an issue regarding annual leave, and you are not comfortable discussing the matter with the steward in your work area. The steward might be too close to the problem, or there is a personality conflict, or maybe they are just on leave. What should you do? NTEU Chapter 24 has a cadre of capable stewards, lead by Chief Steward Jeri Burger, at your disposal. While you're assigned steward is usually the best person to handle your problem, we are all trained, and ready to assist and guide you. Don't let a problem go unaddressed because you can't discuss it with your steward. Call the Chapter 24 office at (313) 628-3652, and get referred to another steward. Solidarity crosses POD and division boundaries. Get the help you need.

**Inside ACS**

**-T. Renee' Harvey**

**ACS Columnists & Steward**

The Calvary has come to ACS; lets all welcome our two new soldiers **Pat Buchanan** and **Brenda Lowery** as union stewards. They are ready and eager to step in and deal with any situation that arrives.

***ACS stewards are being Proactive in making your work environment less hostile***

ACS stewards drafted a letter to send to members and nonmembers to inform them of their Basic Employee Rights under Article 5, Section 9 of the National Agreement. Boxes were placed throughout the floor to receive feedback from employees if they feel their rights have been violated.

The Basic Employee Rights are:

- To be treated with courtesy and tact
- To expect appropriate assistance from managers to do their jobs
- To work in a safe and healthy environment
- To have job expectations explained to them
- To receive assistance in planning self-development
- To develop ideas or suggestions to improve work methods
- To be free to seek redress of grievances through negotiated grievance procedure
- To receive cash awards for exceeding standards under the awards program negotiated by NTEU and IRS

**Detroit District Benevolent Fund**

**-Ronald Woytalewicz  
Chapter President**

I am happy to report that the Fund had a successful year in 2005. Many of our employees contributed to the Fund through the CFC during the open season in fall of 2004. The results of the fall 2005 open season are also very encouraging.

Our employees committed to approximately \$4,000 in donations for this year. This is particularly gratifying in light of the many demands for our charitable consideration that we have experienced in the last year.

I would like to recognize a specific very generous contribution to the Fund. In February of this year, the Fund received a contribution of \$500 from the employees in our Clinton Township office. This gift when added to that of all our individual contributors will provide comfort and as-

sistance to those of our fellow employees in need. The Fund has made several disbursements which included providing help to an employee who had a devastating house fire and received help within twenty-four hours; assistance to the family of an employee who passed away unexpectedly; several large charitable organizations; etc.

I would also like to commend the Board of Directors of the Fund who worked diligently the last couple of years to revive the Fund; get the Fund qualified for CFC; rewrite the Fund's by-laws, etc. Your work is appreciated by our employees who reap the benefit of your efforts. Thank you.

### **The Grievance Process -Jeri Burger, Vice President & Chief Steward**

Article 41 of the National Agreement covers the employee grievance process. Per Section 1 of Article 41, "The Employer and the Union recognize and endorse the importance of bringing to light and addressing employee concerns through the negotiated grievance procedure promptly and, whenever possible, informally." That is why we often will try to resolve disputes through informal discussions with Management. If a conversation does not resolve the problem we then go to the formal grievance process. However, in order to file a grievance we must have a grievable issue. In other words, there must be a violation of the contract, other rule, regulation, or law, and the employee must be harmed. For example, a manager issues a negative recordation item that is factually incorrect. Per the contract (Article 12 Section 9), evaluative recordations are not grievable until used in an annual rating. But we can still have an informal discussion with the manager and/ or territory manager to have the item removed or modified. Your steward will be able to determine if an issue is grievable. **It is very important that you consult your steward about any problem as soon as possible.** Per the contract (Article 41 Section 6) we must file a grievance "within fifteen (15) workdays after the incident which gives rise to the grievance or within fifteen (15) workdays after the aggrieved became aware of the matter out of which the grievance arose."

The next step, assuming there is a grievable issue, is to file the formal grievance. Your steward will prepare and file the paperwork. The grievance process normally starts with the first line manager, Step 1. If the manager does not grant the "relief and remedy" requested we go to the next level of Management, Step 2 (example: Territory Manager) If we are not satisfied with the Step 2 response we then appeal to Step 3, the first level executive (example: Director) After we have exhausted the appropriate managers we have the option of arbitration. Arbitrators hear cases and have the authority to make final and binding decisions. Arbitration costs money (roughly \$800-1000 per day for the Arbitrator and additional cost for a court reporter if necessary), takes time and establishes precedent. For those reasons, the National President (currently **Colleen Kelly**) is responsible for determining whether a case will proceed forward to arbitration. She delegates that authority to the various National Counsel's who, along with the Assistant Counsel (ours are in Chicago, Illinois) weigh the merits of each case and determine whether as a matter of law and fact there exists a reasonable likelihood of success on the merits of the case. Chapter 24 is willing and able to resolve your issues through the grievance process. Please talk to your steward as soon as possible, even if you don't know if you have a grievable issue or if you don't think you want to file a grievance. Your steward is trained to resolve problems and address your concerns. We will work with you every step of the way.

### **Chapter 24's History**

NTEU Chapter 24 was founded on January 23<sup>rd</sup>, 1942. The original founders were **James F. Deane, Fred J. Schroeder, William P. Connolly, Fred O. Messier, Joseph D. (illegible), and R. B. (illegible)**. The Charter fee was \$5.00, and the per capita dues for an entire year were \$1.00. At that time, however, it was not National Treasury Employees Union, but National Association of Employees of Collectors of Internal Revenue (NAECIR). NAECIR was originally founded in the Wisconsin District in 1939. This became the National Association of Internal Revenue Employees (NAIRE) in 1952, when the Bureau of Internal Revenue became the

Internal Revenue Service. NAIRE became NTEU in 1967.



To this day, the charter commemorating the establishment of what is now Chapter 24 hangs in the Chapter office. Since that time, there have been many, many stewards, and nearly a dozen presidents. Prior to current Chapter President **Ronald Woytalewicz**, Chapter 24 was led by **Phyllis Vidler**. Her predecessor as President was **Larry Baugh**. Larry succeeded **Dale Bodinus**, President in the late 1980s. Before Dale was **Barney Rutkowski**, who served as Chapter President from the mid-1970s to mid-1980s. Barney retired in 1985.

I recently had the opportunity to speak with Barney about Chapter 24's history. His memory of past presidents included **George Hogan**, **Art Damiani**, **John Osak**, **Ben Schweid**, and **Bill Duffey**. He could not remember the order or dates of their service to the Chapter. He did tell me that when he first joined the union, it was not the NTEU, but its predecessor, NAIRE. Barney served as an officer of NAIRE and then NTEU for 22 and 1/2 years. During his time with NAIRE and NTEU, officers and stewards were required to work a full inventory, aside from their union representation requirements. This

policy by Internal Revenue amounted to a gun pointed at the head of each officer and steward. If the steward or officer upset management, flaws in their case work could easily be found and the officer or steward fired. Barney felt that NTEU getting the percentage reduction in inventory was one of the greatest contributions of his time to NTEU and all employees NTEU represents.

Barney is still passionate about NTEU, and the labor cause, in general. While federal employees are barred from striking, which Barney felt doing so would have ultimately worked against federal employees, he felt that the National Agreement (the contract) protected the dignity of employees and protected them against arbitrary actions by Internal Revenue.

While no longer in touch with the day to day operations of Chapter 24, he proudly declared that he felt Chapter 24 was the finest chapter in the country when he was part of it.

## Steward in the Spotlight



Revenue Agent **Daniel J. Itchue** is the Examination Steward in Pontiac, Michigan. In addition to volunteering to be steward, when asked, he volunteered to be the *Steward in the Spotlight*. Dan has worked for IRS "for the long period of 18 years." He has been a Revenue Agent since August 2004. He has had a broad range of prior positions with Internal Revenue. Beginning in October 1988, through July 1994, Dan worked as a Taxpayer Service Representative. For the next five years, he put his talent to being a Tax Auditor. In July 1999, he took on the task of Fuel Compliance Officer, until his se-

lection as Revenue Agent in August 2004. Dan has twice been assigned to the Pontiac POD; when he was a Tax Auditor, and as a Revenue Agent. He has also worked in the Detroit Taxpayer Service Call Center, the Mt. Clemens Taxpayer Service Walk in Office, and the Detroit Excise Tax office.

Dan has been a member of NTEU since 1994, "...when I began making a moderate living wage."

Dan is 42 years old. He was born and raised in Detroit's "far northern suburbs." He is married with two children; one is 18, the other 15 years old.

"Oddest thing I've ever done is fly around Monterey Bay, California, dangling from the end of a rappelling rope hanging out of an Army Helicopter. Air Assault Training."

"Attitude has more to do with the quality of your life than any other thing. If it's positive, more than likely, everything else will also be positive." Those of us who know him, know that Dan (almost) always has a positive attitude, and always has a ready smile.

And finally, "In the words of a very wise man, 'I can't get no -----'. Fill in the blank for your own appropriate feelings."

Who can argue with that?

Thanks Dan.

### **Family Leave Programs**

**-by Marianne Gordon**

#### **Chapter Secretary and Steward**

In addition to Annual and Sick Leave, IRS employees can also avail themselves of additional leave benefits in times of personal or family illness or crisis.

#### ***Family and Medical Leave Act of 1993***

This benefit is not limited to IRS or federal employees. This law entitles an employee to 12 weeks of unpaid leave during a 12 month period. This time may be taken to care for a specific family member (limited to spouse, parent, or child), or certain medical leave for the employee (such as birth of a child, adoption, or serious illness.) The employee must be employed with the employer for at least 12 months. The employee must make the request themselves. They must give 30 days notice of the request, or as practically possible. They may be required to submit medical certification within 15 calendar

days of the supervisor's request. If they fail to do so within 30 days of the request, they can be charged with Absent Without Leave (AWOL) or other type of paid leave. The request cannot be denied if it meets the criteria within the law. It applies equally to men and women, so that, for example, a man could take off time when his wife is having a baby.

This leave may be taken in addition to any other paid leave, but the employee does not have to take the paid leave first. The time can be taken all at once, or in segments. The employee's immediate supervisor is the only needed approval. While this leave is limited to 12 weeks for a 12 month period, this is not a calendar year, and applies only to the incident the leave is requested for. For example, an employee could be on sick leave for 4 weeks during March with a broken bone, but in August request the 12 weeks off to care for an ailing parent. The 12 month period would commence in August and go through to the following July, not the preceding January through December.

#### ***Sick Leave for General Family Care***

Under this program, any employee can use up to 40 hours of sick leave for family care and bereavement. An additional 64 hours can be used if the employee maintains a balance of 80 hours of sick leave. Or, the employee may use 480 hours (12 weeks) of sick leave to care for a family member with a serious health condition. Part-time employees' use will be prorated. There is no minimum career time needed, but the employee must be subject to the federal leave system.

The sick leave may be used to: provide care for a family member who is incapacitated as a result of: physical or mental illness; injury, pregnancy or child birth; medical, dental, or optical examinations or treatment; to arrange for or attend the funeral of a family member; or, to care for a family member who has a serious health condition. The definition of a family member is: spouse and parent thereof; child (natural or adopted); parents; siblings and their spouses; and any individual by blood or affinity whose close association is equivalent of a family relationship.

A serious health condition is defined as: an injury, illness, childbirth, impairment, or physical or mental condition that involves inpatient care in a residential medical care facility or con-

tinuing treatment.

Advance notice as soon as practical is required, and the employee's supervisor may request medical certification. If the request meets the given criteria, it may not be denied. The program may be used with other leave programs. But the employee is limited to a total of 12 weeks of sick leave for all family care purposes; if an employee has used some of the 104 hours of accrued sick, that amount used will be subtracted from the amount entitled to be used for family sick leave.

A greater discussion of these leave programs, as well as Sick Leave for Adoption and Bone Marrow or Organ Donor Leave are in the 2006 National Agreement (the contract) in Exhibits 33 and 34, listed on pages 203 through 206.



### ***What factors contribute to high stress at work?***

People react differently to stressful conditions, but some work-related factors will cause most employees to experience significant, continuous stress. Research findings seriously question the commonly-held belief that high-level, high status jobs are the most stressful. In fact, employees who have little control over their work decisions in the face of high demands by management are more likely to suffer from job stress. In government, call site jobs are one example of this, with their electronic call monitoring, pressure to increase production, detailed call handling instructions, and closely-monitored breaks.

Another common workplace stressor is bullying. It involves behaviors that give the perpetrator dominance over the target: yelling, ridicule, incessant criticism, and degrading remarks. Bullying deflates an employee's sense of self-worth and contributes to a feeling of loss of control. In poorly-managed work units, managers may be permitted—or pressured—to use bullying tactics to meet production goals.

Other sources of workplace stress include job insecurity, conflicting or uncertain job expectations, excessive responsibility, unexpected changes, an unsafe or unpleasant work environment, and lack of co-worker and supervisory support.

According to the National Institute for Occupational Safety and Health, mounting scientific evidence shows that unremittingly stressful workplaces create short-term aggravations and harm long-term health. Early signs of prolonged stress

#### **Update**

In December's issue, we ran an item about IRS seeking to change regulations on limitations on using quantitative measures in evaluating employees who exercise judgment with respect to tax enforcement results. On November 23, 2005, NTEU filed a national grievance against IRS with respect to this change, for failing to negotiate the change, violation of federal law regarding the compilation of enforcement statistics for the evaluation of employees, and failure to communicate new Elements and Standards (critical elements) to employees before evaluating them on the changes.

#### **Workplace Stress\***

Stress has physical symptoms—a speeding heart rate, quick breathing, and spikes in adrenalin and other stress hormones in the bloodstream ... Surveys have found 26 to 40 percent of workers describe them as “very” or “extremely” stressed by work.

include sleep difficulties, upset stomach, headaches, short temper, trouble concentrating and low morale. Less visible but more serious health consequences include high blood pressure, heart disease, musculoskeletal disorders and psychological disorders. One researcher discovered that one out of five people who experienced bullying at work showed symptoms of Post Traumatic Stress Disorder.

Of course, some employees face personal issues that burden them with considerable stress, possibly detracting from their work performance. But this is no justification for management to treat them abusively or disrespectfully. In fact, bullying will boost stress levels and exacerbate their problems.

#### ***Anti-worker policies are also to blame***

Although it's easy to blame workplace stress on bad managers, and they are a cause, there are also structural and political reasons why some federal workplaces resemble a pressure cooker. We're in the fifth year of a strenuously anti-government administration. Mandates to contract out federal jobs and underfund agency budgets have pressed career managers to produce more with less, increasing pressure on frontline employees...

...As a first responder, a steward does a service by listening to the employee's story of injustice or pain. Listening can be as important for the employee's well-being as finding contractual and statutory bases for a grievance...

When a steward senses that an employee's stress level is deep, share with the employee the perspective that bullying and other unjust management behaviors cause emotional injury.

And injuries heal best when treated by trained professionals. Tactfully but firmly recommend the employee seek professional counseling...

***[The best way to stop a bully is to confront them. If you are feeling stressed-out, your steward is there to listen, and if appropriate, file a grievance over the stress causing issue.]***

*\*Reprinted from NTEU Steward Update, December 2005*

#### **Membership Benefits**

As part of being a member of NTEU, you are entitled to benefits and discounts through a variety of services. As part of this newsletter, we will attempt to highlight some of these benefits in this issue and future issues.

With summer just around the bend, one of the benefits members are entitled to are discounts on participating hotels, and car rentals. NTEU members can receive a 10% discount at Sleep Inns, Comfort Inns, Quality Inns, Clarion Hotels, Friendship Inns, Econo Lodges, Rodeway Inns, Travelodge Hotels, and Super 8 Motels. Furthermore, members can receive a 10 to 30% savings at Days Inns, Howard Johnson, and Ramada Inns.

Additionally, Hertz, Avis, and Dollar Car Rentals also offer discounts.

For more information, go to the NTEU website, [www.nteu.org](http://www.nteu.org) and click on Member Benefits section.



#### **Grinch Awards**

##### **-Ronald Woytalewicz Chapter President**

--A manager in ACS initially denied an employee's election of the two hours of Administrative Leave at Christmas time for a specific afternoon. The manager said she did not want to extend the employee's vacation which was to begin the following day. Chapter 24 got this changed.

--A manager in Farmington Hills decided to take all the employees in the group off Flexiplace during the Christmas holidays allegedly due to some computer updates. Chapter 24 intervened and got this corrected.

--A manager in ACS denied Annual Leave to an employee for one and a half hours to pick up his child. The usual sitter had to attend an appoint-

ment. The manager questioned whether the employee was actually the child's parent and then asked why the child's mother could not pick up the child. The employee left and was placed on AWOL. Chapter 24 is dealing with this through the grievance process

### **Retirements 2005**

George Bresinski TEGE, Ann Brown LMSB, Bob Combs LMSB, Virginia Cummins SBSE-Collection, Bob Dettling TEGE, Dave Evenson LMSB, Beth Gravel CID, Larry Gregg LMSB, Cheryl Hall SBSE-Collection, Caroline Hanson Appeals, Mary Holleran MITS, Gloria Jenkins SBSE, Thomas Kunnumyalil SBSE-Finance, Dick Madras, SB/SE -Collection, Connie Manley CID, Bob Marlow SBSE-Excise, Linda Matthews MITS, Jim O'Connell LMSB, Mary Pasquantonio SBSE-Exam, Ralph Perez LMSB, Paul Przytulski SBSE-Exam, John Rankin SBSE-Collection, Pat Rouan ACS, Larry Schiesel LMSB, Stan Smolinski SBSE-Exam, Dave Stauffer Appeals, John Sterling LMSB, Marty Sviland CID, Dave Tash CL&D, Mike Terry MITS, Mary Thomas SBSE-Collection, Fred Washington W&I, Mike Washenko SBSE-Exam, Dwight Watts LMSB, Sarah Wreford Public Affairs.

### **Did You Know**

**-by Marianne Gordon**

#### **Chapter Secretary and Steward**

Senator John Ensign (Republican-Nevada) has introduced a bill, S 1928, that will freeze the wages of federal employees, in order to pay for Hurricane Katrina, and support the tax cuts for the nation's wealthy. Now would be a very good time to write your senators. Go to the NTEU website, [www.nteu.org](http://www.nteu.org), for more details.

### **Overheard**

Recently, an IRS manager was overheard saying that the pressure for numbers—cases closed and time a case is allowed to be open—has become the worse ever seen in over 25 years. This manager also believed that with this attitude and pressure by National Office, a repeat of Congressional hearings, like those in 1998, is very likely within a few years.

**...and a few humorous epistles from management...**

“We will apply the rule of reason only in abnormal or emergency situations.”

“Return to your work stations and resume production immediately.”

A manager in our Clinton Township office was having computer problems. The manager contacted MITS who advised the manager that the manager would have to come to MITS in the MacNamara Building in order to get the problem taken care of. The manager went to the Mac as requested. However, the manager left the computer sitting on their desk in Clinton Township.

*If you read or overhear a comment, directive, or gaffe from management or a fellow employee which you think readers might enjoy, please let me know at [david.b.hauenstein@irs.gov](mailto:david.b.hauenstein@irs.gov).*



### **Firebird 24**

**Ronald Woytalewicz**, President  
**Jeri Burger**, Vice President  
**Marianne Gordon**, Secretary  
**Henry Morrison**, Treasurer

**David Hauenstein**, Editor

**Chapter 24 Website**, [www.nteu24.org](http://www.nteu24.org)  
**Caroline Trinkwalder**



