



Firebird 24

Reborn From Our Ashes

NTEU Chapter 24 Newsletter

Volume 17

*****General Edition*****

May 2009

President's Corner

-Jeri Burger



Happy Spring! I know you are as glad to be rid of the cold and snow as I am. It's been very amusing to travel to Atlanta and Washington DC and hear the locals complain about the 30 and 40 degree cold. I let them know they have no idea what cold really is!

I was in both Atlanta and Washington DC as part of my duties as a member of the Workforce of Tomorrow Advisory Board. NTEU is committed to contributing to the Workforce of Tomorrow because, to quote National President **Colleen Kelley**, "I do not believe you can talk about the workforce of tomorrow without focusing on the workforce of today." The teams continue to meet and come up with ideas to improve our working conditions now as well as ways to attract and retain the workforce of the future. I see NTEU's role as the voice of reality.

Term Contract

The NTEU/IRS Term Agreement was overwhelmingly ratified by chapters. Chapter 24 ratified the new National Agreement on April 14, 2009. Thank you to those who took the time to vote! It will become effective August 2, 2009. I am pleasantly surprised by the changes to the contract. I was present at the bargaining table

the third week of negotiations. At that time the Agency was proposing many take backs and seemed unwilling to bend. While any negotiation involves give and take, I believe that NTEU gained many new benefits for employees. I learned more about the new contract at national training. An entire day of training was devoted to the new contract. We not only learned about what significant changes were made, but the bargaining history behind the changes. The chapter will continue to give you updates.

Training

The chapter sent six stewards to national training the week of April 20. We had a full day discussion on the new contract as well as handling grievances and other relevant topics. These six stewards will, in turn, train the other chapter stewards at local training, May 12 -15. Since the stewards are spread out throughout the state, the chapter has yearly training at a centralized location. So that we may give you the finest representation possible, it is imperative that your stewards are kept up to date on important issues. It is our commitment to you to have a well-trained steward cadre.

Focus Group with Director of Collection

I participated in the Chapter President focus group with **David Alito** on February 25. The conference call was part of the Area 6 review. (See associated article this news letter.) Thank you to the Revenue Officer and Fraud Coordinator stewards who met with me prior to the call: **Mary Cook, Carol Engelsman, Michelle Gray, David Hauenstein, Karen Johnson, Dave King, Henry Morrison, and Wendy Molloy**. The stewards provided invaluable insight into the current issues of the revenue officers. Steward

Wendy Molloy as well as Revenue Officer Linda Wilson attended the revenue officer focus group call. As a result of this conference call, Area Director **Dee Barham** proposed quarterly meetings with the Area 6 chapter presidents. I appreciate Director Barham's invitation to attempt to resolve issues in an informal setting. Please let me know if you have any questions or concerns that you would like me to discuss at the meetings. The next meeting is in June.

Chapter 24 Election

Chapter 24 will be holding elections this summer. In order for you to receive your ballot and other information it is extremely important that we have your current home address. If you have moved and have not furnished your address to NTEU (even though you changed it with the IRS) please either complete a change of address on the NTEU web site www.nteu.org or see your steward. Ensure that your vote counts!

We Need You

Half of the Chapter 24 stewards, including most of the Officers and Board Members are retired or eligible to retire within the next 5 years. We need some younger members to volunteer to become the chapter leaders of the future. Please call me if you are interested in discussing the opportunity of becoming a steward. The future of the chapter depends on you!

New Hires and Space Issues

As most of you have heard, IRS has been given the authority to hire over 8000 new employees over the next months. While it is certainly great news that IRS will finally be able to add new employees, there is a problem with finding room for the new employees to work. Both management and NTEU are committed to accommodate the most employees possible. Negotiations have already started for the Pontiac and Clinton Township offices. The goal is to minimize the impact upon the current bargaining unit employees, while maximizing the number of new employees brought on board. Please keep in mind that many of the proposed changes will be temporary, pending the addition of more space within a 12 to 24 month period. I will keep you advised.

You may have heard a rumor that IRS will be moving many employees out of the McNamara Building. This is absolutely true. The FBI will be taking floors 19 through 24, so IRS needs to find new space. The process is just beginning and NTEU will be part of the team. Again, I will update you as new information is received by our office.

CHIEF STEWARD'S REPORT DISCIPLINE & ADVERSE ACTIONS -Karen Johnson



Stewards in Chapter 24 are currently representing 12 IRS employees who are confronted with disciplinary or adverse action. A disciplinary action is defined as an admonishment, written reprimand, or a suspension of 14 calendar days or less, while an adverse action is defined as a removal, a suspension of 14 calendar days or more, a reduction in grade, a reduction in pay, or a furlough of 30 calendar days or less of a full time employee. Employees who are subject to either of these two types of actions have rights under the applicable provisions of the National Agreement. Articles 38 and 39 describe the options available to employees. No bargaining unit employee will be subject to disciplinary actions or adverse actions except for such cause as will promote the efficiency of the Service. It is a foregone conclusion that the IRS will automatically determine that whatever the offense they are alleging against an employee, the efficiency of the Service is negatively affected.

As a bargaining unit employee you have the right to respond to all the reasons and specifications contained in any proposal letter. You have the right to all the material relied upon by management, including any Report of Investigation prepared by TIGTA, used to determine what the charges are, and what the appropriate disciplinary action should be to correct the misconduct. The IRS proclaims to embrace the principles of progressive discipline designed to correct conduct rather than punish the offender. The *Guide to Penalty Determinations*, Document 11500, is the booklet that accompanies IRM 6.751. Both Internal Revenue Manual 6.751 and the Guide are available through the IR WEB page under forms, documents, and publications.

Any bargaining unit employee who is the subject of any proposal letter, whether it is described as a disciplinary action or an adverse action should read the proposal letter very carefully. It contains your rights, and the specific time frames for the

available responses. Contact your steward immediately for assistance. Chapter 24 has an exemplary cadre of stewards who are well trained and experienced in preparing and presenting oral replies on behalf of our members. Our chapter has had a number of successes, overturning proposed actions, up to and including removals, on behalf of our members

Kudos to the following stewards for their exceptional representational work: **Barry Begeny, Mary Cook, Rhonda Davis, Jesse Dawkins, Michelle Gray, David Hauenstein, Catharine Kelley, Acqueneese King, Scott Marshall, Henry Morrison, John Stevens, and Greg Wert.**

A new season of "24" begins.

Things have changed for Agent Bauer, a victim of the "Career Termination Unit" (CTU), which has been merged into another government function for the harsh treatment of employees. His manager dropped an AWOL form on him for disappearing after closing his last case. Of course, Bauer is always in trouble for something because of his "ends justify the means" philosophy; which means his union steward is very busy, too.

A few years ago, Bauer went into management. That love affair didn't last long, however, after Bauer discovered the hierarchy of incompetents he was forced to bail out. Then he went undercover for a while; that kept him out of trouble, until the cases raised his profile. The work has ruined his personal life and aged him beyond his years. I wonder about his health sometimes. Thank goodness for FEHBP. I think he uses his FSA, too.

Now he's gone rogue, saying, "the Agency is compromised"; meaning the ethics at the top and the bottom let the bad guys win. Bauer's not working within the system, and it's too early to tell how it will work out. He's banded with a few former co-workers to infiltrate the bad guys and flush out the traitors. Since the financial crash, he's been putting more into his TSP trying to "double down" on his retirement, if he's fortunate enough to make it.

Yes, it's another exciting season here in "Chapter 24." Be careful out there. Those CTU people can still get you. Stay tuned for more.

-Greg Wert, Steward

LONG TIME REVENUE OFFICERS OF THE NORTH

- Mary Cook, Assistant Chief Steward

During a Group Meeting on January 29, 2009, Traverse City Revenue Officer **Kurt Hein** was presented a 30 year service plaque by Group Manager **Michael Carley**. Revenue Officer **Claudia Brain** of the Marquette POD was also presented with a 35 year service plaque by Mr. Carley. Congratulations to both of you and thanks for your years of service and Union membership!!

My 15 Minutes of Fame

-Dan Itchue, Chapter Vice President & Steward



When I first hired in with IRS in 1988, I worked in the old Taxpayer Service Division. During the filing season in 1989, I volunteered to participate in a taxpayer awareness fair taking place at opening day festivities for the Detroit Tigers baseball team. I volunteered without really investigating what I was volunteering for. Big mistake. When I got to the fair, I was surprised to find out that I had volunteered to be the target in a "Dunk the IRS" dunk tank; you know, like the dunk tanks that you find at local fairs. Anyhow, the temperature was about 32 degrees so I had to put on a wet suit beneath my business suit. I got dunked over and over again for about 45 minutes. People seemed to really enjoy dunking the IRS guy, especially those who had been "celebrating" a little harder than everyone else. Afterward, I was interviewed by a fairly popular local Detroit radio morning show. The person that interviewed me was Mitch Albom, writer of "Tuesdays with Morrie". After that, I was interviewed by one of the local Detroit news stations. That evening, I must have received about 30 calls from people that saw me on the news or heard me on the radio. It was pretty cool to be a celebrity for a day.

Chapter Presidents Meeting

-Jeri Burger

I and all my fellow Area 6 Chapter Presidents participated in a teleconference with David Alito, Director of Collection. Among the topics discussed were:

Time—Revenue Officers want to do good quality case work, but are not given enough time to address issues. Revenue Officers are working cases on their own time just to keep up. That explains why many ROs do not volunteer to teach or become OJIs.

Overage—Overage should be an indicator; not a be all to end all. Managers want ROs to ignore complicated issues in order to clear out “O”s and “P”s. Managers are directing ROs not to open ICS Bal Dues, yet ROs are still responsible for full compliance.

Constant Changes—There is not enough time to read email and become familiar with new programs and procedures.

Time Suckers—Programs and procedures that have become drains on RO time, such as Direct Debit IAs, Consultative Initiatives, ATFR program updates just at ASSED time, Reasonable Cause Assistance, 6020(b) correction adjustment procedures, Notification of Deposit Requirements, and the disconnect between ROs and campus and Appeals.

More Clerical Help—ROs are expected to do more clerical duties on top of more case work. We will have to wait for any positive results of the conference.

TSP UPDATE*

The following was provided in Govexec.com February 12:

The Thrift Savings Plan now boasts more than 4 million participants, and the overwhelming majority of them are content with the 401(k)-style retirement savings program despite the volatile financial market.

A November 2008 survey by the Federal Retirement Thrift Investment Board and consulting firm Watson Wyatt indicated that 81 percent of TSP participants were satisfied with the plan. That represents a slight decrease from a 2006 survey, when 85 percent of respondents said they were satisfied.

The latest survey was conducted through a paper-based mailing to the homes of a random sample of federal employees and uniformed service members who have participated in the TSP. Nearly 5,000 participants completed the questionnaire; 27 percent of respondents were in

the Federal Employees Retirement System, 28 percent were in the Civil Service Retirement System, 21 percent were members of the active-duty uniformed services and 24 percent were from the ready reserves.

Most respondents noted they had not made any major changes to their retirement savings patterns in the face of the uncertain economy. Eighty-six percent said they had not reduced their TSP contributions; 90 percent said they were still contributing something.

The economic downturn did prompt some participants to transfer or consider transferring some or all of their account balance to the less-risky government securities (G) fund. Nineteen percent said they moved at least a portion of their investments to the G Fund; another 16 percent said they were thinking about transferring their account balance to the more stable option.

The survey also provided some insight into why employees are satisfied with the TSP. Participants said their top five reasons for contributing to the plan were: the tax benefits, convenience of payroll deductions, freedom to retire when ready, matching contributions from the government, and its low administrative costs. A majority of respondents (56 percent) said the program could be enhanced by the addition of a Roth 401(k) option, which would allow for after-tax contributions. Forty-two percent said they would allocate some or all of their contributions to a Roth account if given that choice.

In addition, 39 percent of participants said they believed the TSP would benefit from a self-directed mutual fund window that would offer a choice of hundreds of publicly-traded mutual funds. But 50 percent of respondents said they would seek professional investment assistance before taking advantage of such an option. The Roth addition and mutual fund window could help entice employees to join the TSP, respondents noted. Forty-four percent recommended the Roth option as a way to increase participation and 24 percent suggested the mutual fund window. Other suggestions for boosting enrollment included matching new employees' contributions immediately (69 percent encouraged this) and signing up new recruits automatically (51 percent recommended this).

Ten Years in the TSP

TSP officials last week released a 10-year summary of returns for the plan's five basic funds. Given the current financial landscape, it may come as no surprise that the less-risky options came out on top.

Fixed-income bonds represented in the plan's F Fund earned the highest returns since 1999, coming in at 5.69 percent. The TSP's most reliable investment option, the government securities (G) fund, posted gains of 4.92 percent for the decade.

Returns for the S Fund, which invests in small- and mid-size companies by tracking the Dow Jones Wilshire 4500 Index, came in at 1.74 percent since 2001, the year the fund was created. International stocks represented in the I Fund, which also was created in 2001, posted minimal gains of 0.84 percent since the fund's inception. The C Fund, composed of common stocks on the Standard & Poor's 500 Index of the largest domestic companies, was the sole loser over 10 years, posting losses of 1.40 percent.

None of the TSP's five lifecycle options, which were created in August 2005, have fared well in the long term. The L funds are a blend of the five basic investment options that automatically grows more conservative as participants near retirement. L 2040, intended for employees with a target retirement date around 2040, lost 31.53 percent since 2005; L 2030 dropped 27.50 percent; L 2020 fell 22.77 percent; and L 2010 lost 10.53 percent. The L Income Fund, designed for employees planning to retire in the near future, decreased 5.09 percent since 2005.

*Reprinted from FMA, Federal Managers Association, February 13, 2009

Editorial

Our members need to become more politically active. President Obama has requested personal stories of problems that we have encountered with health insurance. We all know someone who has been refused care because the insurance provider would not pay for it. He also has pledged to have hometown meetings in Michigan; we would like our members to attend and participate. The President is there for us, but we cannot leave him alone. We have to support him and let the opponents know that the President represents us!

-Jessie B Dawkins, Steward

MYSTERY DIAGNOSIS: ANAL GLAUCOMA

-David Hauenstein and
Karen Johnson, co-contributors

Latin: *infirmus debilitatus*

Definition: an incapacitating ailment, manifesting itself when an employee rises from bed on a

work day and says, "I just can't see my butt going in to work today."

Synonyms: Mental Health Day, playing hooky, Opening Day.

What is it and how can it affect you?

Many employees, IRS or otherwise, have days when they can't face going to work—they are physically ill, or sometimes just emotionally and spiritually drained—and call in on sick leave.

IRS employees may take it for granted, but they should really look upon their sick leave benefits with gratitude. What other employer grants four hours of sick time at the beginning of each pay period?

IRM 6.600, Leave Administration and Work Scheduling, delineates sick leave provisions. Section 6.600.1.8.2(3) states that sick leave is not always automatically approved.

A supervisor may charge AWOL when there is reason to believe that the employee has misrepresented the reason for leave when appropriate medical certification is not provided when required. Examples of the requirement for medical certification would include absences for periods of three consecutive days or instances when an employee is subject to leave restrictions. (See Article 34 Section 3 of the National Agreement.)

This same section of the IRM states that approval of sick leave is appropriate when an employee is physically or mentally incapacitated for duty for reasons such as medical, dental, or optical appointments. The Code of Federal Regulations at 5 CFR 630-401 specifies that employees WILL be granted sick leave when they are incapacitated by physical or mental illness, injury, pregnancy, childbirth, receive medical, dental or optical examinations or treatment, and more.

So who makes these determinations of medical incapacitation? Who is in a better position to determine the level of illness than the sick person? You may think this a no brainer, but oh *contrair*. Chapter 24 has been tracking a reoccurring pattern in which employees have reported that their managers have been denying requests for sick leave because the manager arbitrarily judges that the employee is not too sick to report to work. Yes it is true. Certain managers have arrogated the position of determining not only when an employee is sick, but extending a prediction of how much sick leave an employee will need to recuperate. Some managers have gone so far as to defy the medical orders of board certified physicians' recommendations for recuperative absences from work. One manager even declared that an employee suffering from the side effects of a prescribed medicine for a medical diagnosis

is not a sufficient reason to excuse an employee from duty. Apparently doctor's patients whom also happen to be IRS employees are not sick enough to be sick. Are IRS Managers now medically certified to make these determinations? Are these managers practicing medicine without a license?

Unless these managers have their board certifications posted and have examined and diagnosed the employee, they are better served having a little faith in their employees judging for themselves their ability to come to work when ill. Health Care Providers nationwide have continuously reported that no one knows their own health better than the patient. These Providers routinely remind patients to be their own advocates because they are more qualified than any doctor to know and understand the medical maladies affecting their lives. Have we truly reached a point where employees who are confronted by managers attempting to practice medicine without a license need report them to the State of Michigan Department of Health?

Every IRS employee has access to the Code of Federal Regulations, IRM, Employee Personnel Resource Guide, and the National Agreement. This includes employees who are also Managers. In our collective bargaining agreement, sick leave provisions are covered in Article 34. NTEU does not endorse any behavior by employees suspected of abusing their sick leave privileges. Abuse of leave can lead to serious disciplinary actions. Employees need to be vigilant. Sick leave is in place to be used when necessary. If you believe you are being victimized by an overzealous supervisor imposing unreasonable restrictions, you should contact your steward. Your steward can assist you in getting your issue resolved. Employees have a number of options, including the opportunity to get advanced sick leave, unpaid time off under provisions of the Family Medical Leave Act, and more. We are extremely fortunate to have the sick leave benefits afforded us. Discretion is the better part of valor though. Accruing sick leave can provide the cushion necessary for bereavement, extended illnesses, surgeries, and the associated recovery. Employees under the Civil Service Retirement System get their unused sick leave added to their service time. Legislation is currently pending for a similar provision for employees covered under FERS.

Not wanting to come to work is one of the least exclusive clubs at IRS; nearly everyone belongs. But most of us manage to drag ourselves out of bed and off to work day after day. While we

struggle with the debilitating effects of anal glaucoma, we throw off the covers, face the day, and find a way to cope. For those who can't or won't, they might find their anal glaucoma has progressed to an even worse disorder: "I just don't see my butt with a job anymore."

Is there a cure? We are trying to be proactive here. With our country's current economic conditions and Michigan one of the states identified as having the highest unemployment rate, now is not the time to jeopardize your GGJ. (That's *Good Government Job.*) Remain healthy and remain at work. Get a good night's sleep. The old tried and true diet and exercise may seem trite, but is a good prescription. When you feel your coping skills are diminished, talk to someone. The ERC web site has some excellent resources for regaining mental and physical strength. Unaddressed untreated anal glaucoma can lead to the chronic, alarming malady known as unemployment.

A TALE OF TWO CITIES*

During a conference call with the chapter presidents from the Midwest Collection Area, the National Director of Field Collection, David Alito, told the presidents he recently visited a POD in Philadelphia. He said he went from cubicle to cubicle visiting with Revenue Officers. He didn't hear any complaints from anyone. NTEU Chapter 22, Philadelphia, officers remembered the National Director's visit differently: "Wow!!! That is so far from the truth it is almost unbelievable. At the actual town hall meeting, David Alito heard numerous complaints from the Revenue Officers about Embedded Quality; inventory levels, constant procedural changes, and the Automated Trust Fund Recovery Program. On the floor with the Revenue Officers, he arrived late in the afternoon and only sat with one Revenue Officer to work a case on ATFR to try and see some of the problems the Revenue Officers were saying they are having with the system. There were only three Revenue Officers left in the office at the time of his visit on the floor, and he only sat with one.... Some of the Revenue Officer managers here told him the same thing, and he actually told one manager to "shut up". Boy, this is great leadership."

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness..." Charles Dickens, A Tale of Two Cities

*Reprinted from "NTEU Chapter 36 Newsletter" May 2009

Feedback

Greg Wert's article on "What if there was no NTEU" received the following response from one of the non-members whose work unit Greg represents: "Hey GT, so you're name calling. You won't gain membership like that." To that,

we deferentially and patiently reply: What would induce you to join?

Retirements



We forgot to keep or publish a comprehensive list of retirees for 2008. Here are some of the coworkers who moved on to that third stage of their lives: **Larry Baugh, Rick Feldman, John Hogue, Kathy McHugh, Carolyn Parrish, Ella Pride-Porter, Ron Rudnicki, Sue Ann Symons, Brooks Wheeler, and Carol Wright.** To those we've missed, our apologies. And we miss you all.

This year, there are more: **Hazel Estell and Pete Smizick** retired in January, **Hazel Sitek and Denise Skafica** in February, and in March, **Jeannine Barrera**, chapter steward, **Larry Reynolds**, also a steward, and **Electa Scott**. On April 3, Chapter 24 Steward **Daniel Spears** also retired.



Retiring Steward Jeannine Barrera

New Steward

Chapter 24 is changing some of our starting line up. **Catharine Kelley**, recently selected for Appeals in Detroit, will be taking a hiatus from stewarding in Ann Arbor. Her replacement (now batting) is **Dennis Johnson**, long time Revenue Officer.

Baby Shower

-Karen Johnson, Chief Steward

NTEU wishes to thank all the employees who participated in the baby shower to benefit new mothers at Hutzel Hospital. TAS Case Advocate Connie Gray is pictured with some of the baby blankets she lovingly crocheted for the new babies.



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Jeri Burger, President
Daniel Itchue, Vice President
Marianne Gordon, Secretary
Henry Morrison, Treasurer
Karen Johnson, Chief Steward

David Hauenstein, Editor

Chapter 24 Website, www.nteu24.org
Caroline Trinkwalder

