



## Firebird 24

Reborn From Our Ashes

### NTEU Chapter 24 Newsletter

Volume 23

\*\*\*General Edition\*\*\*

April 2011

#### President's Corner

##### -Jeri Burger, Chapter President

You may have noticed that you have been receiving more communications from NTEU regarding pending legislation. Most notable was the recent onslaught of emails regarding the barely averted federal government shutdown on April 8.

Legislative Coordinator **Jessie Dawkins** and Chief Steward **David Hauenstein** wrote very good articles for this edition regarding legislative activity. I urge you to read the articles and take their advice to become involved. Learn what is being proposed and contact your Congressional Representatives to voice your opinions.

Please understand that NTEU's position on any legislation is based solely on what the impact will be on current and retired federal employees. Period. As an individual you may have other beliefs that affect your opinion on any given piece of legislation. That's OK. That's how our system is supposed to work. I just ask that you use the information that NTEU provides to consider the impact on you and your co-workers as federal employees.

An arbitration hearing was held on September 29, 2010. NTEU was arbitrating former Cincinnati Compliance Director (ACS) **Renee Mitchell's** decision that denied Chapter 24's institutional grievance filed over former Operations Manager **Regina Owens** failure to invite NTEU Chapter 24 to a formal meeting. The grievance also alleged that the Agency had committed an Unfair Labor Practice. Arbitrator **George Roumell, Jr.** rendered his decision on January 27, 2011. Arbitrator Roumell decided that ACS Operations, Detroit site, committed an

Unfair Labor Practice. He ordered that the Agency post a notice to all employees at the call site. The notice acknowledged that management violated the National Agreement (contract) and the statute. It will also state that the Agency will not conduct any formal discussions without proper notice to NTEU Chapter 24. The notice must also contain the statement "The IRS will not in any like or related manner, interfere with, restrain or coerce our employees in the exercise of their rights assured by the Federal Service Labor Management Relations Statute."

Let me share some background information: Former ACS steward **Meta Hyde** informed me that her team was meeting with Operations Manager Regina Owens to discuss problems the team was having with their manager. I contacted Regina and advised her I would be attending on behalf of NTEU. She refused to allow me into the meeting. Since it was clearly a formal meeting as defined in the contract and in statute, NTEU should have been given notice to attend this meeting. Chapter 24 filed an institutional grievance over Regina Owens' violation of the contract. This grievance was denied by Renee Mitchell. Her decision was based on her misguided opinion that the meeting in question was not a formal meeting and NTEU was not entitled to attend. NTEU took the case to arbitration. In his decision, Arbitrator Roumell wrote, "There is no question that the meeting called by Ms. Owens was 'formal' as that term is used in both 5 U.S.C. 7114 and Article 8, Section 1, of the parties' National Agreement." Arbitrator Roumell decided that NTEU "substantially prevailed", which means the Agency must pay 75% of the arbitration costs rather than the normal 50%.

This case may not have ended so well if it wasn't for Meta bringing the meeting to my attention and the excellent testimony of some of the team members who volunteered to testify at the hearing. Special thanks to **Meta Hyde, Jackie Alexander, Duane Bochatyn, Shannon Myles, Karen Papadas, Laura Pappas and Shannon Myles.**

Chapter 24 will do all it can to protect your rights under the contract. We often need your help to identify when violations occur. Please contact your steward if you believe your rights have been violated. We can't do it without you!

Another arbitration involving ACS was settled on 4/11/2011. This case involved two employees from Team 203 who were denied the opportunity to work overtime on Saturday February 5, 2010. The chapter filed grievances, citing violations of Articles 24 and 12 of the National Agreement II as well as an Unfair Labor Practice. Article 24 reads: "Overtime will be distributed as equitably as possible among equally qualified employees based on the skills needed to perform the overtime work as identified by the employer. When overtime becomes available, the employer will contact the impacted chapter(s) and provide how the overtime will be equitably distributed and the skills identified." Chapter 24 has had a long standing agreement with ACS Management that journey level employees with fully successful performance appraisals would be considered to have the appropriate skills necessary to work overtime. Both employees were at least fully successful and journey level. The case settled when the Agency offered Manager Awards to partially compensate the employees for the overtime pay that they were denied.

### **Membership Meeting**

Chapter 24 will hold a general membership meeting on Wednesday, May 25, at **Buca di Beppo**, 38888 Six Mile Road, Livonia. Fellowship will commence at 4:00, while dinner will be served at 5:30. There will also be a special election to elect an additional delegate to the national convention. This will be held at 6:30. Please let your steward know if you are interested in attending.

## **The Move**

Along with all other IRS employees in the Patrick V. McNamara Building, Chapter 24's office will also be moving this May. Effective May 16<sup>th</sup>, our new location will be Room 1020, 500 Woodward Avenue, Detroit, Michigan. The Chapter's mailing address will remain the same, however; that is, P. O. Box 117, Detroit, MI 48231.

## **From the Chief**

### **-David Hauenstein, Chief Steward**

**Karen Johnson**, Chief Steward of Chapter 24, retired from Internal Revenue and as Chief Steward January 28<sup>th</sup> of this year. Karen has been an incredibly dedicated and fervently compassionate chief steward for over three years. The levels of professionalism and success have continued to rise within the chapter during her tenure as chief steward, as have the number of grievances, oral replies, and arbitrations. I know there were many times she wanted to quit being chief steward from feelings of being overwhelmed, but hung on through her belief in her job and her desire that the Agency treat employees with dignity and respect while management followed the rules. An indication of how much Karen cared about her job and the people she represented is the number of employees, and managers, she knew personally; I would occasionally tease her in saying she reminded me of **Dan Ackroyd's Joe Friday** in the movie "**Dragnet**" when he said: "You should work for the phone company; you know everybody." As chief steward, she has left a legacy that will be difficult to follow.

Karen has also been a continuous and prolific contributor to this newsletter. Not a newsletter went by that Karen didn't contribute at least one article. I can only hope that she will occasionally find time in her new life to continue to contribute to this publication.

Nevertheless, Karen continues to work for Chapter 24. She is still a member of the board. She also recently jointly organized with Assistant Chief Steward **Mary Cook**, the Chapter's food drive for the needy. And I know that she is more than willing to lend me assistance, advice, and her experience as I take up her standard. Just don't leave town on me all of a sudden Karen.

One issue that has been dropped upon the chapter is the conversion of FCIP interns into regular federal employees. This was mandated by the Presidential Order to be effective in March. Almost immediately, certain managers raced to ex-

pel interns before they were afforded full contractual rights.

Steward **Michelle Gray** has joined the members of the Oral Reply Committee; a small group of stewards trained to defend employees in disciplinary and adverse action cases. She presented her first Oral Reply in November, doing an excellent job, and the case was forwarded to the field office of NTEU in Chicago for determination as to whether to invoke arbitration. Steward **Thrisa Tolbert-Hamilton** has also agreed to join the Oral Reply Committee and awaits her first foray into the arena.

ACS is now implementing the Customer Service Agreement, a lugubriously lengthy agreement between IRS and NTEU over issues of leave, tours of duty, read and meeting time, how employees input and track their time, and many other things. Stewards **Michael Dickerson** and **Thrisa Tolbert-Hamilton** are overseeing Chapter 24's efforts in the ECC for the proper application of this agreement. There have already been several matters of contention.

Currently the Chapter has 56 open grievances or other matters, including TIGTA investigations, etc. 15 of these are issues invoked for arbitration. The chapter has closed 26 grievances this year.

## **Legislative Conference- Legislative Update -Jessie Dawkins, Legislative Coordinator and Steward**



Chapter 24 Legislative Coordinator Jessie Dawkins & Legislative Team Member Tonya Harvey with National President Colleen Kelley.

During the week of February 28 through March 3, Chapter 24 legislative committee members Laura Buus, Tonya Harvey, and I attended the legislative conference in Washington DC. Each

year there is time designated for face-to-face meetings with Michigan's two Senators and each member of the Michigan delegation of the House of Representatives. These meetings allow our legislative leaders to have direct conversation with our elected legislators regarding issues that are important to the NTEU members and federal workers.

In January of this year, I, as Legislative Coordinator for Chapter 24, participated on the Legislative Advisory Committee to determine the most crucial issues to address with our Congressional and Senate leaders. Of the many issues facing federal workers, they had to be prioritized and narrowed to the most important six. These six issues would then be addressed at the legislative conference in February. While all of the issues will continue to be addressed by the National Office throughout the year, the conference attendees addressed the most important six issues in the face-to-face meetings with the elected legislators. The selection task was arduous, but the most important issues for federal employees were determined to be:

1. Pay and potential furloughs—NTEU is opposed to further pay reductions for federal employees and a government shutdown. NTEU supports adequate funding for all agencies. It opposes H.R. 2700 or any other legislation which requires mandatory unpaid furloughs.
2. Agency funding and contracting out—NTEU supports savings in the federal contracting process by ending no-bid cost-plus contracts, while ensuring federal employees are able to compete for work on an even playing field. Again, NTEU supports adequate funding to ensure that federal agencies have the resources and staffing necessary to perform their critical missions, and to provide the needed services for taxpayers.
3. Federal health insurance (FEHBP)—NTEU supports prescription drug reform by eliminating the pharmacy benefit managers (PBMs) who obtain drugs at discounted rates and then retain the rebates and discounts instead of passing the savings on to OPM and federal workers. NTEU is opposed to a major restructuring of FEHBP and making it into a defined contribution or voucher plan.
4. Federal retirement issues—NTEU is opposed to any proposal to decrease federal pensions or requiring retirees to pay more for their health care. NTEU is also against changing to a "High 5" formula instead of a "High 3" when computing federal civilian pensions.

5. Collective bargaining rights for TSA—NTEU supports collective bargaining rights of TSA employees.

6. The impact of financial reform on NTEU agencies—NTEU is opposed to changes or repeal of the Wall Street Reform and Consumer Protection Act. This law is budget neutral, meaning that it does not add to the deficit. NTEU supports adequate funding for financial regulatory agencies, including appropriations for the SEC.

These are the most important issues facing the public service workers. NTEU legislative leaders fanned out on Capital Hill on March 1 to address these issues face-to-face with our elected leaders. These meetings are critical to the success of protecting the rights of federal workers. Each legislative leader is armed with detailed information and facts. In many cases, it is NTEU members who are educating our elected leaders. Many legislators have never held elective office before and may not have given much thought to the federal worker or the needs of the American citizen.

This brings us to NTEU's local plan to continue to educate our elected leaders. We need more legislative activity from our members and federal workers. We recommend that each member get to know their elected representatives and familiarize themselves with the prevailing issues facing public servants. This can be done by going to [www.ntue.org](http://www.ntue.org) and reviewing the legislative issues. You can do so without signing in and from your worksite; there is no password or log on procedures to follow. The limited use policy applies; your work computer may be used before or after work or during your lunch break. I am asking each federal worker to take advantage of this opportunity to communicate with your elected leaders. On the website, click on the issue and follow the prompts. Capwiz will identify your representative based upon your zip code. When the site asks for your email address, do not use your work address. The question becomes: how often should federal employees check the site and contact their congressional representatives? The site should be checked weekly. If there is a new issue posted, click on it and state your opinion. If enough public servants do this, our elected leaders will know that we matter.

Silence is to condone!

## Wisconsin and Beyond

-David Hauenstein, Chief Steward

As I am writing this, news has come that the Wisconsin State Assembly has passed the bill which eliminates most of the collective bargaining unit rights of the state's civil servants. Wisconsin State Senate Democrats were in hiding so that the bill could not come before the state senate and thereby becomes law, but were outmaneuvered in a procedural change. Other states are juggling similar bills regarding their state employees.

Could it happen to the federal work force? And what would the impact be?

Routinely bills are proposed in Washington DC that contains similar motivations or ultimate goals. So far, none of them have gotten very far. But as the saying goes: "The opera ain't over until that fat lady sings."

There was a bill in Congress, which was defeated, that intended to eliminate "official time" for federal employee unions. What this really means is that no union work could be done during an employee's or steward's tour of duty. Any and all union related work would have to be done on personal time. While I and my fellow chapter officers and stewards believe in our work for the union, I don't think many of us would be willing to put in the kind of time necessary to continue the union on our own time. The bottom line (and intent of such bills) is that federal employee unions would either cease to exist or would become toothless tigers.

And what would that mean to you? Would there even still be a contract? Even if there was, who would be around to enforce it? A manager could fire an employee on a whim, without cause, regardless of rules, and there would be little means of challenging it other than an employee suing in court (good luck) or pursuing other limited avenues such as EEO or the Merit Systems Protection Board. Maybe in two or three years you might get your job back...maybe.

Don't think it could really happen? Tell that to the employees of the great state of Wisconsin.

What can YOU do to prevent it? First, if you're not a member of NTEU, don't you think it is about time you joined? The more members we have, the greater the authority we can speak with in Washington. Or put more simply: if a Representative or Senator sees that there are nearly a quarter of a million members of NTEU, and they all VOTE, maybe they'll pause before eliminating employee union rights.

Also, you can call, write, or email your Representative and Senators and inform them of your feelings and desires on this issue and other issues that impact federal employees. (Don't do this on government time or use your government office address.) NTEU's website, [nteu.org](http://nteu.org), has CAPWIZ, which offers pre-composed letters to your Representative and Senators. You can also find a link to CAPWIZ through Chapter 24's website, [nteu24.org](http://nteu24.org). All you have to do is fill in your personal information and identify to whom you are sending it. You don't even have to be a member of NTEU to do this.

And, you can vote. NTEU frequently forwards records of votes in Congress on issues that impact federal employees. Many stewards post these on the union's portion of office bulletin boards. Where does your Representative and our Senators stand on these issues? Is it time for a change?

Anti-government employee groups would like to change things. If they get their way, you won't even have a union to blame. Don't think it could happen. Ask the state employees in Wisconsin. And now Ohio, too.

### **“From the Heart” a Success -Karen Johnson, Chair, Community Service Committee, & Mary Cook, Assistant Chief Steward**

Even in these tough economic times, members of Chapter 24 dug into their pockets and donated money and food items to benefit their local food pantry during the NTEU 2<sup>nd</sup> Annual Giving from the Heart campaign in February. Funds were collected in the ECC cafeteria as well as local stewards coordinating POD collection efforts. Members also exercised the opportunity to make direct donations to their preferred organization.

Our Chapter's commitment to serving the local community food banks include **Greater Lansing Food Bank, East Side Soup Kitchen** in Saginaw, **Kalamazoo Loaves and Fishes, Second Harvest Gleaners** in Grand Rapids, and **Gleaners Community Food Bank** in Detroit. As one member observed, “my situation is not what I would like, but I have a job and a home. Some people don't even have that much.” NTEU rewarded the giving spirit with a raffle of two American Express gift cards. Winners were **Lydia Villeneuve** in Appeals and Exam Territory Manager **Joe Kohut**. We sincerely appreciate Joe's generosity in donating his gift card to Gleaners.

A great big **THANK YOU** to all the stewards who contributed to the success of the campaign, and especially to our valued members who opened their hearts and wallets for this worthy cause.

### **V.E.B.S. Seminars**

Chapter 24 and Chapter 78 (ECC) have organized VEBS retirement seminars in the McNamara Building, the Enterprise Computing Center, Flint, and Pontiac PODs. An additional seminar will be held in Grand Rapids and Clinton Twp. in April. The Voluntary Employee Retirement Systems representatives presented group semi-nars in the morning sessions and then met with individual members in the afternoon. There has been considerable positive feedback on these seminars. My sincerest thanks to all the stewards in Chapters 24 and 78 for their assistance and efforts in arranging these seminars.

### **Annual Holiday/Turkey Draw**

In keeping with our annual year end tradition, Chapter 24 stewards held drawings and gave away gift cards (turkeys) to members they represent. For the holiday season of 2010, some of the recipients were: **Oliver Hayes, Kristen Esterline, Demetra Kelly, Karen Papadas, Karan Foley, Beverly Shumpert, Craig Miles, Megean Giolitti, Kelly Panknin, Tonya Ross, Barbara Maxwell, laurel Tomlinson, Carolyn Beckwith, Carl Schlomer, Jeff Long, Tania Moore, Pam Elleman, Kendra Mathis, Todd Crowley, Brian Solomon, Greg Lazzari, Claudette Rice, Laurel Kirkland, Bob Uhl, Jeffrey Wiese, Larimy Wilson, and Rose Albrecht.**

### **Clarification—Jury Duty**

Prior Chapter President **Ron Woytalowicz** let us know that while you must return the pay or wage amount of reimbursement from the Clerk of Courts, you are entitled to keep any compensation for mileage and/or parking. Thanks Ron.



## Retirements

**Karen J. Johnson**, Chief Steward; **Robert Dowbenko** of Office Audit, Pontiac; **Teresa Frazier** of Clinton Twp; **Nancy Hollandsworth** of Farmington Hills; **Cathy Jarvis** of MITS; **Linda Kilbourn** of Flint; **Elizabeth Munger** of LB&I; **Robert W. Mouton** and **Bruce Ricketts** of Insolvency; **Irving A. Wolf** of ACS.

## In Memoriam

Retired Steward **Jeannine Barrera** passed away March 1 of this year. Jeannine had worked in the Saginaw POD in Taxpayer Assistance and had retired in 2009.

**Felecia Felton** of the Taxpayer Advocate's office passed away this February.

**JoAnne Riley**, retired from the TAS office in March of 2010, also passed away in February.



### Firebird 24

**Jeri Burger**, President  
**Marianne Gordon**, Secretary  
**Henry Morrison**, Treasurer  
**David Hauenstein**, Editor,  
Chief Steward, & V.P.

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