



NTEU Chapter 46 News

Chapter Website: www.nteu46.org

National NTEU Website: www.nteu.org

Labor Recognition Event a Big Success

On October 20, over 400 current and retired members of NTEU Chapter 46 attended a labor recognition event at the downtown Dallas office. Members came to hear NTEU National Executive Frank Ferris speak about issues of major concern to federal employees. In attendance was Jim Littlejohn, Vice President for District 3, and Anne Ellzey, National Field Representative from the NTEU Austin Office.

Mr. Ferris addressed the inequities with the grade structure of the secretaries that are stuck at the GS-5 level. He explained the process of trying to get these positions upgraded, indicating it is an uphill battle. He further stated that NTEU will be filing an Unfair Labor Practice concerning this issue. He also spoke about the upcoming mid-term contract negotiations and how they will affect awards, flexi-place, promotions, appraisals, hour of work and other issues that have a direct bearing on the work life of our members. He noted that unlike the Agency,

NTEU selects “experts” for their bargaining teams who have a wealth of knowledge about the job and or issues being negotiated. That is why NTEU always negotiates solid contracts that protect employee rights.

Mr. Ferris also talked about employees getting involved in the legislative process by contacting our elected representatives and letting them know our issues and opinions. He spoke about the budget process and all the challenges that Federal Employees are facing in the future.

The labor recognition event was a great success. Members were able to meet with Frank after the three programs and ask a few questions. We want to thank Mr. Ferris for taking time to come to Dallas and speak about all the things that NTEU is doing at the National Level and the challenges that face us in the future..

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John's Column

By John Darden
Chapter President



Public Trust Employees to undergo reinvestigation every 5 years

On November 9, 2011, OPM issued its final ruling directing that "Public Trust" employees undergo periodic reinvestigation (PRI) at least once every five years. Public trust employees are those who occupy positions that involve policy making, major program responsibility, public safety and health, law enforcement duties, fiduciary duties, and similar responsibilities; they complete the SF 85P background investigation form. It includes a large percentage of our bargaining unit employees.

In its ruling, OPM rejected objections raised by NTEU to a PRI requirement. NTEU had argued that the reinvestigation process was basically a waste of time and money and a source of unnecessary stress for affected employees. OPM cited an executive order granting the Director of OPM the power to determine the frequency of reinvestigations. In the exercise of that discretion, the Director determined that information more than five years old was "outdated." To respond to NTEU's concern about costs, OPM has prescribed these relatively low-cost investigations: The "National Agency Check with Local Agency Check and Credit Check" and the "Periodic Reinvestigation," depending on the level of public trust. Unfortunately, OPM has

not revealed the precise components of each type of investigation.

NTEU Chapter 46 will continue to monitor the PRI process as it rolls out. Non-probationary employees can only be removed via a suitability action if they made material false statements, refused to furnish testimony, or are subject to a statutory or regulatory bar to employment. OPM observed that other adverse information uncovered in a PRI could be the basis for an adverse action against a non-probationary employee. This is true, of course, but the Agency must still demonstrate that an adverse action will promote the efficiency of the Service. The Agency must, therefore, prove a nexus between the adverse information uncovered and the employee's job.

Based on my previous experience on a related matter, I predict that the PRI will keep the union very busy in the future. This means that if your spouse lost their job or medical bills have overwhelmed you and you haven't been able to keep up with all your bills, get ready. Do you have a foreclosure, charge offs, slow paying creditors', were sued, involved with any domestic violence, DUI, police record, or any other adverse information in your background since your original background check?

Remember that the IRS must show how there is a connection between the specific off-duty misconduct and the efficiency of the Service. (For example, how would drunk driving, that led to an arrest, interfere with the efficiency of the Service so as to warrant discipline?) Remember to contact NTEU whenever there is a conduct investigation. We're here for you.

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Soliciting Volunteer Tax Preparers and Translators

Neighborly Outreach Works (NOW, Inc.) will host its annual Volunteer Income Tax Assistance (VITA) Program for low to moderate wage earners with incomes of \$50,000 or less.

Interested persons need to go to www.irs.gov and in the search box enter "Link and Learn". Complete the training and certification no later than Saturday, January 14, 2012. Spanish Preparers and/or Translators are needed. For

additional information regarding this volunteer opportunity, please call either 214-631-5448 or 214-943-1340 or send an email to 333Haze@gmail.com. Thank you in advance for your interest and assistance with this community outreach effort!

La Tre'via Hayes
Site Coordinator

Chief's Word

By Cheryl Dalton



Who hasn't been concerned with their jobs in this climate of continuing resolutions, threats of furloughs, lack of travel funds, and elements of uncertainty? The Stewards of Chapter 46 are here to help you understand your rights and keep you up to date on the happenings that affect our work life. It is not an easy time, but our stewards are committed and driven by the principle that every federal employee should be treated with dignity and respect.

Stewardship requires involvement. Stewardship requires a desire to see the contract upheld. Stewardship requires an ability to communicate effectively. The Stewards in Chapter 46 are required to perform "representational functions" such as discussions of potential grievances, preparing for negotiations, serving as representatives at formal discussions and investigatory interviews, and attending meetings with management officials.

Having made these preliminary statements, it is important to realize that our stewards are volunteers who diligently accept the responsibility to do their best to represent NTEU. In our Chapter alone, there have been many success stories of winning priority consideration, having evaluations raised, getting monetary awards for higher graded duties, and being successful in adverse

and disciplinary actions by getting members a lesser penalty than removal. These are but a few of the many issues our Stewards deal with on a continual basis. Chapter 46 has Stewards and officers working every day to make things better here at the IRS. We all have different personalities and styles. This gives our Chapter a wealth of resources to deal with different situations at the bargaining table.

Since we represent the entire bargaining unit, it is important to note that in representation, Stewards represent the bargaining unit collectively, according to the contract, and not representing one bargaining unit member against another.

Service to the needs of NTEU members should be our guiding principle as Stewards. Opportunity to serve as a chapter representative can be a most challenging and rewarding experience. Success comes to those representatives who are committed. Not only to providing effective representation at the worksite, but by also involving employees in positively affecting the workplace.

It is in times such as these that our members need to know that the Stewards of Chapter 46 are committed and fighting for them and it is my privilege to serve as your Chief Steward along with all your local Stewards. Seek us out and together we can help improve the lives of our members.



Drawing Winners

Anita McDowell was the winner of the 42-inch Sanyo High Def LCD television. Sheri Durfee was the winner of the Kindle. Gift card winners were Nell Hamm, Edward Lewis, Cynthia Youngblood, Teresa Rosales, Kenneth Harris, Joane Montecalvo, Lisa Wynn, Wilhemina M. Daniels, Maxine Coleman, Dan Stalling, Felecia D. Wigenton, Kevin Anderson, Melba Hamm, Charro Perry, and Juan Escanuela.



The Real Cost of Not Being a Member

[Editors Note -- Special thanks to John T. Kelshaw, President, NTEU Chapter 60, New Jersey for allowing us to reproduce in part this information that first appeared in the October 2011 edition of *Watchdog*.]

As we go through our normal worklife, concentrating on various day to day activities, we just automatically endeavor to do our jobs in the best possible manner. This includes not only arriving for work timely and putting in an honest effort throughout the day. When we were given the opportunity to join NTEU when we were first hired, we did not hesitate because it was just the right thing to do. In my case, the very first day that I started with the IRS back some 24 plus years ago, I took the oath of office as a federal employee and joined NTEU. There really wasn't a question in my mind whether or not to join. It was just something that needed to be done and I have never looked back on that decision. Most of us made this same choice. It was in fact "just the right thing to do." A few years later, I decided to contribute even more to NTEU by volunteering my services as a Steward. As part of that job, Stewards are often in the position to speak to those individuals to choose not to become an NTEU member.

Whenever we approach a non-member about joining NTEU, it seems the most common reason for declination is the monetary cost. This seems especially true in light of our current pay freeze and the ever growing discussion of even further reductions in our pay by either extending the pay freeze, extending the freeze to include step increases, reduction in the awards pool, and increasing our portion of contributions to the retirement fund.

So, yes on the surface that is a valid concern. There is a reduction in your take-home pay that you can physically see on your earnings and leave statement. Now, the point is that what most people don't realize is that the benefits acquired by NTEU through strong membership far exceed the dues paid over the course of a career. These benefits include flexiplace, transit subsidies and awards just to name a few. These are hard won benefits and they didn't just fall from the sky. No

one in Washington woke up one morning and decided to give federal employees a new perk. NTEU gained these benefits through negotiation and litigation, and the value of those benefits far exceeds the membership dues.

In a way of illustrating this point, let's use Jane as an example. Jane is a grade 11, step 2 Revenue Officer in the North Fort Worth, TX Post of Duty. She works occupational flexiplace and pays \$17.19 per pay period in dues. Jane typically reports to the office or the field two days a week and works at home three days a week. She lives twenty miles from her Post of Duty and drives a vehicle that averages twenty miles to the gallon, thus she needs two gallons of gasoline at a cost of \$3.10 per gallon to complete her daily commute. It costs Jane \$6.20 per day to commute to the office, so every time she works at home she saves \$6.20. She does not have to commute six days during the pay period, so she saves \$37.20 every pay period by working at home. That's more than double her dues. And this calculation doesn't include additional savings attributable to wear and tear on the vehicle as well as a reduced car insurance rate for less annual driving or the Liberty Mutual discount just for being an NTEU member. So when you offset the transportation savings against her dues, Jane comes out \$20.01 ahead every pay period. The savings would be even greater if Jane worked in the downtown Dallas POD that readily accessible to mass transit. Thanks to the transit subsidy, Jane would receive up to \$230 per month toward her commuting costs via mass transit. That's \$2,760 per year that Jane would save on bus, subway and/or train fare that she would have otherwise paid out of her own pocket.

Jane is also a very skilled Revenue Officer. Because of her outstanding performance, she earned a performance award in the amount of \$1,675. If Jane sustains her outstanding performance for the next two years, she is entitled to receive a quality step increase, (QSI). For those who worked here prior to the QSI settlement agreement, employees with perennial outstanding appraisals would consider themselves extremely fortunate if

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they received one QSI during their entire career.

Don't imagine for a minute that the Agency would have granted any of these benefits without NTEU's hard fought efforts. We remember how managers literally kicked and screamed when flexiplace began. Does anyone really believe that management wouldn't want to redistribute the Agency's award budget amongst its own ranks or send its managers on another nationwide junket to this year's trendy hot spot?

Thanks to NTEU, Jane saved \$20.01 every pay period on commuting costs, and she received another \$1,675 for her exceptional performance.

We didn't even discuss the pay raises that NTEU was able to secure over the years. From the period of 2001 through 2006, the difference is over \$12,000. Additionally, there are group discounts, employee suggestion awards and other perks that improve our work life. When you do the math, it's obvious that a little goes a very long way. It's the epitome of the old adage, penny wise and pound foolish. So, the next time that you overhear a non-member boasting about how they save money by being a non-member, ask them to forgo flexiplace and return their performance awards and/or transit subsidy to the agency.

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Consumers Checkbook.

Guide to Health Plans

Open Season is now upon us. It is that time of year for us to review our current health and dental insurance plans to insure we have the proper coverage. One of the resources that is available to is Consumers' Checkbook's online Guide to Health Plans for Federal Employees and Annuitants

To take advantage of this information, the guide is available through NTEU's web site, www.nteu.org, in the "Member Benefits" section throughout Open Season (November 14 – December 12, 2011). It will remain available throughout 2012 for NTEU members who are new hires or are current enrollees with a qualifying life event change.

CHECKBOOK's Guide to Health Plans for Federal Employees provides insurance information for comparison of various health plans that can enable you to save money by changing or staying in your current health insurance plan. The information summarizes thousands of facts about the plans.

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"Hi, I'm Jerry, the motivational speaker... so rah, rah, rah... let's get back to work."

Steward's Scene

By Daniel Gonzalez

A Report: Employee Health Concerns in the Dallas Call-Site

Take a moment to imagine an unreal workplace that's so concentrated on production, statistics, and numbers, that the people in charge play ignorant to the fact that a couple of, if not a few of, the employees in that workplace are feeling ill on a certain day, and can't really be counted on to perform. Normal logic would dictate that perhaps those employees who are feeling ill should be given a fair opportunity to at least take a "time out," or even better, be allowed to go home for the day to either rest, and/or seek medical attention. It's a scary thought that unfortunately is a reality within the Dallas Call-Site. Over the past few months, there have been at least three instances where an employee's health played second fiddle to the ridiculously important, over-emphasized, staffing needs.

The instances that have occurred in that call-site are ones that all employees, not just NTEU, have found alarming. Specific instances and names won't be mentioned in this space, but most of us are aware of (or can ask someone else to find out) the horror stories involving management's brainless denial of sick leave, and the resulting outcomes. It goes without mentioning that these situations not only cause unneeded stress to all employees, but they create a hostile atmosphere, one that is counterproductive to our mission. Seriously, how can employees in that call-site be at their best to provide top quality service to America's taxpayers when management can't provide them top quality assistance in addressing their health needs? Is management so intent on making a point that staffing is so important they're overlooking a basic human right?

These concerns that have been brought to our attention have been overwhelmingly terrifying. The overall feeling is not just concern, but more like a fear, over management's harassing and bullying of employees

when they feel the need to either leave early, or be absent from work because they are not feeling well. Employees who are not properly educated on what their rights are when it comes to requesting sick leave are so afraid to ask for it, they are literally sacrificing their health. NTEU gives this bit of advice in response: Please know what your rights are; if you don't feel well, don't let management bully you into coming into work or staying here. Call 911 if you really feel that bad.

No employee should ever feel intimidated, or especially afraid, to request sick leave. The National Agreement II, and NTEU, both are here to protect your rights. Article 34 of the contract discusses your rights when requesting sick leave, specifically, Section 3, paragraph A: "The Employer may grant sick leave only when the need for sick leave is supported by administratively acceptable evidence. The Employer will consider an employee's self-certification as to the reason for his or her absence as administratively acceptable evidence, and will not require a doctor's certificate, for absences of three (3) consecutive workdays or less" That means, that by telling your manager you feel sick, that is enough evidence to support that you are sick and don't need anything else, especially if you need to stay home, or need to leave work early. Also in Article 34, Section 2, paragraph B: "Employees encountering the need for unanticipated sick leave, which could not be requested in advance, must notify their supervisor as soon as possible." Just remember, you don't have to let someone else tell you that you don't feel sick enough to come to work, or that you are not sick enough to leave.

In the last several months, we've had employees who have come to work, said "Good morning" and had casual conversations with us in an everyday manner, with no obvious intention of letting their health deteriorate. Little did we know it'd be the last time we'd see that person. It's sad to think these employees were in bad health to begin that day, but nobody can express how horrible it is to know that they were denied the chance to do something about it. We can only imagine management's poor defense for denial of sick leave requests perhaps being that an employee

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had a bad reputation for misusing, or even abusing, sick leave. Everyone should know one thing: that does not matter! Ill still means ill, health concerns are still health concerns. Sick is sick.

So it begs the question: Is the only way that an employee can find peace in the call-site over his/her health concerns really to meet an unfortunate, untimely demise? It most definitely should not be, and that's

where an employee's rights should be well understood, and more importantly, followed. Remember, NTEU can make sure those rights are fully protected. If you have concerns, or questions, use the rights that you are guaranteed, and talk to us. And remember, if you feel sick, you will be the one who makes the right choice regarding your own health.

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NTEU Chapter 46

Open House



December 21, 2011

from 1:00 p.m. to 4:00 p.m.

Room 833 1100 Commerce Street

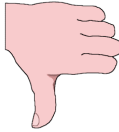


*Come join us in the
Union Office for some
holiday refreshments*

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Thumbs up to the frontline manager in the call site that set up a computer to provide information on employee services and scheduled a Webinar to assist employees in dealing with holiday related stress.



Thumbs down to the Official Time Coordinator who failed to provide any flexibility in a recent encounter to attempt to allow a steward more hours to perform representational duties.

