



## Chapter 97 Looks Back on 2017

The year 2017 was a very busy year for NTEU Chapter 97.



Participation skyrocketed amongst its members with many members coming out to participate in lunch and learns, retirement sponsored events, National President Tony Reardon's visit to Fresno, the Chapter's first "Members Only" Health Screening and Health Fair, NTEU Nights with the Fresno Grizzlies, multiple letter writing campaigns and monthly contests/giveaways.

Members spoke out and sent over 6,000 letters to Congress, which included a letter on Saving Jobs in Fresno after the news in late 2016 regarding the closure of the Submission Processing site. Members also participated in Labor Recognition activities, which included a free lunch, a Fresno Fair themed basket raffle, a Samsung Tablet raffle, an "IT" themed raffle basket and goodies just for attending. Chapter 97 closed out 2017 with its Annual Members only Christmas dinner, which included a special appearance from Santa.

NTEU Chapter 97 is setting new goals in 2018, which includes a projected 10,000 letters to Congress and more member events. Members are encouraged to check breakroom bulletin boards, Official bulletin boards, the Chapter's website ([www.nteu-97.org](http://www.nteu-97.org)) or the Chapters Members only Facebook page (NTEU Chapter 97) for details on special or upcoming events.

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### Special points of interest

- Government Shutdown
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- Have a tax issue? Find out what to expect or do next.
- Take the Island Waterpark Season Pass Survey
- Top 5 letters to Send to Congress
- Chapter 97's Legislative Committee goes to Washington, DC



## CHAPTER PRESIDENT'S CORNER



Chapter President Jason Sisk

### Action Alert:

#### Top 5 Letters to Send to Your Congressman:

1. Ask Congress to keep the government open and to ensure that federal employees remain on the job and are paid on time.
2. Urge your Representative to oppose unfairly targeting federal employees by limiting worker union rights.
3. Ask your representative to oppose HR 1364 on Official Time.
4. Ask your Members of Congress to Save IRS jobs in Fresno.
5. Ask your Members of Congress to cosponsor the Fair Act, a bill which would provide employees with a 3% pay increase for calendar year 2019.

*To find these letters, and other letters tailored to Federal employee issues, please visit [www.nteu.org](http://www.nteu.org).*

#### **CAUTION: DO NOT SEND FROM A GOVERNMENT COMPUTER**

*Use your personal device before or after your TOD or during your lunch. Send NTEU a copy of the Thank You Confirmations for a chance to win a monthly prize.*

***The more letters sent = more raffle tickets and more chances to win!***

Federal employees were once again impacted because Congress failed to pass a budget or agree to another Continuing Resolution. We are tired of being political pawns and many of us took action. NTEU Leaders made phone calls, wrote letters, and got our members involved to make a difference.

NTEU previously worked with elected representatives to put forth a Bill that would assure federal employees impacted in these scenarios get paid. HR 4827 and S 2274 would require retroactive and swift pay for those required to work during shutdown as well as those prevented from working as scheduled. This is a bi-partisan Bill.

Friday morning Congressman Costa's office contacted me several times inquiring about the number of IRS employees who would be put out of work here in Fresno and how many were being required to work with their pay indefinitely delayed. Later in the day I became aware Costa had not co-sponsor the above bill. I immediately gathered some information and shared with his office the importance of this legislation for us and made it known that we knew he hadn't yet signed on for some reason. After they reached out to their D.C. office, Congressman Costa's Director of Constituent Services contacted me Sunday, verifying they are signing on as a co-sponsor! Together, we need to continue to make the calls and keep contacting Congressman Devin Nunes and David Valadao to support this legislation also.

**WARNING**



### Failure to File or Failure to Pay Can Result in Proposed Discipline!

Chapter 97 has been seeing an increased amount of tax issues amongst employees over the last year and wanted to share some helpful hints to prevent from being a victim of a proposed letter of Admonishment, Reprimand, Suspension or Removal and what to do if you find yourself in a tax related situation.

1. Ensure all Federal and State taxes are paid by the due date. **Extensions to file or pay will result in an interview and potential tax issue.**
2. Reply to all notices from the Employee Tax Compliance Department. If you do not know how to reply or if you should have questions relating to the letter, contact NTEU for help. **DO NOT ignore the letter.**
3. If asked to go to an interview to discuss a tax related issue, **DO NOT GO ALONE.** Contact NTEU right away!
4. If you should receive a letter proposing a suspension or removal, contact NTEU right away. Adverse actions need to be brought to NTEU within **7 days of receipt** of the proposed action.
5. In order to be represented by NTEU in the oral reply process, the employee **must be a member.** NTEU is not required to represent non-members in proposed Discipline, EEO or unacceptable performance cases.

## CHAPTER VICE PRESIDENT'S CORNER

With the news of the recent Government Shutdown, many employees were left in the dark, deemed essential or non-essential and faced uncertainty in regards to their pay. NTEU leaders immediately contacted local representatives to voice their concerns and asked for their assistance in the matter while others sent out plea's to its members to write or call their congressman directly.

The Chapter's facebook page was updated 16 times since the news broke and provided information, links, phone numbers, addresses, and Messages from NTEU National.

In the event of future shutdown, members are encouraged to plan ahead and have resources ready. Information on the shutdown can be found at [www.irs.gov/employee](http://www.irs.gov/employee), calling the emergency hotline at 866-743-5748, [www.irs.gov](http://www.irs.gov) (type in Employee Emergency in the search window), [www.nteu.org](http://www.nteu.org), NTEU Chapter 97 Facebook (closed group), National Treasury Employee's Union Facebook page, and [www.hco.web.irs.gov](http://www.hco.web.irs.gov). It is encouraged to have phone numbers for immediate managers, department managers and operations managers prior to the shutdown.

On Feb 5th, 2018, Chapter 97's Legislative Committee will be heading to Washington DC and plans to discuss the recent shutdown, the proposal to close Fresno Submission Processing and the four 2018 legislative topics regarding Pay, Workplace Fairness, Agency Missions and Federal Employee Benefits. Look for updates on the chapter's website and facebook page.



Chapter Vice President  
Marcella Gutierrez

### Member Discount



Members,

If you like great **BBQ**, You'll love this!!  
**Maw n' Paw BBQ** has teamed up with NTEU to offer the  
Members of Chapter 97 a discount on their meal purchases.

Enjoy a free small drink with the purchase of any meal.

Orders can be purchased in person or online at:

<http://www.bbqorder.com/>

**Note: To receive your discount, please show your NTEU card at the register!**



Offer not valid on side items

**Location: 2686 N. Clovis Ave (Across from the Fresno Airport) Look for the Smoker! To view the menu, please visit [www.mawnpawbbq.com](http://www.mawnpawbbq.com)**



### NTEU Chapter 97 Needs to Hear From You!

In an effort to ensure members have the tickets they need for the summer months ahead, Chapter 97 is surveying its members and asking they provide a pre-order amount of the Island Waterpark Season Passes needed.

No money is due at the time of the pre-order!

The pre-order will only help determine the number of tickets needed in May when the park opens and will secure tickets.

Please contact Marcella Gutierrez at 559-454-7229 or via email at [www.nteu.org](http://www.nteu.org) if interested in preordering tickets!

Members pay 2017 prices in 2018. No price increase!  
Island Water Park Season Passes will be \$50.00 again!

Note: Prices for 2018 will be posted once all theme park prices have been received. Expected timeframe: May 2018.



# Not So Fast Management, There's a Contract to Follow

Receipt and Control day shift employees contacted NTEU after receiving a verbal warning in writing for alleged "foul language." Research showed the memorandums issued to the employees were based on hearsay and incorrectly stated the alleged conduct issue would affect performance. Assistant Chief Steward, **Adelena Garza**, informally met with the frontline manager to discuss IRM 6.751.1.16.2(6) and pointed out oral counseling leaves no record. As a result, the memorandums were removed.

Data Conversion day shift employee contacted NTEU after being charged more leave than requested. Research showed management informed the employee that she must report her lunch in her leave request. Assistant Chief Steward, **Terrie Laney-Brown**, contacted the department manager and advised her that lunch is unpaid by the agency and advising the employee to report leave for her 30-minute lunch was a violation of FLSA. As a result, the employee did not have to request the additional 30 minutes in her leave request.

Data Conversion swing shift employee contacted NTEU after receiving an annual appraisal that was not indicative of his performance. Research showed the employee was lowered to less than fully successful in CJE V without the proper counseling. Stewards **Corina Relingo & Alicia Sarabia** filed a grievance based on Article 12 Section 4L. As a result, the Annual Appraisal was amended and his CJE V was raised to Fully Successful. \$\$

Data Conversion day shift employee contacted NTEU after receiving 8 hours of AWOL. Research showed the employee filed an OWCP claim and was absent due to the work-related injury. Assistant Chief Steward, **Adelena Garza**, informally discussed the employee's entitlements with the Department Manager, per IRM 6.630.1.10(1)(c). The AWOL was immediately removed and changed to LWOP. After the meeting, Management attempted to issue a LWOP Notification after agreeing to remove the AWOL. The memorandum was removed as well.

Input Correction day shift employee contacted NTEU after receiving an annual appraisal that was not indicative of his performance. Research showed management did not consider all duties performed by the employee during his rating period and based the annual appraisal solely off of MEPS. Assistant Chief Steward, **Terrie Laney -Brown**, filed a grievance based on the Article 12 Sections 2, 4, and 15 violations and argued that there was absolutely no justification for lowering the grievant in CJE V from the departure he received prior to furlough. As a result, management agreed to raise CJE V from a "4" to an unmeasured "5". \$\$

Data Conversion swing shift employee contacted NTEU after receiving an annual appraisal that was not indicative of his performance. Research showed that the employee was lowered in CJE V without the proper counseling. Steward **Alicia Sarabia** filed a grievance based on the Article 12 & IRM 1.4.1.7 violations. As a result, the Annual Appraisal was amended and CJE V was raised from an overall 2 to an overall 3. \$\$

Receipt and Control day shift employee contacted NTEU after not being called to duty timely. Research showed the employee was not returned in release recall order and missed out on a 6-hour shift. Assistant Chief Steward, **Terrie Laney-Brown**, contacted the Department manager and advised him that Article 14 requirements were not followed and that the employee was not returned in release/recall order. As a result, management agreed to pay the grievant for 6 hours. \$\$

Receipt and Control day shift employee contacted NTEU after not being returned to duty in release recall order. Research showed management failed to make appropriate or timely contact with the employee resulting in 145.5 hours of pay. Chapter Vice President, **Marcella Gutierrez**, filed a grievance based on the Article 14 Section 7 violation and was able to show management failed to call the employee and sent the return to duty letters 2 weeks—a month late. As a result, the employee was awarded 145.5 hours of back pay. \$\$

Entity/1040x swing shift employee contacted NTEU after receiving a proposed removal letter. Research showed the agency proposed to remove the employee based on unacceptable performance (failing in CJE V). Submission Assistant Chief Steward, **Dawn Horton**, requested the oral reply on behalf of the member, was able to show management failed to follow its own procedures, and failed to follow Article 40 Section 1D, 5 CFR 432.104 and 5 CFR 432.105. Dawn was also able to prove management only provided 1 hour of coaching and failed to meet with the employee consistently to ensure performance improved. As a result, management rescinded the removal and ensured the employee will return without a break in service for the 2018 tax season. \$\$

Entity/1040X day shift employee contacted NTEU after receiving a letter proposing a 6 day suspension. Research showed the proposed suspension was based on 15 minutes of AWOL over a 9 day period for a total of 2.3 hours. Submission Assistant Chief Steward, **Dawn Horton**, filed the oral reply based on the Article 5, Article 38, and IRM 6.751 violations. Management agreed to reduce the penalty to a 3 days vs. 5 and suspended the grievant. NTEU filed another grievance, grieving the 3 day based on inconsistency of penalty and IRM 6.752.1.9. As a result, the grievant's penalty was reduced to 1 day and 2 days of back pay were awarded. \$\$

Receipt and Control day shift employee contacted NTEU after receiving an annual appraisal that was not indicative of his performance. Research showed the employee's efficiency fell to a less than fully successful level after being asked to perform measured work outside his normal programs. Chief Steward **Jack Miller** and Steward **Lupe Anguiano** filed a grievance based on the Article 12 violations, was able to show how the additional program contributed to the decrease and how the grievant was slightly over 1 doc away from being fully successful. As a result, the DM agreed to raise CJE from a measured "2" to an unmeasured "3". \$\$

# AM Stewards Keeping Employee's Rights from Being Violated

Accounts Management day shift employee contacted NTEU after being denied 8 hours of advance sick leave. Research showed the employee provided the manager with a note from the doctor and followed the requirements outlined in Article 34 Sections 3 and 6. AM Steward, **Laura Shoffner**, requested to meet with the Operations Management, argued that all contractual requirements had been met and was able to show the note issued from the employee's doctor, referenced the employee being incapacitated for a specific duration of time. As a result, the 8 hours of advance sick leave was approved. \$\$

Accounts Management swing shift employee contacted NTEU after learning she was charged 54 hours of AWOL. Research showed the employee requested a Leave of Absence and was never told the request was denied. Upon return, the employee discovered management charged AWOL vs LWOP. Chapter Vice President, **Marcella Gutierrez**, filed the grievance based on the Article 32 Section 9 and Article 35 Section 2 violations and was able to show the employee was never informed as required by contract and pointed out that the LOA request met the contract guidelines. As a result, the AWOL was removed and changed to LWOP.

Accounts Management day shift employee contacted NTEU after being denied a permanent part-time work schedule. Research showed the employee was experiencing child care issues and management denied the hardship on a permanent basis but approved the ee's hardship for two weeks only based solely on being probationary. AM Steward, **Laura Shoffner**, met with Operations informally and argued the employee's right to request an AWS schedule per Article 37 (3), management's requirement to provide part time job sharing opportunities for employees in Article 33 Section 7 and the employee's entitlement to part-time per Article 23 Section 3. As a result, the employee's permanent part-time schedule was granted.

AM Swing Shift employee contacted NTEU after receiving 1 hour of AWOL. Research showed the employee requested Family and Medical Leave (FMLA) but was denied and charged AWOL based on management assertion that the employee did not have an FMLA issue. AM Steward, **Christian Tiscareno**, met with management informally, as a result the AWOL charges were removed and changed to FMLA.

Accounts Management day shift employee contacted NTEU after being charged AWOL. Research showed the employee requested 1 hour of LWOP, but was charged 1 hour of AWOL. NTEU Steward, **Laura Shoffner**, immediately contacted management, argued the AWOL, informed management the AWOL was not justified per IRM 6.630.1.13 and was able to show the LWOP request was substantiated. As a result, Management agreed to change the AWOL to LWOP.

AM Swing shift employee contacted NTEU after receiving 8 hours of AWOL. Research showed the employee requested LWOP but was charged AWOL for having insufficient leave and not providing medical documentation. AM Steward **Christian Tiscareno** filed a grievance based on Article 32 and 34, he was able to prove the employee did in fact follow leave procedures; as a result, the AWOL charges were changed to LWOP.

AM day shift employee, contacted NTEU after being charged a total of 10 hours of AWOL. Research showed the manager charged the employee AWOL based on not having enough leave on the books to cover the absences. Assistant Chief Steward **Eddie Valdez** met with the Department Manager, argued Article 32 Section 9, management's failure to follow IRM 6.630.1.13 and addressed the multiple settlement agreements that resulting in LWOP in same scenarios. As a result, management agreed to remove the AWOL and replace with LWOP.

Accounts Management day shift employee contacted NTEU after being placed on a Sick Leave Restriction Letter. Research showed the manager referenced both sick and annual leave in the memorandum and tried to combine both uses to warrant the restriction letter. AM Steward, **Laura Shoffner**, filed the grievance based on the Articles 32 and 34 violations and was able to show that management did not follow the proper or correct steps in regards to issuing a SLRL. As a result, management agreed with NTEU and recognized that Annual and Sick leave cannot be combined as one and agreed to remove the SLRL.

Accounts Management day shift employee contacted NTEU after receiving an annual appraisal that was not indicative of his performance. Research showed two of the five Critical Job Elements were lowered without proper counseling, notification to the employee or justification. AM Steward, **Laura Shoffner**, met with management informally, provided the mid-year, and was able to prove that management had no basis for lowering the employee's annual appraisal. As a result, the annual appraisal was raised to its original rating.

IDTVA day shift employee contacted NTEU after being denied overtime. Research showed the employee returned to work after being off for a period of time but management failed to complete the proper paperwork to ensure the employee was able to get on the system. AM Assistant Chief Steward, **Eddie Valdez**, immediately contacted management and stated other employees in similar situations, had been able to take default screening calls while the paperwork was being input. As a result, the employee was allowed to make up all overtime missed once back on the system. \$\$



EVERY FEDERAL EMPLOYEE  
SHOULD BE TREATED WITH  
DIGNITY AND RESPECT.

SINCE 1938, NTEU has been driven by that principle.

I support the union that supports me. **NTEU**  
I SUPPORT NTEU. The National Treasury Employees Union

WWW.NTEU.ORG



National Treasury  
Employees Union  
Chapter 97

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Website: [www.nteu-97.org](http://www.nteu-97.org)

Find us on Facebook at:  
NTEU Chapter 97



**Congratulations August– January NTEU  
Chapter 97 Monthly Winners:**

Krista Silveria, Jose Aragon, Pamela McDowell,  
Gustavo Quiroz, and Maria Diaz.

**Enjoy your Maw-N-Paws BBQ Gift Card!**

### Top 5 Grievances What to Expect and What to Do Next

- 1. AWOL**– Article 32 Section 9 states employees will be notified **in writing** no later than the end of the pp or within 2 workdays if the AWOL occurred during the last 2 days of the pp. Timeframe to notify the union= within 15 days of becoming aware of the AWOL charge.
- 2. Performance Appraisals**— Article 12 Section 4 outlines the requirements of mid-years, departures, when to do a self-assessment, management's responsibility to discuss the appraisal and more. Timeframe to notify NTEU= within 15 days of receipt.
- 3. Release/Recall**– Article 14 outlines procedures on releasing and recalling employees from and to duty. Article 14 also covers skills and recall for appointment types other than season. Timeframe to file a grievance= 15 days of awareness date.
- 4. Taxes**– (Proposed Discipline)- Articles 38 outlines disciplinary actions of 14 days or less and Article 39 outlines proposed adverse actions of more than 15 days to a removal. Oral Replies are requested for members and must be requested within 7 days. NTEU is not obligated to represent non-members in disciplinary actions.
- 5. False or Misleading Information**– This will result in disciplinary action and can range from a Written Reprimand to Removal. Never falsify a doctor's note especially if trying to avoid an AWOL charge. A grievance can be filed on the AWOL. If being proposed a suspension or removal, an oral reply can be requested for members but must be done within 7 days of receipt.