



The Defense 14

The Fight Continues...Are You In?

September 2016—Volume 22



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ELECTION RESULTS

Labor Recognition 2016 Downtown St. Louis

Tony Reardon, NTEU's National President, recently visited the Robert A. Young Federal Building here in Saint Louis. Thanks to you (our members) and the home-grown Cardinal's Nation atmosphere, Reardon had a great time sharing his vision for the Union as a whole. He fielded many questions, from Telework to "no-work" and spoke to many employees one-on-



one as Chapter Leaders served up hot chicken & potatoes, pasta salad & drinks along with Grandma's Cookies! It was a delightful day spent in recognizing all of your hard work as Federal Employees. We know that you are faced with many

attacks from Capitol Hill and we take great pride in representing you with lawmakers. Our members not only got to enjoy an awesome lunch but a gift like none other. The Portrait Day-Timer & Calculator is sure to keep you up-to-date with a pic!!!!



We are very happy to report that NTEU and W&I have reached an agreement over the implementation of a CSR Telework "Proof of Concept" (POC) under which approximately 280 AM and ACS employees at a number of locations (45 in Saint Louis), who are eligible and volunteer, will be approved for Telework.

Continued on page 2—Telework

This Month's Highlights!

- Chapter Election Results!
- Telework Proof of Concept
- Labor Recognition 2016
- Watch Party Event!
- Registered to Vote?
- Pre-Arranged Annual Leave
- Reminder—Settlement Hours



NTEU

The National Treasury Employees Union
Chapter 14 • St. Louis, Missouri

\$50 Cash For Recruits!

Remember — Chapter 14's 2016 Recruitment Campaign will end on September 30th, 2016. Chapter 14 will pay **\$50** for every new Form 1187 signed by a bargaining unit employee during our campaign period. There is strength in numbers!



Telework

PROUD
*****to be
NTEU14

The bargaining for Telework, which included your Chapter President (Pamela Sturm), began in January 2015. After the IRS completed a technology pilot and determined that it was feasible for CSRs to perform their work at home, the negotiations over the CSR Telework POC got bogged down from about February 2016 to August 2016 after W&I insisted that it be permitted to use Aspect reports in an unlimited manner to evaluate the CSR employees who participate in the POC and telework. The parties' Customer Service Agreement contains language (Part II, Section 1D) that limits a manager's right to use Aspect reports for evaluative purposes. Specifically, the CSA states, in relevant part:

- 1) The Employer has determined that Reason Code data reports will be used solely for real time management of call volumes and that information obtained from Aspect, or the use of Reason Codes by employees, will not be used to create a numerical rating for an employee.
- 2) The information obtained from Aspect or the use of Reason Codes by employees may, however, be used as a performance indicator. For these purposes a performance indicator is merely something that alerts a manager to more closely observe or monitor an employee's work more closely.

In the CSR telework negotiations, the IRS stated its managers needed to use the Aspect reports, such as the sign-in, sign-out logs, lunch and break records, and even average

handle time reports, for evaluative purposes because it would "no longer be able to physically observe" and/or monitor the work being performed by AM and ACS employees. The IRS also made several legal arguments about the use of Aspect reports for CSRs/CRs who may telework. For example, the IRS contended that Aspect reports constituted "technology" or methods and means of performing work, which are permissive subjects of bargaining under the Statute. The agency told NTEU that because it has elected not to bargain over such matters, it could utilize Aspect reports in whatever manner it wished. The IRS also claimed that it was not bound by the Aspect provisions of the CSA because telework "was not contemplated" for CSRs and CRs at the time the CSA was negotiated. NTEU pointed out that the Federal Labor Relations Authority has issued a number of decisions in which it ruled that it is a negotiable proposal for a party to require the opposite party to abide by existing collective bargaining agreements between them (i.e., the CSA). NTEU also pointed out to the IRS that the specific language in Part II, Section 1D of the CSA contains the phrase

"the Employer has determined," which constitutes a unilateral policy determination by the Employer which could be changed during the term of the agreement. This language is addressed by Article 1, Section 5 of your 2016 National Agreement, which states that while the IRS is authorized to change the policy, it can only do so after it has given NTEU notice and an opportunity to bargain over the change. We maintained that such a process would require the CSA in its entirety to be opened. Imagine that idea!

At the end of the day, IRS recognized and agreed that the CSA language (Part II, Section 1D) constitutes a unilateral determination of policy that can only be changed by providing NTEU with notice and bargaining pursuant to Article 1, Section 5. This means that the protective language in Part II, Section 1D of the CSA will apply to the CSRs who volunteer for telework under this POC. While bargaining took 20 months to complete, NTEU never wavered in its goal to ensure that CSRs and CRs who telework are afforded the same rights and protections in the CSA that all other CSRs and CRs enjoy. That's a win!



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Pre-Arranged Annual LEAVE

Open Season for Pre-Arranged Annual Leave is here! The period covers time needed for January through December and is open for your requests until the 30th of September. The approvals will be out by October 15th!

ARE YOU REGISTERED
TO VOTE?



Chapter 14 wants all of our members to know that the last day to register to vote for the November 8th General Election is October 12th, 2016. Make sure your voice is heard with being a registered voter. You've got the POWER!



Get yours today! Lunch Bags (\$3) and the Messenger Bags (\$5)! The Pen & Calendar Sets are \$1—FIRE SALE! Purchase YOURS today!



NTEU has made it possible for employees who served sequester related, unpaid furlough days to receive six additional hours of leave. The union settled with the IRS a grievance, filed in June 2013, alleging that the IRS unilaterally implemented unpaid furlough days without completing bargaining with NTEU. At the time, NTEU proposed that IRS allow employees to choose their unpaid furlough days at times when

Furlough Settlement Hours—Don't Forget To Use YOUR Hours! (expires September 30th)

they were already scheduled to take leave. IRS instead decided to shut down the agency for three days while talks were still underway. An arbitrator ruled in NTEU's favor and called for the parties to negotiate a settlement. As a result, affected employees will be granted six hours of leave that must be taken between **Oct. 1st, 2015 - Sept. 30th, 2016**. So who is eligible? All employees who served an unpaid furlough day during 2013 are eligible. All impacted employees receive six hours, regardless of the number of furlough days taken. Employees must currently be

employed at the IRS to qualify for the leave. Here are some additional details: The leave must be taken in no less than one hour increments. If the six hours of additional leave (or any portion of it) is not taken by the time they retire, it is waived. Employees who are part-time who served a furlough day are entitled to the full six hours. We are pleased that our IRS employees will receive some remedy for the adverse impact of the loss of flexibility in taking unpaid furlough days. This is another example of how NTEU is looking out for you each and every day!

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★ NTEU CHAPTER 14 PRESENTS: ★

WATCH ★ PARTY

Join us at John D. McGurk's in Soulard

9.26.16

6:30pm to 8:00pm—Eat, Drink, Mingle & Relax

8:00pm to 9:30pm—Watch TV & Laugh

9:30pm & Beyond—It's Your World



Watch Party Address

John D. McGurk's in Soulard

1200 Russell Boulevard

Saint Louis, Missouri 63104

There will be appetizers and drinks available for members!

New Member Sign-Ups welcome!

RSVP Deposit Required—\$10 (per person) due by 9/23/2016

Deposit Returned Upon Arrival

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