



The Fight Continues...Are You In?

May 2017—Volume 30

## IRS vs. FLRA *Contracting Out at the IRS*



This month, NTEU Chapter 14 is highlighting how one of the many IRS faulty decisions had adversely affected employees. Without giving notice to NTEU or affording an opportunity to bargain, the Internal Revenue Service unilaterally entered into a contract with an outside vendor for supplemental information technology services. These IT services had been normally performed by bargaining unit employees. NTEU filed a grievance challenging the IRS's failure to bargain over this expanded use of contractor services, and the matter went to arbitration. The arbitrator found that IRS committed an unfair labor practice by failing to provide notice and an opportunity to bargain over the change to the union, and awarded back pay to bargaining unit employees adversely affected by IRS's unilateral decision to contract out the IT work. The FLRA upheld the arbitrator's award. Soon after, IRS petitioned for review of the Authority's decision by the U.S. Court of Appeals for the D.C. Circuit. NTEU intervened in the action. At the court's urging, in March 2016, the parties agreed to enter the case into the court's voluntary mediation program. During a mediation session on April 21<sup>st</sup>, 2016, the parties tentatively agreed that IRS would bargain over the impact and implementation of the successor contract to the contract at issue in this grievance. IRS also agreed to provide NTEU with information needed to craft a back pay remedy to compensate employees adversely impacted

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### A Message from National President Reardon

Largely unnoticed, unfairly criticized but indispensable to the well-being of every American. That's the federal workforce. You show up every day and get the job done even when you are under attack. I am proud to support you all year long and glad to have Public Service Recognition Week (PSRW) to push that message even further. This country does not fully understand all the work you do and how it benefits them. Overall, the federal workforce is highly-educated and skilled, filled with people who willingly work around the clock, every single day because they understand how important their work is. Everyone who takes a drink of water, breathes air or eats food relies on federal employees. Our bank accounts are secure because of federal employees, our borders are protected and hungry schoolchildren are fed, thanks to federal workers.

Without federal employees to collect the revenue to fund these services and the entire federal government, our country would grind to a halt. Because federal employees operate under the radar, NTEU is proud to be your voice, bringing your story to the halls of Congress, to the media, to every bargaining table and to courthouses where we stand up for you. We are also there to defend you against unjust attacks. Federal employees deserve better than to be targeted for cuts or to have years of dedicated federal service reduced to negative caricatures for political purposes. You live and work in cities small and big, and help make this great country. And while you don't have fame or fortune, federal employees do have pride in knowing that you have chosen to make a positive difference though public service. PSRW has been designated by the president and Congress as a time to publicly express the nation's appreciation of government employees and your work. I don't need a special week to do that—I am proud to do it every day and to take this opportunity to say thank you for your service.

#### This Month's Highlights!

- Public Service Recognition
- Cardinal's Ballpark Day!
- Increase Funding For IRS
- IRS vs. FLRA
- Going Postal
- Lunch & Learn May 16<sup>th</sup>!
- Did You Know?
- And In Other News...



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



Did you know that NTEU Chapter 14 fights for its employees...daily? One of the ways we fight is by enforcing our IRS/NTEU Agreement! Have you taken a look at your contract lately? For starters, your Representatives are afforded rights un-

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#### Contracting Out at the IRS Continued...

by the contracting out. NTEU sent its proposed back pay remedy to IRS in July 2016. After IRS indicated that it found NTEU's remedial proposal acceptable, the parties moved to drafting a settlement agreement memorializing their agreement. We expect the parties will execute this final agreement in the next few weeks and, then, begin working to implement the back pay remedy. Under the settlement, back pay will be calculated based on two factors: (1) the relative amount of routine desk-side IT work performed by contract employees in each location in which contractor employees were co-located with bargaining-unit employees IT office; and (2) an employee's demonstrated interest in performing overtime work as evidence by overtime actually performed during the recovery period. As earlier agreed, IRS will also bargain with the Union over the successor IT agreements in May 2017.

#### Did You Know Continued...

der Article 8 (Union Rights), for being your exclusive partner and/or representative in formal meetings. What does this mean? Let's look at what our contract says: "Notice to the Union of a formal discussion will be sufficient if provided to the Chapter President (i.e., the one whose bargaining unit members will be attending the discussion) and will include the name of the management representative(s) conducting the discussion, an agenda containing the general subject of the discussion and the location and time of the discussion. In the event fifteen (15) or more Chapters are impacted by any formal discussion, the Employer will provide notice to the three (3) Chapter Presi-

dents (with a copy to all other impacted Chapter Presidents) who represent the most impacted employees no less than five (5) workdays in advance of the formal discussion, unless circumstances require a shorter notice period. The notice will include the business division and the number of impacted employees at each location, and an agenda containing the general subject of the discussion. The three Chapters will be responsible for determining the one steward who will attend the discussion. The name of the designated NTEU representative will be provided to the IRS Labor Relations Strategy and Negotiations (LRSN) office. The Agency will announce the name of the steward at the beginning of the meeting." In short, formal meetings conducted by management should provide notification to our Chapter President (Pamela Sturm). This may then beg an additional question: "What is formal, for the purposes of a discussion with management?" Our contract reads: "For the purpose of determining Union representation rights and in addition to the formal discussions referenced in subsection 1A, above, the following will also be considered formal discussions: (a) orientation sessions, both group and individual; and (b) presentations by a representative of the Treasury Inspector General for Tax Administration and/or Labor Relations at training sessions." That's Power! So, how about one more *Did You Know* for the road?

### Did You Know?

The finest known example of an original one-dollar gold Bechtler coin is currently valued at \$85,500

For more facts and information about our Union, be sure and visit our website at [www.nteu14.org](http://www.nteu14.org)!

## Lunch & Learn

Hungry for success in your workplace? Or is that just hunger for food? Either way, NTEU Chapter 14 has you covered! We will be hosting a Lunch & Learn on May 16th from 11am—3pm (6<sup>th</sup> Floor Maya Angelou Room). The word on the street is: *we may have hot & tasty pizza for all of our members that come and support the letter writing campaign!* Why is this Lunch & Learn such a huge concern? Because if we don't help to make it easier for you to speak with your congressional leaders about the silliness they create, sadly, they will think all is just fine. And that's just not acceptable to leaders of NTEU Chapter 14! So come join us on Tuesday, May 16th (possibly on the 6th floor of the RAY Building) to get Lunch and to help Congress LEARN!



## Going Postal

A Postal Service worker has pleaded guilty to faking cancer in order to work from home and claim hundreds of hours in sick leave. Caroline Zarate Boyle, 59, of Highlands Ranch, Colorado was originally indicted in March. The allegations at that time said she faked having cancer in order to claim over 100 days of sick leave and be allowed to work from home. She effectuated this fraud by forging several doctor notes regarding her alleged treatment and e-mailing them to her supervisor. However, employees from the offices of the doctors involved told special agents from the United States Postal Service, Office of Inspector General

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**And In Other News...**

A federal grand jury in Georgia has indicted an Internal Revenue Service (IRS) employee for wire fraud and aggravated identity theft according to the Justice Department. According to the indictment, since November 2010, Stephanie Parker of Atlanta, Georgia, worked at the IRS and had access to taxpayers' personal identifying information, such as social security numbers and dates of birth. The indictment alleges that between September 2012



and April 2013, Parker exploited her IRS accesses to steal such personal information, which she then used to file tax returns seeking refunds in the names of other individuals. Parker allegedly directed the fraudulently obtained refunds into nominee bank accounts and used some of those funds to purchase money orders. An indictment is a formal charge of a serious crime committed. The defendant is presumed innocent until proven guilty. If convicted, Parker faces a statutory maximum sentence of 20 years in prison for each count of wire fraud and a statutory minimum sentence of two years in prison for the aggravated identity theft counts. She also faces a period of supervised release, restitution and monetary penalties.



*Going Postal Continued...*

that the notes were fake and Boyle had never received treatment there. Some of the notes had inaccurate information, including misspellings of the name of the doctor she was allegedly seeing.



[www.nteu14.org](http://www.nteu14.org)



[www.facebook.com/NTEUChapter14](http://www.facebook.com/NTEUChapter14)



**Increase Funding For IRS**

Representative Keith Ellison (D-MN) and 47 of his colleagues in the House sent an NTEU-supported letter to the Chairman and Ranking member of the House Appropriations subcommittee on Financial Services and General Government requesting \$12.9 billion in funding for the IRS in FY'18. In their letter to the subcommittee which has jurisdiction over funding matters related to the IRS, the members noted recent budget cuts have diminished the agency's ability to combat identity theft and other types of refund fraud, provide quality taxpayer services and has limited the IRS's enforcement of tax laws.



The letter notes that providing increased funding for the IRS in FY'18 would help restore taxpayer services to acceptable levels, enable further agency efforts to combat identity theft, and help generate revenue necessary to fund our government. NTEU Chapter 14 appreciates the strong support for increasing funding for the IRS in FY'18 and was happy to work with Representative Ellison to generate support for his letter. We will continue working with our supporters in Congress to ensure that the IRS is provided with the necessary resources to meet its taxpayer service and enforcement missions. For more information and to see what you can do, please visit our website: [www.nteu14.org](http://www.nteu14.org) today!

**St. Louis Cardinals**

NTEU Chapter 14 would like to gauge your interest! Join us to celebrate you this upcoming Memorial Day! Our Chapter is looking to schedule an outing at the Bank of America Club within Busch Stadium for a TOP SHELF fan-driven day-game experience. Many of your fellow employees expressed such high admiration for the Cardinal's game we held last time, we've got our eyes set to do it again...all for your enjoyment! Currently, prices are secured at \$50 each! Remember, any prices secured from the Cardinal's Field House will be marked down far less due to the huge number of persons in our party. Tickets are still available, so if you would like to buy, please drop a quick e-mail to our Communications Director Chris Ziegler: [Christopher.D.Ziegler@irs.gov](mailto:Christopher.D.Ziegler@irs.gov) explaining that you'd like to secure either one or two tickets as a member of Chapter 14. Also, as an added benefit, we are holding a recruitment drive for new members and we will offer one free ticket to our Cardinal's Game Day Event to the recruiter (or \$25 dollars), as well as one free ticket (or \$25 dollars) to the new member! You read that right! That's two (*you heard us*) TWO tickets that will go out, for each recruitment during this timeframe. Shoot us an e-mail or come visit us in the Union Office today! Why would we do something this insane you ask? Because our strength lies in our members, the more united we are as a whole, the more strength our voice has when we fight for YOUR rights.

