

NTEUBulletin

Insider’s Look Leaders Discuss Bargaining a Contract

NTEU has a reputation for negotiating the most innovative contracts in the federal sector. But the road from exchanging initial proposals to ratifying a final contract is often long and difficult. Over several weeks or months, NTEU bargaining teams sit across from management to hammer out the details of workplace rights, programs and benefits — one contract section at a time. The hours are long, and the talks grueling. Through it all, NTEU bargaining teams remain focused on what it’s all about. **You.** Here is a look at what it’s like to sit at the table and what your bargaining team members want you to know about the experience.

There is a saying that goes, “You don’t get what you deserve; you get what you negotiate.” Any NTEU bargaining team will tell you this is true.

“Our members would be shocked to know how far out management’s opening proposals are,” said Pam Sturm, president of Chapter 14 (IRS St. Louis). “The articles in your final contract are a far cry from what the agency first proposes.”

NTEU and IRS bargaining teams recently met for face-to-face bargaining over a new term agreement at NTEU headquarters in Washington, D.C. The negotiations were initially conducted over Zoom, but NTEU pressed for in-person bargaining after both teams received their COVID-19 vaccinations. Experience shows that face-to-face bargaining drives the parties to reach agreement.

“There is a real benefit to meeting in person and being able to read body language,” said Duncan Giles, Chapter 49 (IRS Indiana) president.

The union’s team is comprised of chapter leaders representing different IRS workplaces, positions and geographic locations, and is assisted by NTEU staff negotiators. There are two permanent members and four rotating members to ensure NTEU can represent as many employee perspectives as possible. Chapter leaders do extensive preparation before recommending any changes to the contract, that includes seeking input from members about their specific needs and concerns.

“The strength of NTEU is that we bring frontline perspective to the bargaining table, and work off those suggestions to improve the contract,” said Chapter 68 (IRS Andover Campus) President Gary Karibian.

“We’re fighting for every employee in every position,” added Chapter 10 (IRS Chicago) President Lorie McCann.

Because the IRS is such a large and complex agency, getting to the actual negotiations can be an arduous path. NTEU and IRS exchange proposals and counter proposals, often many times on a single issue.

This is when the bargaining team must also wear the hat of educator.

“Management sometimes doesn’t understand who we’re bargaining for and what’s actually happening on the job,” said Karibian.

What could be seen as a challenge, NTEU leverages into opportunity.

“We come out ahead because we are familiar with what employees need,” said Sturm.

For Chapter 50 (IRS North Carolina) President Nancy Armstrong, another obstacle the team encounters is the disconnect between what agencies say in public and how they may treat employees at the worksite.

“All this talk about appreciating employees doesn’t always translate at the table,” she said. “Career IRS employees have invested in the agency and they deserve respect.”

Sometimes the talks over an entire contract can stall over a single issue. A hot topic as the country looks to emerge from the pandemic is the ongoing access to telework for employees. NTEU is looking to increase telework where the pandemic revealed success in telework.

Although the IRS initially proposed to remain status quo with the same jobs able to telework prior to the pandemic, they have come around to the wisdom of maintaining telework for many occupations.

“The agency sometimes comes to the table with an agenda,” added Dulce Hernandez, president of Chapter 92 (IRS San Diego). “We don’t think about just retaining a benefit, we think about expanding what we have so the IRS can be a competitive employer.”

The NTEU team is also fighting for the right to have adequate time to represent employees in the workplace. For chapter leaders, this work encompasses broad representational matters including helping employees navigate workplace problems and filing grievances, if necessary.

“We are the answer people,” said Giles. “We have the institutional knowledge on everything from FMLA, to retirement, to COVID leave and paid parental leave. Management doesn’t realize that their managers are sending employees with questions to us.”

Still, at the heart of any negotiation is compromise, and experienced NTEU bargaining teams know when to push and when to meet the agency halfway. “It’s a constant trade off,” said Sturm. “But we always have the employees’ best interests in mind.”

NTEU 2021 IRS Bargaining Team

The bargaining team is comprised of chapter leaders representing different IRS workplaces, positions and geographic locations, and is assisted by NTEU staff negotiators. There are two permanent members and four rotating members to ensure NTEU can represent as many employee perspectives as possible.

| | | |
|--|---|---|
| David Carrone Chapter 6 (IRS Arkansas/Louisiana) | Autherine Wilson Chapter 47 (IRS Manhattan) | Debbie Mullikin Chapter 73 (IRS Cincinnati Campus) |
| Lorie McCann Chapter 10 (IRS Chicago) | Duncan Giles Chapter 49 (IRS Indiana) | Dulce Hernandez Chapter 92 (IRS San Diego) |
| Louis St. Laurent Chapter 11 (IRS New Hampshire) | Nancy Armstrong Chapter 50 (IRS North Carolina) | Jason Sisk Chapter 97 (IRS Fresno Service Center) |
| Pam Sturm Chapter 14 (IRS St. Louis) | Dana Brewer Chapter 52 (IRS South Texas) | Gibson Jones Chapter 98 (IRS Memphis Service Center) |
| Clemetine Glover Chapter 16 (IRS Jacksonville) | Jill Toliver Chapter 58 (IRS Buffalo) | Barbara Taylor Chapter 222 (IRS Houston) |
| Donna Roberts Chapter 18 (IRS Hartford) | John Kelshaw Chapter 60 (IRS New Jersey) | Larry Kakos Chapter 238 (IRS San Jose) |
| Brian Norton Chapter 24 (IRS Michigan) | George Schlaffer Chapter 62 (IRS Baltimore) | Shenetha Releford-Dickey Chapter 284 (IRS Atlanta Campus) |
| Terry Scott Chapter 26 (IRS Georgia) | Shannon Ellis Chapter 66 (IRS Kansas City Service Center) | Jim Bailey NTEU National Executive Vice President |
| Peter Robbins Chapter 32 (IRS Colorado) | Gary Karibian Chapter 68 (IRS Andover Campus) | Ken Moffett NTEU Director of Negotiations |
| Charleen Stephansky Chapter 34 (IRS Pittsburgh) | Cheri Brewer Chapter 71 (IRS Philadelphia Campus) | Doreen Greenwald NTEU Special Assistant to the National President |

The innovation and experience NTEU bargaining teams bring to the table help produce the strongest contracts in the federal government.

“What many employees don’t fully understand is that the benefits they enjoy, including telework, AWS and awards, were not handed to us,” said National President Tony Reardon. “We fought hard at bargaining tables to get them and it is NTEU teams who work to keep them in place and make the contract even stronger.”



Tony Reardon
National President

Paid Family Leave is Not a Perk

I don't normally get excited at routine partisan squabbling on Capitol Hill but the level of dishonesty and histrionics at a recent congressional hearing — at the expense of federal employees — was infuriating.

NTEU will respond to these insults directly and defend your honor, integrity and professionalism. And you should know that for every lie spewed, there was another member of Congress pushing back with the truth, correcting the record and commending federal employees.

But my goal is to alert you to the deceitful and offensive rhetoric about federal employees that has taken hold in some corners. You need to know what we are up against.

The opponents of a paid family leave program for federal employees had their talking points lined up and ready to go at this hearing in the House Oversight and Reform Committee, even if their point was unrelated to the topic at hand. For instance, they accused teleworking federal employees of being on a paid vacation and paralyzing the agencies where they work.

It's preposterous to even ask, but if hundreds of thousands of federal employees weren't doing their jobs for 16 months, don't you think someone would have noticed?

There was also a troublesome pattern of lawmakers who say they flat-out don't believe federal workers deserve paid family leave because: you will lie about needing it; it is an extravagance that we can't afford; you already have too much time off every year; and your need for such leave is a lack of personal responsibility.

That last one is especially galling. One member of Congress suggested that if you need paid family leave to pay your bills, then maybe you shouldn't get married or have children.

The lack of basic human empathy for our nation's civil servants was shocking, and I thought I was beyond being shocked by what a member of Congress might think about federal employees.



<https://twitter.com/GOPoversight/status/1408083141911363590>

Arguments about the cost of the program are a red herring. The government should support employees during difficult times as an incentive to attract and keep dedicated and trained workers. The costs of hiring and training new employees — some of whom require years of training for their positions — far exceed any costs of a paid family leave program.

Another lowlight was the bizarre idea that employers, including the federal government, should be trusted to do the right thing and voluntarily give the employee paid time off to take care of the homefront. I can hear you laughing now. Not only would that be difficult under current law, how many of your managers would just willingly do that for their employees without a new paid

family leave law? As a committee member on the opposite side of the aisle smartly responded, paid leave should not depend on the charity of the boss.

These arguments reflect a warped view of what the working world is like these days, when employees routinely get fired if they choose their families over their jobs in a medical emergency.

To set the record straight, paid family leave would be an extension of the Family and Medical Leave Act, an unpaid leave program that has been on the books for nearly three decades. All of the documentation and doctor signatures and proof of the need for time off would be required, just as it always has. Predicting rampant fraud by the employees — and countless acts of charity by the employers — shows you exactly how some members of Congress view labor in this country.

Finally, opponents repeatedly asserted one big pernicious lie about this proposal: That it would result in federal employees having four months off work every year. This is exactly the kind of myth that travels faster than truth, and we have to fight back. Paid family leave is not an automatic perk. It's a pro-family policy to help employees through some of the most traumatic moments of their lives.

When members of Congress who know better perpetuate falsehoods about the civil servants who keep the United States of America running, NTEU will always stand for the truth.

I didn't name names but there is publicly available video of the full committee hearing and messages [like the one above] posted on social media by members of Congress during the hearing.

You deserve paid family leave, and don't let anyone else tell you otherwise.



NTEU MISSION

To organize federal employees to work together to ensure that every federal employee is treated with dignity and respect.

NTEU Bulletin

Anthony M. Reardon
National President

James Bailey
National Executive Vice President

NTEU Bulletin Staff

Director of Communications
Sheila McCormick

Editor
Stacy Neidoff

Creative
John Punsalan
Daniel Wise

Editorial
Nicole Makeig
Hillary Martin
Mary Troyan

ISSN 0279-540X
Nonprofit U.S. Postage Paid
Washington, DC USPS 595-1400
Printed on recycled paper.

© Copyright 2021. The NTEU Bulletin is published by the National Treasury Employees Union, 800 K St. NW, Suite 1000, Washington, DC 20001.

To contact us, call (202) 572-5500 or email NTEU-PR@nteu.org.

Chapter 224 Suggestion Saves SSA Jobs, Improves Service

NTEU often says management should listen to its frontline employees — they have ideas and input essential for improving public services.

For proof, look no further than Chapter 224 (Social Security Administration's Office of Hearings Operations) which recently convinced management to roll out a program that resolved workload problems, improved public services and potentially saved hundreds of jobs.

The chapter primarily represents Attorney Advisors and Senior Attorneys, but also represents a handful of Hearing Customer Services Representatives (HCSR). HCSRs interview individuals who have been denied disability benefits, investigate issues, work up cases and gather the necessary evidence for hearing with an administrative law judge. The Attorney Advisors and Senior Attorneys are responsible for reviewing disability claims prior to the hearing date and for decision-writing.

Around 2017, the backlog in pending cases at OHO had ballooned to more than 100,000 because the agency was not backfilling vacancies. Despite a hiring freeze, SSA was granted special permission to hire an additional 800 Senior Attorney Advisors from the end of 2017-2018 to reduce the backlog.

By 2019, the attorneys had done just that. The backlog dropped to under 10,000 cases and work was quickly drying up for the Attorney Advisors. On the other hand, work was piling up for the HCSRs.

From the beginning, Chapter 224 President Christie Saunders and chapter leaders were carefully monitoring the workload imbalance and devising a solution that would spread

out the work and justify SSA keeping the hundreds of fully trained attorneys it had just onboarded. Their idea: to shift some of the HCSR work to the attorneys, which would give them more work while addressing the bottleneck of 300,000 cases waiting for hearings.

“NTEU is proud to amplify the voices of employees, whose ideas improve public services.”

—NATIONAL PRESIDENT TONY REARDON

“It’s amazing that the agency wasn’t paying attention to workload, and the union ended up having to do management’s work for them,” said Saunders. “Management’s attitude was that it had all the answers and didn’t need the two cents from its attorneys.”

Saunders repeatedly presented the idea to management, and even raised making better use of its attorneys with members of Congress as a way to improve public services. It took a year and a pandemic, but finally, management was ready to listen.

Once the chapter got the agency to listen, it rolled out the program — too quickly. SSA implemented it without fulfilling its bargaining obligation, but NTEU filed a grievance and bargained over the program post implementation. NTEU was determined to make sure that attorneys performing this work at home during the pandemic were not penal-

ized for issues beyond their control. The initiative, which SSA called the COVID Enhancement Outreach (CEO) program, had attorneys and paralegals call claimants, review their medical records and help get their cases ready for hearing. Attorneys could make sure claimants knew and understood their right to legal representation. They could also identify cases with sufficient evidence that could be decided without a hearing. This all cut down on delays.

It was a win for everyone: the HCSRs, whose workload eased; the Attorney Advisors, who had job security and could use the experience to apply for a senior attorney position; the judges, who were better prepared for hearings and didn’t have to hear cases that could be decided on the record; the agency, that could issue decisions faster; and the public which received improved services.

Still, the chapter’s work on the program continues. Saunders regularly monitors changes to performance evaluations that NTEU negotiated to ensure they fairly and accurately rate employees performing these new functions. The chapter is also working to convince management to commit to extending the program beyond the pandemic given how successful it has been.

“At NTEU, we often talk about the importance of employee input, but Chapter 224’s CEO program is a real-life example of why it’s critical,” said National President Tony Reardon. “NTEU is proud to amplify the voices of employees, whose ideas improve public services.”

Union Delegates to Meet at 58th National Convention

NTEU is scheduled to convene its 58th National Convention virtually on Aug. 11-12, 2021. Conducted every two years, delegates to the convention take up a variety of union business including the election of national leadership and proposed changes to NTEU’s Constitution and Bylaws. NTEU’s Constitution requires that all proposed constitutional amendments submitted to the Administrative Controller must be published in the *NTEU Bulletin*.

Article IV — Organization

Amend Article IV, Section 3(C)(i) to strike several chapters that have dissolved.

Section 3. All Chapters must be issued a charter by the NTEU National Headquarters which will contain a description of the Chapter’s jurisdiction as defined in the charter by the National President based on the following:

- (C) The definition of a Chapter’s jurisdiction will be based on geography with the following exceptions:
- (i) in the case of existing single function Chapters (e.g., Chapters 81, 83, 90, 101, 251, 252, and 253 and 267) which will be based on geography and function; and
 - (ii) (No Change)
 - (iii) (No Change)

Article IX — National Executive Board

Amend Article IX, Section 1(10) to add the Bureau of Land Management to District 10. BLM voted for NTEU to serve as its exclusive representative in Santa Fe New Mexico, in 2021.

Section 1. The National Executive Board shall be composed of a National President, a National Executive Vice President, and the National Vice Presidents to be elected by the Chapters within each of the following NTEU Districts:

- 1-9. (No Change)
- 10. All Chapters representing employees in the following agencies: Alcohol, Tobacco, Tax and Trade Bureau—Department of Treasury, Bureau of the Fiscal Service, Bureau of Engraving and Printing, Patent and Trademark Office, Environmental Protection Agency, National Park Service, Treasury — Departmental Offices, Federal Election Commission, Federal Communications Commission, Department of Energy, Nuclear Regulatory Commission and Bureau of Land Management.
- 11-15. (No Change)

Article IV, Organization

Amend Article IV, Section 3(C)(ii) to change Office of Disability Adjudication and Review to Office of Hearing Operations, and Farm Service Agency to Farm Production and Conservation Business Center.

Section 3. All Chapters must be issued a charter by the NTEU National Headquarters which will contain a description of the Chapter’s jurisdiction as defined in the charter by the National President based on the following:

- (C) The definition of a Chapter’s jurisdiction will be based on geography with the following exceptions:
- (i) (No change)
 - (ii) in the case of nationwide single agency Chapters (e.g., Nuclear Regulatory Commission, Federal Communications Commission, Office of Disability Adjudication and Review, Office of Hearing Operations, Farm Service Agency Farm Production and Conservation Business Center, Securities and Exchange Commission and National Credit Union Administration) which will be based on agency.
 - (iii)-(iv) (No change)

Article IX, National Executive Board

Amend Article IX, Section 1(11) to change Farm Service Agency to Farm Production and Conservation Business Center.

Section 1. The National Executive Board shall be composed of a National President, a National Executive Vice President, and the National Vice Presidents to be elected by the Chapters within each of the following NTEU Districts:

- 1-10. (No change)
- 11. All Chapters representing employees in the following agencies: Health and Human Services, Food and Drug Administration, Office of Hearings Operations, Health Resources and Services Administration, Substance Abuse and Mental Health Services Administration, National Center for Health Statistics, Food, Nutrition and Consumer Service, and Farm Service Agency Farm Production and Conservation Business Center.
- 12-15. (No change)



NTEU is celebrating our union's role in the lives of federal employees and your contributions to the daily lives of Americans.

Watch for more information closer to the date.

ShopTALK

Pregnant Workers Fairness Act Passes in the House

NTEU applauds House passage of the Pregnant Workers Fairness Act, which strengthens procedures and policies to make sure pregnant employees in the public and private sector receive reasonable accommodations in the workplace without retaliation. The bipartisan bill, sponsored by Rep. Jerrold Nadler (D-NY), guarantees basic workplace protections for pregnant employees, including bathroom breaks and seating. "Despite existing protections, pregnant workers in the United States still face workplace discrimination and, too often, are denied small accommodations that would enable them to continue doing their job and supporting their families," National President Tony Reardon wrote to lawmakers in support of the bill, which now goes to the Senate.

Celebrate 35 Years of FEEA with Double the Donations

Now is a great time to donate to the Federal Employee Education and Assistance Fund (FEEA). All this summer, Blue Cross Blue Shield is matching individual donations to FEEA up to \$40,000. This year marks FEEA's 35th anniversary of providing disaster relief, emergency hardship loans and scholarships to federal employees and their families. Donate today at FEEA.org and help this charity reach its goal of raising \$80,000 this summer.



Reardon Testifies About Security Concerns at CBP

National President Tony Reardon warned Congress about the major challenges and security concerns caused by long-term staffing shortages at Customs and Border Protection (CBP) at the ports of entry. At a virtual hearing before a Senate panel in June, Reardon highlighted the need for additional CBP staffing, particularly as pandemic-related travel restrictions at the border land ports are lifted. Reardon also cautioned that without additional funding, the loss of user fees from the pandemic will result in furloughs at a time when the economy is recovering and this workforce is most needed.

House Bill Aims to Block Future Schedule F Efforts

The House Committee on Oversight and Reform voted favorably to advance NTEU-backed legislation that prevents any administration from reclassifying any position in the federal competitive service outside of merit system principles without the express consent of Congress. The Preventing a Patronage System Act is sponsored by Reps. Gerry Connolly (D-VA) and Brian Fitzpatrick (R-PA). "Schedule F was such a threat to our country's 138-year-old tradition of a merit-based civil service that NTEU filed a lawsuit to block it," said National President Tony Reardon. "This bill would ensure we never again have to worry that a future president could ruin this pillar of our democracy with the stroke of a pen." Federal employees transferred to Schedule F under a now rescinded executive order by the previous administration would have lost civil service protections and would have been easier to fire.

Scientific Integrity Task Force Meets

NTEU voiced support for the Scientific Integrity Task Force, which had its first meeting in May to help combat political and partisan interference in the scientific work of federal scientists. Headed by the White House's Office of Science and Technology Policy, the panel of several dozen scientists is reviewing agency policies for protecting against interference and examining improper meddling in recent years. "Front-line government scientists in the Department of Energy, the Environmental Protection Agency, the Food and Drug Administration and all across government deserve a work environment that respects their expertise, independence and adherence to scientific principles," said National President Tony Reardon. The task force is set to issue its findings in September and will later create a framework for scientific integrity policies. Additionally, NTEU is supporting the Scientific Integrity Act introduced by Rep. Paul Tonko (D-NY).



Update on Shutdown Pay Lawsuit

An appellate court will consider the legal issues in NTEU's lawsuit arguing that the previous administration violated the Fair Labor Standards Act (FLSA) by failing to timely pay employees during the most recent partial government shutdown. In December, the federal claims court agreed with NTEU's arguments that the FLSA requires employers to pay employees on regularly scheduled paydays. However, the government petitioned the appellate court for review of that ruling – which was granted. Even though the employees were eventually paid, NTEU believes that they are entitled to damages under the FLSA. More than 18,000 NTEU-represented employees joined the collective action suit. "Cases like this take a long time to resolve," said National President Tony Reardon. "But NTEU remains committed to securing compensation for the delays employees faced in receiving their pay during the longest shutdown in our nation's history."