

Alert!

Chapter 52
National Treasury
Employees Union

February, 2005

DHS Personnel Rules Set

FedWeek February 2, 2005

The Department of Homeland Security has finalized new personnel rules governing pay, job classification, union rights and appeal rights that will affect most of the department's employees. As previously indicated, DHS plans to switch most white collar employees to a pay banding system in which annual raises--and advancement within the pay band--will be more closely linked to performance than longevity, and in which employees also will be in line for raises based on labor market conditions for their occupations both nationally and locally. A first group of about 10,000 employees will move into the pay-for-performance system effective October 1, although their pay would not reflect any changes until January 2007. A second group of about the same size will follow a year later, and the remainder of the employees covered by the new pay system, about 80,000 more, another year later--meaning the bulk of affected employees won't see any difference in their raises until January 2009.

The new rules also as expected restrict the scope of bargaining allowable at DHS, for example by barring negotiations over the numbers, types and grades of employees or positions, the introduction of new technology, DHS-wide personnel policies or procedures the agency will follow in exercising operational rights. The rules also move authority to review management's compliance with union rights from the Federal Labor Relations Authority to an internal labor relations board. Employees meanwhile will retain the right to appeal most personnel actions to the Merit Systems Protection Board, although the process would be speeded up and MSPB could lessen an agency's decision only if the punishment was "wholly unjustified." Federal unions have announced they plan to sue over the union and appeals rights provisions, arguing that DHS exceeded its legal authority in those areas, although the suit will not affect the classification, performance evaluation and pay portions of the rules.

Meanwhile, the Bush administration wants to allow other agencies to revise their own personnel systems based on the DHS model. Office of Management and Budget officials said in a news briefing that the administration will proposed legislative language that effectively *(continued)*

Inside this issue:

- Final Regulations For DHS'S New Personnel System Released, Unions File Lawsuit
- Lawsuit Challenging DHS Regulations
- NTEU's Kelley to Tell Senate Committee That DHS Regulations Fail Both Department and Employees
- A Look Ahead to the Next Round on Raises
- NTEU Will Pursue 2006 Pay Parity, Kelley Says, Citing Its Importance To Employees And Agencies
- THE FUNDS – TSP Rates of Return
- TSP Regs Also Coming
- Kelley Calls for Full Airing on Proposed Government-wide Employee ID; Urges 'Wider Exposure' For Biometric Access Plan
- One New Mileage Rate Released, Others Still Pending
- Travel Comp Time Rules Published
- Favorable Decision in Unacceptable Performance Removal
- Manager Must Counsel the Employee
- Your Rights and the Field Trip Visitation
- Around the Office
- Tom's Humor Page

would shortcut the sometimes laborious process through which many agencies have gotten various exemptions from personnel rules. Administration officials have touted the DHS system as a possible model for similar reforms elsewhere, although federal unions and some in Congress believe that at the least, the system should be given several years of operation before any conclusions can be drawn about it. Congressional hearings are likely soon on the DHS rules, the idea of applying them elsewhere, and a separate set of rules--which will only be proposed--from the Defense Department that are expected at any time.

FINAL REGULATIONS FOR DHS'S NEW PERSONNEL SYSTEM RELEASED, UNIONS FILE LAWSUIT

FedManager, February 1, 2005

Final regulations for the Department of Homeland Security's new human resource management system were released last week, and they have already prompted a coalition of unions to file a federal lawsuit seeking to block the new rules and have them declared unlawful. The unions – the National Treasury Employees Union (NTEU), the American Federation of Government Employees (AFGE), the National Association of Agriculture Employees (NAAE), and the National Federation of Federal Employees (NFFE) – contend that the new regulations strip DHS employees of longstanding statutory rights to bargain collectively and to participate, through their elected union representatives, in decisions affecting them. The coalition may have some allies in Congress, since some lawmakers in both the House and the Senate are already expressing concerns about the new rules.

The new regulations outline the design of a system that will affect about 110,000 employees. Among other things, DHS and OPM officials say that the new management system will: (1) implement a pay-for-performance program that will replace the General Schedule with market-based pay bands, in which employee pay progression is solely driven by performance and/or competency attainment, not longevity; (2) benchmark positions in new DHS occupational clusters with other similar positions in the marketplace to establish minimum and maximum rates of pay for pay bands, and use annual compensation surveys to establish ranges of pay for covered DHS employees; (3) expand management rights that are non-negotiable to ensure DHS' ability to respond to operational needs; (4) preserve collective bargaining, but reduce the number of situations in which bargaining is required; and (5) streamline adverse actions and appeals processes for DHS employees.

The plan would be implemented over several years. Using the framework established in the regulations, DHS and OPM officials intend to begin establishing new policies and procedures for labor relations, adverse actions, and appeals, including the formation of the Homeland Security Labor Relations Board. The new performance management system is expected to launch this fall, with pay and classification changes implemented the following year for some employee groups. DHS officials are promising that in the coming months, the department will roll out briefing sessions, satellite broadcasts, web-based training modules, classroom

training, print materials, and a web site with frequent updates in order to communicate with employees about the upcoming changes.

The new system and its accompanying timeline, however, may run into some serious snags if the unions have their way. In a lawsuit filed in federal district court in Washington, D.C., the unions allege that Homeland Security Director Tom Ridge and OPM Director Kay Coles James exceeded their statutory authority, acted arbitrarily and capriciously, and abused their discretion in developing the new system. Specifically, the unions charge that the new regulations strip DHS employees of longstanding statutory rights to collective bargaining and in place of those rights “institute a one-sided regime under which the vast majority of conditions of employment are not subject to negotiation.” They also contend that the new regulations attempt to enlist the Federal Labor Relations Authority (FLRA) to serve as a “rubber stamp” for the new Homeland Security Labor Relations Board.

With respect to situations in which DHS imposes a penalty on an employee for misconduct, the unions claim that the new rules impose a new standard of review for the Merit Systems Protection Board (MSPB) to use. Under existing law, a penalty may be mitigated where the MSPB finds that it is not “reasonable.” Under the new rules, though, the unions say that the MSPB would be required to uphold DHS’s choice of penalty – even if it is unreasonable and clearly disproportionate to the alleged offense – unless an employee shows that the penalty is “wholly without justification.” The unions further charge that the new regulations try to modify MSPB adjudication rules by shortening the time in which an employee can file an appeal, limiting discovery, and depriving employees of their right to a hearing, as provided in MSPB regulations.

In short, less than a week after the new DHS regulations were released, it appears a battle is brewing that will likely involve all three branches of government – the Administration, the federal courts, and Congress. We’ll keep you updated.

Lawsuit Challenging DHS Regulations

Memorandum from Colleen Kelley, January 27, 2005

SUMMARY: NTEU filed a lawsuit today challenging the legality of new regulations governing labor relations at the Department of Homeland Security.

Today, the Department of Homeland Security (DHS) and Office of Personnel Management (OPM) posted to the Federal Register final regulations establishing a new human resources management system governing the DHS workplace. As promised, NTEU immediately filed a lawsuit alleging that the final regulations fail to comply with various provisions of the Homeland Security Act (HSA).

I am sending out a separate memo shortly that describes all of the key provisions of the final regulations. As you will see, the final regulations are greatly improved over those that were proposed last spring, especially in the area of adverse actions. I have no doubt that these substantial improvements are due to the

tireless work of NTEU. Nonetheless, the regulations still fall short of being acceptable, most egregiously so in the labor relations arena.

The lawsuit, which two other unions representing DHS employees joined, alleges that DHS and OPM have failed to satisfy the HSA's requirement that the new system "ensure" that employees may "organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them." See 5 U.S.C. § 9701(b)(4). While the regulations do provide for some collective bargaining in theory, as a practical matter, they give DHS the authority to decide unilaterally what the conditions of employment will be for DHS employees. The regulations accomplish this result in several ways:

- The scope of matters over which DHS would be required to bargain has been substantially limited. For example, DHS will no longer have to engage in "impact and implementation" bargaining when it alters key working conditions including, among others, decisions about how work is assigned, decisions about where employees will work, and decisions to contract out employees' jobs. The only situation in which unions are entitled to engage in impact and implementation bargaining is when management exercises its rights to take personnel actions—such as laying off employees, disciplining them, and filling job vacancies.
- DHS can issue a department-wide regulation taking a matter off of the bargaining table, or invalidating a collective bargaining agreement, for any reason whatsoever. Unlike under existing law, the regulation need not be supported by a "compelling need" to have this effect.
- The regulations create a DHS Labor Relations Board that is controlled by the DHS Secretary. This board supplants the Federal Labor Relations Authority (FLRA) and is responsible for resolving any bargaining disputes that arise. It also has the power to issue advisory opinions to establish DHS policy on negotiability and official time matters.

The regulations are plagued by other legal defects as well. They draft the FLRA to resolve certain types of disputes arising under the DHS system. The FLRA, however, is an independent agency that, by law, can only decide disputes arising under Chapter 71 of Title V, from which DHS has exempted itself. DHS has no legal authority to involve the FLRA in disputes arising from its regulations.

Similarly, the regulations direct the Merit Systems Protection Board (MSPB) to sit as an intermediate appellate body in cases concerning mandatory removal offenses created in the regulations. Furthermore, the regulations require the MSPB to implement new procedural rules. Like the FLRA, however, the MSPB is an independent agency, and DHS has no authority to assign it an appellate role or to instruct it on its procedures.

The regulations also permit mitigation in cases involving DHS employees only when the penalty is “wholly unjustified.” Congress authorized DHS to change things such as the mitigation standard only if the change is to further the fair, efficient, and expeditious resolution of matters involving DHS employees. Imposing such an outrageously narrow mitigation standard does not further these goals at all.

It is unfortunate that our repeated efforts to work with DHS to design a fair collective bargaining system were rebuffed. The new system leaves insufficient room for employee voices to be heard on workplace issues. Our lawsuit asks the court to declare this system illegal and send DHS and OPM back to the drawing board.

NTEU’s Kelley to Tell Senate Committee That DHS Regulations Fail Both Department and Employees

NTEU News Release, February 4, 2005

Washington, D.C.—The leader of the union representing more than 15,000 employees of the Department of Homeland Security (DHS) will tell a Senate committee next week of the likely devastating impact of new DHS personnel regulations on that important agency’s workforce—and the need for the regulations to be redrafted to make the department successful for the American people.

President Colleen M. Kelley of the National Treasury Employees Union (NTEU) will offer her assessment of the DHS regulations in testimony on Thursday, Feb. 10 before the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia. The hearing is scheduled for 10 a.m. in Room 342 of the Dirksen Senate Office Building.

That subcommittee is chaired by Sen. George V. Voinovich (R-OH), who has a longstanding interest in federal employee issues; President Kelley applauded that continuing interest and in particular his willingness to schedule a hearing on the impact of the DHS regulations.

NTEU, joined by three other unions representing DHS employees, has filed a federal court suit alleging the final regulations are illegal in that they overstep the authority given to DHS in the Homeland Security Act (HSA); and that they subvert congressional intent that DHS employees continue to have a meaningful voice, through their elected union representatives, in decisions affecting them.

The final regulations remove from DHS employees longstanding statutory rights to collective bargaining, and replace them with what President Kelley has described as a “one-sided regime” under which the majority of important conditions of employment are not subject to negotiation, including bargaining on the impact and implementation of management-initiated changes in working conditions.

The regulations also strip from employees meaningful rights to third-party decision-making on important matters affecting their work lives. The responsibility for those decisions, under the regulations, is vested in a DHS-controlled internal labor relations board.

From the beginning of discussions over personnel regulations with DHS more than two years ago, the NTEU leader said, "it was clear that the only system that would work in this agency is one that is fair, credible and transparent. These regulations miserably fail to provide any of those critical elements."

Kelley also will make the case against extending the DHS regulations, or one similar, to the rest of the federal government. "The changes to the DHS personnel regulations, the president claimed, were for national security purposes," President Kelley said. "Surely that logic does not extend to other federal agencies. In addition to there being no basis for making such a change across the government, the changes at DHS are still very much a work-in-progress, and remain untested and unproven."

A Look Ahead to the Next Round on Raises

FedWeek, January 19, 2005

President Bush is scheduled to present his fiscal year 2006 budget proposal on February 7, which will kick off the annual process of determining the 2006 federal pay raise. According to pay law, general schedule employees would be in line for a 2.1 percent across-the-board raise in 2006--the law specifies shaving a half percentage point from the employment cost index figure for the pertinent measuring period, which was 2.6 percent--plus locality pay. However, in recent years, Congress has followed a pattern of giving federal workers the same raise going to military personnel, which under a separate law is indicated to be 3.1 percent for January 2006. One of the major authors of the current federal pay law, Rep. Steny Hoyer, D-Md., recently wrote to the Bush administration stating that he is open to discussing a revised system, although exactly what form any revisions -- or even a discussion -- would take is still unknown.

NTEU Will Pursue 2006 Pay Parity, Kelley Says, Citing Its Importance To Employees And Agencies

NTEU News Release, February 7, 2005

Washington, D.C.—The leader of the nation's largest independent union of federal workers said today she is "disappointed, but not surprised" by the administration's failure to propose civilian-military pay parity in its 2006 budget blueprint.

The budget plan, made public today, calls for pay raises next year of 3.1 percent for members of the military and 2.3 percent for federal civilian workers. NTEU supports the higher raise for both groups of federal employees.

"Pay parity is an important concept," said President Colleen M. Kelley of the National Treasury Employees Union (NTEU). "It sends a message to federal employees that their dedicated efforts are valued and appreciated."

In addition, she said, making sure employee contributions are recognized with a fair pay raise "is vital to the efforts of federal agencies to retain the experienced workers they have and recruit the quality job-seekers that are so important to the accomplishment of agency missions."

While expressing her pleasure with the early and growing support in both the House and Senate for pay parity, President Kelley warned that “federal employees should not be under any illusions about the difficulty of achieving pay parity” for next year. With this kind of a tight budget, she said, there will be great pressure from the administration for Congress to hold to its proposal.

Given the budget constraints stemming from the administration’s tax-cut policies, she said there likely there will be “a year-long fight” to achieve civilian-military pay parity in 2006.

Less than a week ago, bipartisan resolutions calling for civilian-military pay parity were introduced in both the House and Senate—actions that followed by only a matter of days a letter from key members of the House to President Bush urging pay parity in 2006.

There is a growing and substantial understanding in Congress of the importance of fair federal pay and civilian-military pay parity, Kelley said, taking note of a rare stand-alone vote by the House last year to reiterate its longstanding support for pay parity. The vote was an overwhelming 299 to 126 in support.

The NTEU leader also noted the willingness of pro-federal employee legislators to work with the administration on modifying the methodology used by the government to determine the competitiveness of public and private pay. Kelley called such possibilities, under the umbrella of the Federal Employees Pay Comparability Act (FEPCA), “a step in the right direction.”



THE FUNDS – TSP Rates of Return

Rates of Return were updated on **February 1, 2005**.

	G Fund	F Fund	C Fund	S Fund	I Fund
January 2005	0.37%	0.58%	(2.40%)	(3.39%)	(1.87%)
Last 12 Months* (2/1/2004 - 1/31/2005)	4.38%	4.07%	6.24%	10.14%	16.22%

*The G, F, C, S, and I Fund returns for the last 12 months assume unchanging balances (time-weighting) from month to month, and assume that earnings are compounded on a monthly basis

TSP Regs Also Coming

FedWeek, January 12, 2005

Meanwhile, the Thrift Savings Plan is to issue regulations on a law (PL 108-469) abolishing employee open seasons and allowing employees begin investing or current investors to change the amounts of their investments, at any time. Until those regs are issued, which could be a matter of months, the traditional restrictions on joining the program-or rejoining it after stopping contributions-will remain.

Kelley Calls for Full Airing on Proposed Government-wide Employee ID; Urges 'Wider Exposure' For Biometric Access Plan

NTEU News Release, December 22, 2004

Washington, D.C.—Citing potential privacy and logistical concerns, the leader of the nation's largest independent union of federal employees urged the National Institute of Standards and Technology (NIST) to publish the proposed standards for a government-wide identification card for federal employees in the *Federal Register* to allow for "wider exposure and fuller comments" before finalizing the standards on Feb. 25, 2005.

"NTEU fully supports any policy that would heighten the security of federal employees. However, outside of the technology community, there has been limited awareness of this plan," said National Treasury Employees Union (NTEU) President Colleen M. Kelley. "There are a number of unanswered questions and concerns beyond the technical specifications. As with all programs that impact employees, this plan would benefit from broader discussion with federal employees and their representatives."

In response to an August 27 Homeland Security Presidential Directive, NIST last month issued draft mandatory standards for Personal Identity Verification (PIV) cards, which employ biometric and other access technologies to electronically verify the identities of federal employees and contractors for access to buildings and information systems. The smart cards would use fingerprints and facial recognition technology to identify cardholders.

In comments filed with NIST today, President Kelley said a broader discussion of the standards was necessary "to assure that the resulting requirements meet the President's goals of enhancing security and efficiency, while reducing the possibility of identity fraud and protecting personal privacy."

The NTEU leader also questioned a provision of the draft standards that new employees would have to follow "visitors procedures" for building access until background checks—which could take a considerable period of time—are completed, and a proposal to give agencies the option of revealing an employee's pay grade and rank on the face of the card. President Kelley raised questions about the security of the information stored on the card chip if the card was lost or stolen, as well as the security of information systems where the data would be stored. Finally, President Kelley expressed concern that the card or data collected via the system would be used for purposes other than employee identification, such as to track employee movements in a building.

One New Mileage Rate Released, Others Still Pending

FedWeek, January 12, 2005

The General Services Administration has raised the mileage reimbursement rate for federal travelers for calendar year 2005 to 40.5 cents per mile, up by three cents per mile from the 2004 rate. The GSA as usual followed the lead of the IRS, which earlier announced that a 40.5 cents per mile rate will apply for tax deduction purposes in 2005. GSA has not yet released certain other mileage rates, such as reimbursement for travel by motorcycle or private airplane.

Travel Comp Time Rules Published

FedWeek, January 26, 2005

Interim rules effective January 28 carry out legislation enacted last year authorizing federal employees to get compensatory time off for time they spend traveling for official purposes during off-duty hours. Qualifying time includes not only the time spent in transit but also "usual waiting time" such as time used when arriving early for a flight. The time will accrue in increments of six or 15 minutes and will have to be used within 26 pay periods of being earned. There are some limited situations in which employees traveling on their own time are paid; in those cases, the individual would not receive both pay and comp time. The rules also spell out what is considered travel time and reaffirm that comp time cannot be converted to cash.

Favorable Decision in Unacceptable Performance Removal

Memorandum from Colleen Kelley, January 27, 2005

SUMMARY: An arbitrator has overturned the removal of an OIC Specialist for alleged unacceptable performance in Job Element 4, Business Results-Quality.

I am pleased to inform you that NTEU recently received an arbitrator's decision ordering the IRS to reinstate an OIC Specialist with full back pay and benefits because the agency failed to prove that she performed unacceptably in Job Element 4, Business Results-Quality.

The grievant, a member of NTEU Chapter 32, was fired based on 22 specifications of unacceptable performance. Seventeen of the 22 charges were not sustained or were only partially sustained. In those specifications that were sustained, the arbitrator found that the proven errors "almost never affect the decision made in the case." He quoted with approval NTEU's expert witness in the case, an OIC instructor and appeals settlement officer, who testified:

...from what I see, it appears to me that somebody was after this employee, and they were looking for mistakes in every case that was reviewed with a high degree of scrutiny, second guessing, and

criticism. And that the mistakes that she made, though they are mistakes — aren't uncommon, and they certainly don't rise to the level of failing an aspect in the critical elements.

We all know that subjective performance standards can be manipulated to make an otherwise good performer look like a poor one to the uninitiated. But this decision proves, once again, that employees who are victimized by this kind of treatment can prevail in the end with the support and representation of NTEU.

Manager Must Counsel the Employee

Alert! Editor, Mick Eskew

Here in the Union office we often see appraisals where the member's "Numbers" are lowered from last year's evaluation and they had no prior warning much less counseling from their manager. It is the manager's responsibility and duty to mentor and train the employees in their group; it says so in their section of the IRM. As you know many managers do not follow this guideline but merely fill their day finding fault with your work product. Counseling not only includes telling what you are doing wrong but how to do it right or better; and the opportunity to improve. The requirement for counseling has been in the contract for a long time and we have won many grievances on this issue. Now we have additional support in a recent arbitration decision handed down by Arbitrator William P. Murphy, on January 28, 2005. The following is a portion of his decision.

"A very recent decision by Arbitrator William B. Ferguson, NTEU and IRS November 3, 2004 defines "counsel" to mean "face to face conversation and discussion to impress upon the employee the need to improve and how to accomplish." Arbitrator Ferguson also held that Agency violation of Section M is a denial of the "fair and objective manner" required in making the appraisal. In cases "where an employee is not counseled about his or her diminished performance or warned that his or her rating may be decrease." There is no evidence the Bryant was ever informed that her errors could affect her performance appraisal by decreasing it from its former levels in any respect.

It has been held that if the Agency made Section M procedural violations in the appraisal the arbitrator may cancel the grieved appraisal and order that the grieved ratings be raised to the ratings of the previous year. Ferguson, supra; NTEU and IRS (Krueger) Arbitration Leroy Bartman, June 15, 2003. The Agency itself has issued a ruling which governs this case. On July 26, 2000 Nancy Hamilton, Labor Relations, issued a memorandum on the subject: Decreasing Ratings on Annual Evaluations (UX-7)..."

So, if you have this problem, contact your assigned steward for a consultation.

Your Rights and the Field Trip Visitation

Alert! Editor, Mick Eskew

The question regarding driving your manager around on your field visits was recently raised again and I have been asked to reprint the article I wrote in the November 2002 *Alert!* Oh yes, this would include picking your manager up at the airport and driving him/her around all day. Suggest you don't do it, that's why they have rental cars and maps. So here it is just as topical as it was over two years ago.

The question that has recently arisen lately, does management have the right to ride with the employee for a field trip visitation? This whole question brings about all types of questions; some are employee's rights, and liability.

Doesn't the employee have the right to select who ever rides in their vehicle? Of course they do! Does management have the right to direct you or override your choice who enters your private property? Of course they don't! Management does have the right to assign work (you are assigned a case), management has the right to review that case (field visit) and they have the right to direct you in how the case is worked, but there are no provisions in the IRM or any other regulation, for employees to transport their manager at any time during work hours.

The other issue is liability. Does your insurance cover passengers while you are using your vehicle on the job? In our research, we found out there are three types of insurance coverage that exist for the casual consumer: Individual Coverage, Business Coverage and Commercial Coverage. Individual coverage is for the average citizen going to and from work and the store. Business coverage is an increase in premium, if your car is used in your business/occupation. Commercial coverage, a much higher premium, is required if you carry the tools of your trade in your vehicle. Now the question becomes, are you covered if you transport another employee? You may wish to contact your insurance carrier to determine your own coverage and personal liability issues. Let's move this one more step, WHAT IF, you were transporting your manager on a field visit, you have a serious wreck and the manager is injured. The manager then sues you and your insurance company; doesn't that become a conflict of interest? Here is the person who writes your evaluations suing you for several thousand dollars. At least it would certainly make a tense work place. Your premium would certainly go up if you were lucky enough not to get cancelled.

Fortunately, the issue has been resolved in Chapter 10, Chicago, Illinois. Thanks to a couple employees who alerted the Union office, Tom Jones, President Chapter 52, was able to contact the Chicago chapter and obtained some very useful information. It appears they had the same problem and filed a grievance, before the grievance was heard; the Chapter President went to the Senior Commissioner's Representative and resolved the problem. Here is what William L. Thompson, Director Compliance, Area 7, Senior Commissioner's Representative-Illinois had this to say:

SUBJECT: Management Grievance – Collection Issue

As a result of a grievance filed by NTEU Chapter 10, Illinois, and in settlement of said grievance, this memorandum provides guidance to all SBSE Compliance Area 7 Collection managers on the appropriate manner to conduct field observations of Revenue Officers.

IR Manual 114, “Compliance and Customer Service Manager’s Handbook”, provides guidance to all Collection managers in observing the revenue officer during face-to-face contacts, either in the field or office. While we all recognize that these activities provide a tremendous opportunity for the manager to assess the employees’ abilities, in no way does this guidance **require the employee to transport the manager during field visitations.**

Effective immediately, all Collection managers in Area 7 are instructed to:

- 1) inform their employees that there is no requirement to transport managers, and
- 2) to discontinue any practice or activity of having employee to pick up managers’ at their place of residence or office.

Tom has contacted Glenn Henderson, Director Area 10, asking him to send a similar memorandum to all Collection managers in this area. To date, there has been no response. We will keep you apprised.

Footnote: Oklahoma Chapter states in there area, it is the Revenue Officer’s choice if they allow the manager to ride along. Kansas Chapter, the manager takes his/her own vehicle on field visitations.

(The issue was settled as shown in this article from the May 2003 Alert!)

Another follow up on the November 2002 and January 2003 ***Alert!***, articles **Your Rights and the Field Trip Visitation**, regarding the management’s contention they have a right to mandate that they ride in your automobile on field visitations. The grievance filed was finally settled at the third step. The Territory Managers have been instructed to advise the Group Managers that the employees are not required to haul the group managers around on field visitations. The employee may volunteer to allow the group manager ride with them if they wish. The employee should be advised of personal liability if an accident occurs, with manager in the car, while they are driving. The manager can follow or meet the employee at the taxpayer’s place of business or residence.

Around the Office

Alert! Editor, Mick Eskew

- Chapter elections for Chapter 52 officers will be held this August or September. All offices are up for election, which includes president, executive vice-president, two area vice-presidents and treasurer vice-president. Tom Jones will not be running for another term as chapter president. An election committee has been appointed and will independently handle the process. We would like to give a big thanks to the following members for volunteering for the election committee, they are Valerie Hunter, Mike Fitzgerald, Armando Valdez, Sam Houston and Tommie Pernell.
- You think it odd that so much attention and space at the beginning of this newsletter was directed to matters of Department of Homeland Security (DHS)? Here is why, if you missed it I would just like to point out the third paragraph in the first article. The Administration wants to do all these things to us and all the other agencies. This is important to us as well as the folks at DHS. Make your voice heard in Washington and support your Union!

TOM'S HUMOR PAGE

1. **WILL THE REAL DUMMY PLEASE STAND UP?** AT&T fired President John Walter after nine months, saying he lacked intellectual leadership. He received a \$26 million severance package. Perhaps it's not Walter who's lacking intelligence.



2. **WITH A LITTLE HELP FROM OUR FRIENDS:** Police in Oakland, CA spent two hours attempting to subdue a gunman who had barricaded himself inside his home. After firing ten tear gas canisters, officers discovered that the man was standing beside them in the police line, shouting, "Please come out and give yourself up."

3. **WHAT WAS PLAN B???** An Illinois man, pretending to have a gun, kidnapped a motorist and forced him to drive to two different automated teller machines, wherein the kidnapper proceeded to withdraw money from his own bank accounts.

4. **THE GETAWAY!** A man walked into a Topeka, Kansas Kwik Stop and asked for all the money in the cash drawer. Apparently, the take was too small, so he tied up the store clerk and worked the counter himself for three hours until police showed up and grabbed him.

5. **DID I SAY THAT???** Police in Los Angeles had good luck with a robbery suspect who just couldn't control himself during a lineup. *When* detectives asked each man in the lineup to repeat the words: "Give me all your money or I'll shoot", the man shouted, "That's not what I said!".

6. **ARE WE COMMUNICATING???** A man spoke frantically into the phone: "My wife is pregnant and her contractions are only two minutes apart". "Is this her first child?" the doctor asked. "No!" the man shouted, "This is her husband!"

7. **NOT THE SHARPEST TOOL IN THE SHED!** In Modesto, CA, Steven Richard King was arrested for trying to hold up a Bank of America branch without a weapon. King used a thumb and a finger to simulate a gun... Unfortunately, he failed to keep his hand in his pocket. (hellooooooo)!

8. **THE GRAND FINALE!!!** Last summer, down on Lake Isabella, located in the high desert, an hour east of Bakersfield, CA, some folks, new to boating, were having a problem. No matter how hard they tried, they couldn't get their brand new 22 foot boat, going. It was very sluggish in almost every maneuver, no matter how much power they applied. After about an hour of trying to make it go, they putted into a nearby marina, thinking someone there may be able to tell them what was wrong. Although a topside check revealed everything in perfect working condition. The engine ran fine, the out-drive went up and down, and the propeller was the correct size and pitch. So, one of the marina guys jumped in the water to check underneath. He came up choking on water, he was laughing so hard.
(.....NOW REMEMBER...THIS IS TRUE.)--- Under the boat, still strapped securely in place, was the trailer!

Chapter 52 Alert!, all the news that is fit to be copied!

This **Chapter 52 Alert!** along with all other **Alerts!** since January 2001, can be found on our Chapter Web Page at <http://www.nteu52.org/> You can e-mail any Chapter officer, staff member or steward from this site.

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