

Right to Work is the Right to Work for Less

The root of our problems can be found in the past. The beginnings of the solutions we need lie in our future.

The general decline of American unions in recent decades is partially the result of their success in resolving problems for workers in ways that do not require continuing union effort. In the last forty years there has been a steady decline in union membership. Several reasons for the decline exist, employers are keeping their business union-free by actively opposing unions by going so far as to employ union busting consultants reminiscent of the Pinkertons of the late 19th and early 20th century hired to infiltrate and violently destroy unionization efforts. Secondly new additions to the labor force have little loyalty to labor organizations and settle for lower wages. Thirdly, the most important reason for the decline in unions they are victims of their own success.

The erosion of the unions is already well underway.

Unionization of private workers is only 20% of what it was in the 1950s when more than 35% of workers were union members according to current labor statistics. Right to work legislation is the sledgehammer that threatens to hobble collective bargaining for years to come.

Once workers prosper enough to buy homes and to benefit in other ways from the current level of economic development, they may have so much to lose from revolutionary action they cease to be revolutionaries.

If others are cooperating for the mutual benefit and I benefit from their cooperation, don't I have an obligation to do my share? What if everybody failed to vote? What if everybody chose to free ride on the voting of others? Local elections in the US often turn out far less than half the eligible citizens and presidential elections turn out a bit more than half. What does that say about our Republic and its citizenry. What becomes of the so called, 'Will of the People?'

Non-right to work states do not force employees to unionize, that is prevented by federal law. Free riders benefit from higher wages and job protections without paying costs of collective bargaining and reduces the union's bargaining strength which results in lower wages and benefits.

Jimmy Hoffa, the president of the Teamsters has said that proponents of right to work are waging a "war on workers, and

Martin Luther King called right to work is a "false slogan" and the law, "robs us of our civil rights and job rights."

If a person receives all the benefits of a service regardless of whether they pay for it, why would they even pay? Once everyone decides they don't want to pay, the service will cease to exist. If the union is required to provide services without getting paid that is essentially outlawing unions.

If my career of choice was robbery, I am dependent upon the law abiding collective to produce goods that I could potentially pilfer. My malfeasance in this paradox is a free rider reliant on the honesty and integrity of the collective.

The Supreme Court's pending decision in the case Friedrichs v. California Teachers Association could be the death knell for organized labor by making it possible for more workers to opt out of paying union dues. Reducing the financial muscle of public sector unions lessens the power of grassroots advocacy and organizing, which increases the likelihood of privatization of various public services. Fewer protections for government workers means a reduction of government programs many take for granted. A reduction in government programs is a reduction in our quality of life.

The recent symbolic triumph of the West Virginia teachers' strike is a shot in the arm for the labor movement. It is proof that organized labor still has clout despite political efforts to undermine the ability to organize and collectively bargaining. Empowerment through solidarity may start small but becomes infectious and the anti-union factions have taken notice. The positive results are a lesson in persistence.

"Power concedes nothing without demands." -Frederick Douglas

Chris Pierce

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**From the Desk of NTEU73
President
Rick Riley .**

**“As always,
At Your Service.”
Rick Riley**



A View from the Saddle

My favorite movie is “She Wore a Yellow Ribbon” starring John Wayne as Captain Nathan Brittles. In the end, Captain Brittles is retiring and riding into the sunset when Trooper Tyree catches him and hands him orders to return to the Army as Chief of Scouts.

I felt like that happened to me when I was elected your President in 2015. I am proud of that, and I thank all of you who voted for me and have supported us as we moved forward. We’ve faced difficult times and we have met them head on and have come out on the winning side every time. The announcement of Submission Processing stunned all of us. We moved into action immediately and have succeeded in the best agreement ever, the first CORE room to help employees and several other things, including job fairs and college outreach and retirement counselors on site. Were there lessons learned? Yes, and plans put into action to correct the weak areas. We had a great Holiday Luncheon and Party this year. The representation program has improved and membership has grown. I would consider the last 3 years the best Chapter 73 has performed in years.

There are more jobs coming also. Everyone that wants to work will have an opportunity to apply and get a job. That is great! I’ve been with the IRS for 32 years and six months and just recently turned 63. It is time for this Old Captain to ride off into the sunset and say goodbye. I’ve accomplished what I sat out to do when elected and more. I have done my time in service of our country, which began as a Lieutenant in the Ohio Army National Guard in 1977 and ends February 28, 2018. I want to thank everyone that has helped me, and especially those that have helped our members. Thank you all, see you all later.

Rick Riley

President NTEU Chapter 73





NTEU73 Steward Spotlight

Working hard for NTEU 73 Members

Swing Shift



Aaron Davis

Aaron is a 34 year old Air Force Veteran. He previously served as a union steward for AFGE (The American Federation of Government Employees). Aaron has successfully assisted several employees with grievance proceedings and other employee concerns such as appraisal ratings reviews and AWOL. Aaron is driven to help develop a fair and equitable work environment for IRS employees.



Trisha Lawrence

Trisha began her career at The IRS in 2017 as a Contact Representative. She became a steward because she believes in fairness in the workplace. She wants to be a strong voice for her coworkers and peers. She looks forward to getting to know members .



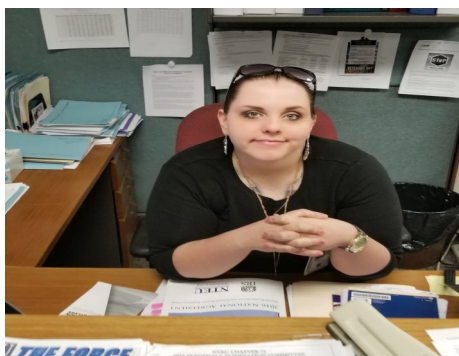
Charlene Keith

Charlene has been a steward since July 2017. Her goal is to protect employee's rights and see them walk away knowing we have fought hard on their behalf. Representing people has always been her passion.



Erin Cooper

Erin has been an IRS employee for 7 years and a steward since 2013. Throughout her time as a steward she has dealt with many complex issues. She looks forward to assisting members.



Sarah Baker

Sarah started at The IRS in January 2014 in Receipt and Control. She recently became a Contact Representative. She decided to become a steward after witnessing injustices in the workplace. Her goal is to open the pathway to getting the members what they need.



Dennis Stone

Dennis is The Swing-Shift Chief Steward and has been a steward for 3 years, serving both Gateway and 4th Street. His primary focus is on giving members proper representation. He has been instrumental in negotiating with management to get positive resolutions that adhere to employee's rights regarding FMLA, AWOL, and Performance Evaluations. To Dennis, The NTEU member and their success come first!



Breaking the Gender Barrier: A Woman's Place is in Her Union

From the Industrial Revolution to the rise of mass production in the early 20th century, women transformed their relationship with the union movement. During the 19th century, women entered factories in large numbers, working fourteen hours a day, six days a week in dangerous jobs for low pay. In response to these conditions, young female textile workers organized America's first industrial protests, strikes, and reform groups. Despite these efforts, women were generally excluded from the larger labor movement. Conforming to the societal view that a woman's place was in the home, the labor movement advocated for a "family wage" high enough that a husband could independently support his family.

At the turn of the 20th century, the rising suffrage movement and the influence of progressives and socialists began to challenge traditional male beliefs of women's role in society. Inspired by liberal ideas and working under unchanging conditions, tens of thousands of clothing workers organized the International Ladies Garment Workers Union. Through unity with their male co-workers, shop floor organizing, strikes, and militancy, women demonstrated that they could secure union recognition, higher wages, and shorter work hours from their employers. For the first time, women became powerful allies in a common cause with their union brothers..



NTEU73 Stewards Working for the Members

Your NTEU Stewards work for you, and are available if not in person, by phone or email. There are multiple stewards throughout Cincinnati IRS center locations. Here is a list of stewards currently in NTEU offices:

Gateway:

Chapter President **Rick Riley**
Vice President **Karen Walsh**
Chief Steward **Debbie Mullikin**
Office Staff/Stewards **Sarah Corea, Tonya Morris**
and **Chris Pierce**
Swing Chief Steward **Dennis Stone**
Swing Steward **Aaron Davis**

Fourth Street Center:

Steward **Shannon Lovins**
Steward **Hillery Montgomery**
Treasurer **Bill Lawrence**

Florence: Stewards **Janet Colwell** and **Robyn Johnson**

Chris Pierce assisted an employee with getting LWOP for Reasonable Accommodation. Helped an employee get her appraisal raised.

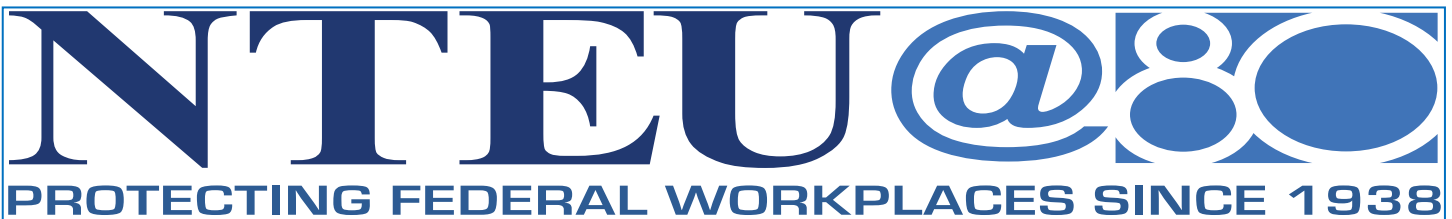
Sarah Corea was able to get an employee advance sick leave and AWOL changed to LWOP.

Debbie Mullikin won a grievance and had employee's Annual Performance Appraisal raised. Contacted management informally to get AWOL removed. Represented 4 employees in Disciplinary and or Adverse Actions.

Tonya Morris helped a member get AWOL changed to LWOP. Had an employee's Performance Appraisal raised informally.

Sarah Baker: Won her first grievance, she was able to get an employee's Annual Performance Appraisal raised.

Shannon Lovins: signed up 19 New Members! Helped 2 employees get Admin. leave approved. Worked to get 2 employees FMLA and their AWOL removed. Assisted an employee with getting their pay corrected. Secured NTEU discounts for 2018 for members.



Something for now...and later.

Now through Sept. 29, join NTEU and you can get \$\$ in your pocket.

Today and in the future, your membership means NTEU can fight harder and stronger in your workplace and in Washington, where critical decisions are being made about the federal workforce.

When you join, you add your voice to the tens of thousands of federal employees fighting to protect our pay, workplace rights and retirement. Your support also empowers us at the bargaining table to secure new and improved programs and benefits in our workplace.

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NTEU73



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\$300,000 FOR A DENIED REASSIGNMENT

Employees almost never have the right to demand a reassignment to a different supervisor, job or location. But if the employee has a disabling condition for which a reassignment would be a reasonable accommodation, the employee may have a legally enforceable right to the reassignment. Here's how.

Start by reading *Patricia Barton v. Gates, DOD, EEOC Appeal No. 0720100054* (March 2012). The employee was treated for cancer and during her treatment began having neurological problems. Her doctor recommended that she be reassigned to a job that permitted her to telework three days a week, perform less complex duties, and have most any time restraints on her work lifted. DOD denied her requests for reassignment as a reasonable accommodation. Instead, it lowered her appraisal, which led to the employee taking a disability retirement before her health worsened and she was fired.

Soon after leaving the agency, the employee filed an EEO complaint charging the agency with disability discrimination. She argued that the agency had an obligation to reassign her to the lower-

graded position if it could not find such a position at her GS-13 level. EEOC agreed that when a disabling condition limits and employee's ability to think and concentrate, the employee is entitled to a reasonable accommodation under the Rehabilitation Act—even to a lower grade and different series position, unless the agency can show it would cause management an undue hardship.

When all the evidence came out, it showed that the agency had only searched for a reassignment opportunity at her same grade, despite the fact that there were at least 67 vacancies at or below the GS-13 level in various series at the time the employee was seeking a reassignment. When the agency argued that it was reasonable for it to have assumed that the employee could not perform successfully in a lower-graded position, the employee showed that she could perform them successfully. When DOD further argued that it had been generous in allowing her to telework and given her a equipment to facilitate remote communications, EEOC was more impressed with evidence showing that DOD typically opposed using reassignment as a reasonable accommodation. In short, the agency could not show that it would suffer an undue hardship by reassigning the employee to a lower-graded position.

To correct the situation, EEOC ordered management to reinstate the employee to a GS-9 position retroactive to July 2007, i.e., four years of back pay, less whatever disability retirement she received and other income. That alone should amount to well more than \$100,000.

But on top of that EEOC ordered DOD to pay the moving costs for the employee to return to the location in which she previously worked, and give her over \$92,000 in damages for "emotional pain and suf-

fering, inconvenience severe financial hardship, mental anguish, loss of enjoyment of life, injury to professional standing, and injury to her credit standing." It also noted evidence of depression, family strain, humiliation, and loss of self-esteem. The Administrative Judge hinted that he would have given even more for loss of her home, moving costs, TSP losses, medical expenses and leave if the employee had submitted evidence during the hearing of those costs being related to her disability. EEOC capped off the remedy ordering DOD to pay over \$88,000 in attorney fees, making the grand total more than \$300,000.

This case is about as clear a precedent any union rep should need to argue that an employee has a right to a reassignment, even to a lower-graded, different series position, when it could be a reasonable accommodation for a disability. Normally, arbitrators, EEOC, and the courts will require that there be a vacant position and even then the agency can argue that under the circumstances it would cause it an undue hardship. But a grievance or EEO complaint should generate compromise discussions.

[FEDSMILL]



Chapter 73 will hold an electronic/telephonic secret ballot Officer Election beginning on March 30, 2018, and ending on Tuesday, April 17, 2018 at 3:00 p.m. EST.

For Election-related issues or concerns, please contact Election Committee Chairperson, Sarah Corea, at

nteu73election2018@hotmail.com