

March 20, 2006

## MEMORANDUM

TO: IRS Chapter Presidents

RE: Formal Meetings

**SUMMARY: Exercise NTEU's rights during formal meetings.**

Management has been becoming more and more aggressive about denying chapters their right to use 30-minutes at the end of formal meetings to talk with employees without the manager present. While we could file grievances, that seems to be a very expensive way of correcting this problem especially since we have options.

Management originally gave us the 30-minute period at the end of the meeting because chapters were getting "very involved" in the normal flow of the meetings. Using Article 8, Section 1F rights, chapters were constantly "asking questions" and "making statements" throughout these formal meetings. Some managers felt that while this did not disrupt the meetings, it would be far better if the union dealt with its issues at the end of the meeting. That enabled the manager to easily move through his or her planned discussion and to avoid being drawn into a debate about matters of law and contract before his/her own employees.

Other chapters were using their rights under Article 9, Section 2G1 to inform employees in the meeting that the union would be available to "confer" with the employees after the meeting about any matters that arose during the meeting that could be corrected under the agreement. In that case, the employees merely asked for a reasonable amount of time to meet with the steward elsewhere to talk about what otherwise would have been handled in the 30 minutes at the end of the meeting. (The union can remind employees of this right during the meeting.) If the time is denied, the union can file a grievance which will result in a meeting with the employees anyway.

Still other chapters would leave the formal meeting, file a grievance to address any possible concerns they had, and use their right to prepare for a grievance meeting with the group's employees to discuss the meeting with them.

Many chapters developed practices with local managers to use this 30-minute period at the end of virtually all formal meetings. These understandings applied to far more meetings than the contract gave them the right to use, i.e., "meetings addressing Service-wide issues impacting

all or a significant part of one or more divisions in the SCR's area" (Article 8, Section 1F). It appears that this was done because both local parties recognized the value of giving management its part of the meeting and the union its part. Unfortunately, we are in an environment where even the smallest management decisions have to be made in Washington. In this case, managers are being directed to ignore past practice as well as common sense about how to deal with their own group meetings.

Consequently, I suggest that chapters start reminding managers why they agreed to the many local 30-minute practices in the first place by using their full contract and statutory rights to "get fully involved" in these meetings. If managers deny us our rights, the union has the option to file a separate grievance over each denial, to bundle all violations over a six-month period into one institutional grievance under Article 42, Section 2C, or to do both by making the six-month charge a pattern and practice complaint.

We can also appeal these matters to the FLRA as well. At some point, IRS executives in Washington will realize that local managers have to be trusted to do what they believe is best for them and their employees. At worst, the national management Labor Relations staff should merely have informed managers of what they believe the contract and law require rather than to initiate a nationwide campaign that reverses the many local practices which had been working for years.

We will try to correct this when we return to the term bargaining table, but in the meantime, I know that you will use NTEU's rights to once again persuade your management counterparts as to what is the best practice for ALL parties.

Colleen M. Kelley  
National President