

IRS Briefing on the Evacuation Notices and COVID-19 Issues

SUMMARY: Information from our May 13, 2020 briefing with the IRS on the evacuation notices and COVID-19 issues is provided.

Yesterday, we met telephonically with the IRS for our planned meeting. Representatives from Workforce Relations and FMSS were on the call. Representatives from W&I and SB/SE were not available for the meeting. In addition, we have agreed to the IRS's request that we cancel tomorrow's meeting as the parties have scheduled a meeting on Monday morning (May 18) with the IRS CHCO and others to discuss the IRS's plans regarding IRS operations and the workforce.

Suspension of Contract Time Frames

This morning we are happy to report that the parties have agreed to extend the contract deadlines for an additional thirty (30) days, through June 15. The terms are the same as the initial moratorium and are attached for your reference.

Employee Work Status and Operations Update

While W&I was not on the call, we were advised that there has been a slight increase in the total number of volunteers who are performing work at IRS facilities. These employees continue to perform mission-critical work in various functions at campus and remote call site locations. There was no update on the number of telephone lines that are now open. We reported earlier this week that, currently, telephone lines are open for BMF, the practitioner priority service, IDT/VA, International and TPP. There was also no update on the launching of the EIP help line, which was to occur this week. The line will be staffed with contractors who will only answer questions addressed by the FAQs. Questions involving taxpayer accounts will be referred back to the IRS.

Telework Issues

As more and more employees are now telework-capable, we continue to raise concerns about telework. Yesterday we raised the following concerns about the use of Skype: (i) managers are instructing employees that they must remain "available" on Skype at all times; (ii) managers are monitoring teleworking employees via Skype; and (iii) employees are being directed to use Skype when they have not been trained to use it. Each of these actions are contrary to the express language in Article 50, Section 5A3. With respect to instant messaging (IM), Section 5A3 states that employees may use all the IM features, such as "busy" and "do not disturb", when they are on a call with a taxpayer, for example. Monitoring employees by any "communication tool" is not permitted under Section 5A3. Further, the IRS has an obligation under that section to train employees on the use of Skype ("Employees will not be required to use any online communication tool

until training has been provided.”). We asked how the IRS intends to train employees on the use of Skype and were advised that a communication will be shared with employees providing the necessary instructions on how to use Skype and its features. Please let us know of instances in which managers are violating Section 5A3 of Article 50 so they can be corrected.

We also raised with the IRS the fact that managers are still requiring employees to telework when their homes are not conducive to telework. Examples include lack of privacy, inadequate space or frequent interruptions. We have raised these concerns with the IRS before and it has not taken sufficient steps to address them. We have asked the IRS to address employees’ inability to meet the strict expectations imposed on those required to telework because their home is not conducive to telework, as well as the potential for discipline and poor performance ratings for failing to meet those expectations. The IRS indicated it will review and get back to us.

The parties discussed the issue of employees being required to call in for “required” meetings even though they are on weather and safety leave. The IRS stated that employees on W&S leave should not be directed to call in for meetings. We provided an example of this requirement and they indicated they would address it.

New Hires and Eligibility for Retention Incentives

We raised the eligibility of new hires to volunteer to perform mission-critical work. The IRS clarified that new hires are entitled to volunteer to perform work at an IRS worksite but may not earn the retention incentive because the regulations require the employee have a fully successful rating and new hires have yet to be rated. The IRS addressed this by saying it would pay new employees who volunteer to work at the IRS worksite a special act award equivalent to the retention incentives being offered to other volunteers. The IRS stated that this message had been cascaded to various points of contact in the agency, but it was not sure it had been transmitted to IRS personnel who oversee new hire orientation sessions. The IRS stated it would be sent to them so they can communicate this fact to new hires.

Requesting FMLA Leave

The IRS did not have an update on the ability of employees without IRS intranet access to have FMLA leave approved, as FOH no longer accepts faxes of medical documentation. Currently, medical records can only be transmitted by e-mail; and this process requires medical documentation to be attached using a “zip file” to ensure the privacy of these documents. While the FOH website is now available on the IRS intranet, the IRS is still working on how employees without personal computers and intranet access may submit medical documentation. As soon as we are provided an answer, we will let you know.