

Article 8 Formal Meetings

SUMMARY: With the recent onset of manager-called group meetings with evacuated employees, below is a reminder of chapters' rights to advance notice and an opportunity to attend any meetings that are formal in nature consistent with Article 8 and 5 U.S.C. § 7114(a)(2)(A).

As I mentioned in the May 21, 2020 Chapter Presidents' memo updating you on our latest COVID-19 issues briefing with the IRS, we discussed the issue of manager-called meetings with evacuated employees. Specifically, we raised the fact that certain managers appear to be scheduling "required" meetings or team meetings with all employees (including those on weather and safety leave). The IRS advised us that holding these meetings was recommended to managers as a best practice to keep their teams engaged during the pandemic. In response, we made clear to the IRS that, to the extent any telephonic meetings are formal in nature, advance notice and an opportunity to be represented at these meetings must be given to the chapter pursuant to Article 8.

As a reminder, a discussion/meeting triggers chapters' Article 8 and statutory rights when: (1) the discussion/meeting is formal in nature; (2) is between at least one or more managers and one or more bargaining unit employees; and (3) concerns "any grievance or personnel policy or practice or other general condition of employment." Required meetings that are scheduled in advance with an agenda are indicative of a meeting that is formal in nature. As for the subject matter of the meeting, topics that fall under personnel policies, practices or general conditions of employment include: leave and work schedule options; proper reporting of time on SETR; equipment to be provided for telework; when employees may be recalled to work status and the process that will be followed to do so; and, overtime availability, to name just some.

The purpose of the statutory and contract language is to afford chapters the opportunity to safeguard the interests of employees in the bargaining unit by receiving advance notice and an opportunity to attend these formal meetings. This includes the opportunity for the NTEU representative(s) to ask questions related to the topics the manager raises, and to make a brief statement to employees about the union's position on the issue(s) under discussion.

Article 8, Section 1(A)(1)-(3) sets out many of the advance notice requirements, including five (5) workdays' advance notice for regularly scheduled formal meetings. The IRS should also be providing five (5) workdays' advance notice for non-recurring formal meetings, unless circumstances preclude such notice, at which point the IRS should be giving as much notice as practicable.

In addition, please especially note Article 8, Section 1(D)(3)(h), which provides: “Consistent with the Employer’s right to assign work, the Employer will provide the Union with up to thirty (30) minutes to meet with impacted employees without managers present following formal discussions involving: safety or health issues (e.g., pandemics) impacting all bargaining unit employees nationwide or a health issue declared by the Centers for Disease Control and Prevention (CDC) in a specific geographic area.”

As managers continue to hold mandatory meetings with evacuated employees, and with the IRS beginning to recall bargaining unit employees in certain states — likely leading to additional formal meetings — it will be vital for chapters to exercise their right to be represented at formal meetings and to participate by asking the questions and raising the concerns that impact employees.

If you have any questions about whether a particular “meeting” is “formal discussion” under the contract and the law and, if so, how to challenge the IRS’s failure to provide notice and an opportunity to participate, please contact your National Field Representative. Thank you and please remain healthy and safe!