

# **SERVICE LEVEL AGREEMENT BETWEEN THE NATIONAL TAXPAYER ADVOCATE AND THE NATIONAL CHIEF, APPEALS**

## **I. INTRODUCTION**

- A) This National Service Level Agreement outlines the procedures and responsibilities for the processing of Taxpayer Advocate Service (TAS) casework when the authority to complete case transactions rests outside of the TAS.
- B) The parties to this Agreement are the Taxpayer Advocate Service, represented by the National Taxpayer Advocate and the Office of Appeals (Appeals), represented by the National Chief, Appeals.
- C) This Agreement acknowledges the Taxpayer Advocate Service's statutory authority to assist taxpayers in resolving their problems with the Internal Revenue Service while also respecting the obligation of Appeals to independently resolve taxpayer controversies.
- D) Any existing customer/service level agreements are rendered obsolete and are superceded by this Agreement. This Agreement shall take effect consistent with the timeline agreed to by the parties.
- E) This Agreement is national in scope and will be the basis upon which determinations regarding the processing and procedures for TAS cases will be made by the parties. Items specific to the Office of Appeals are incorporated into the addendum to this Agreement.
- F) Local disagreements over the implementation of these provisions will be elevated through the appropriate management channels within TAS and Appeals for resolution. If resolution cannot be reached, then the matter will be elevated to the National Taxpayer Advocate and/or the National Chief, Appeals who will negotiate with the appropriate parties.

## **II. PURPOSE**

The purpose for developing and implementing a National Service Level Agreement is to establish uniform standards for the processing of work when TAS does not have the statutory and/or delegated authority to affect complete resolution of the taxpayer's problem, to ensure that TAS employees are included in Appeals training and CPEs, and to maintain a working knowledge in TAS of Appeals' operational policies and procedures.

### **III. STATEMENT OF COMMITMENT**

- A) The signatures of the National Taxpayer Advocate (NTA) and the National Chief, Appeals indicate concurrence that TAS casework requiring priority consideration, as defined in this document, will receive that consideration within Appeals in accordance with this document.
- B) The National Chief, Appeals will issue a memorandum consistent with the timeline agreed to by all parties, through their management chain, to all employees within their jurisdiction, that emphasizes the priority nature of a Taxpayer Advocate case, as defined in Section Six, Items E and F of this agreement, and encourages Appeals employees and managers to work cooperatively with TAS to effect timely resolution of taxpayer problems. This memorandum will also include the National Chief, Appeals' endorsement of this agreement and the provisions contained therein.
- C) The National Service Level Agreement will be reviewed annually or more frequently with concurrence of the parties. Modifications will be made in writing only and will be signed by the National Taxpayer Advocate and the National Chief, Appeals.
- D) The basic Internal Revenue Manuals of Appeals and TAS, upon updating, will include the Agreement and applicable addendums. In other IRMs in electronic format, where the Agreement and addendums are not included, a hotlink will be made available to these documents.
- E) Appeals will communicate its annual training plan to TAS in order to provide TAS employees with the opportunity to attend Appeals' training. TAS will identify potential training opportunities for its employees and will work with Appeals to identify the number of slots available for TAS training. TAS will identify the appropriate TAS personnel who would serve as train-the trainers to attend this training. All external costs (travel, per employee contract costs for outside trainers) for TAS employees will be paid by TAS.

### **IV. OPERATIONS ASSISTANCE REQUEST PROCESS**

The Taxpayer Advocate Service uses the Operations Assistance Request (OAR) process to refer a case to Appeals when TAS lacks either the statutory or delegated authority to affect the resolution of the taxpayer's problem. This authority can be found in IRM 13. The Taxpayer Advocate Service utilizes Form 12412, Operations Assistance Request, to initiate the OAR process.

## V. TAXPAYER ADVOCATE SERVICE RESPONSIBILITIES

- A) TAS will identify those cases requiring an OAR to Appeals. Generally, OARS will be worked locally; however, there may be occasions, due to centralization of Appeals programs, or when it is in the best interest of the taxpayer and/or the IRS, that may require OARs to be worked in an office other than the office where the case originated.
- B) TAS will provide training to its employees describing the roles and responsibilities of TAS personnel in the OAR process.
- C) TAS will ensure that cases meet appropriate TAS criteria prior to submitting an OAR to Appeals. TAS is responsible for building the case prior to its delivery to Appeals. That is, TAS will conduct all appropriate IDRS research, identify the issue(s) based on case analysis, request all pertinent internal documents, e.g., copy of returns, audit reports, adjustment documents, etc., request documentation from the taxpayer relevant to the issue, and make a recommendation, where appropriate, based upon the technical knowledge of the Advocate, to Appeals as to the appropriate course of action. Recommendations to be made by TAS may include but are not limited to requests to:
- Consider or expedite the consideration of the case
  - Review supplemental submissions, information or issues
  - Re-open the case
  - Elevate the case for review at a higher level; or
  - Take other similar actions

Where appropriate, TAS will also outline the account adjustments that need to be effected to implement TAS's recommendation. When the case file is complete, it will be forwarded with the OAR to Appeals.

- D) Each TAS office will appoint a Liaison who will be responsible for forwarding the OARs from their respective office to the appropriate Appeals Liaison. (See the attached addendums containing the Appeals and TAS Liaisons.) The TAS Liaisons will also be the contact point for the Appeals Liaison on administrative and procedural matters that are not specific to the substance of particular cases.
- E) TAS will complete Form 12412, Operations Assistance Request, to initiate the OAR process, supplying both the TAS Case Advocate's name and the TAS Liaison's name and contact information, including telephone number, address, and fax number. TAS will forward the case, along with the necessary supporting documentation via Form 3210, Document Transmittal, to the appropriate Appeals liaison [as defined at paragraph VI.A]

- F) In accordance with IRM 13, the assigned TAS Case Advocate will be responsible for keeping the taxpayer/practitioner apprised of the progress of the case and will follow-up with the Appeals employee for a status report. This responsibility will not affect the obligation of Appeals to independently communicate with the taxpayer/practitioner as necessary to appropriately handle TAS-referred cases.
- G) The TAS Case Advocate assigned the case will be notified by the Appeals employee assigned the case of Appeals' proposed resolution of the case. This advance notification will generally be accomplished by providing a schedule of adjustments or statement of changes to the TAS Case Advocate, by facsimile or hand delivery. This information may also be indicated on a copy of Form 12412. The TAS Case Advocate will notify the Appeals employee assigned the case within five (5) workdays of any specific concerns- within the meaning of Section V (C) of the SLA- that warrant a delay of Appeals' notification of the taxpayer/representative of its final determination. The Appeals employee will promptly consider and address comments provided by the TAS Case Advocate. When Appeals issues the final documents containing Appeals resolution of a TAS-referred case, the Appeals employee assigned the case will provide the TAS Case Advocate with a copy of the document.
- H) If the TAS Case Advocate and the Appeals employee assigned the case cannot agree upon the appropriate resolution of the taxpayer's problem, or if the estimated date of case closure provided to the TAS Case Advocate is not satisfactory, or there are problems with the timeliness of the completion of the OAR, the TAS employee will elevate this disagreement to his or her manager who will discuss it with the appropriate Appeals manager. The Appeals employee assigned the case will also elevate any disagreement to his or her manager.
- I) The TAS Area Director(s) or their designees, and the appropriate Appeals Liaison(s) and their ATMs will meet at least quarterly, or more often if either party determines a need, to discuss issues of import that may include, but are not limited to, such topics as the appropriateness of TAS criteria classification, the quality/accuracy of TAS referred-case development, and the OAR process. The Area Directors will provide the National Taxpayer Advocate and the Deputy National Taxpayer Advocate with regular reports on the results of these discussions.
- J) For cases involving economic hardship, TAS Criteria Codes 1 through 4 as defined in IRM 13, the TAS Case Advocate will submit Form 12412, if required, to the appropriate Appeals Liaison within one (1) workday of TAS's determination of the taxpayer's significant hardship and eligibility for relief.

- K) For cases involving systemic hardship (delay or systemic/procedural failure), TAS Criteria Codes 5 through 7 as defined in IRM 13, the TAS Case Advocate will submit Form 12412, if required, to the appropriate Appeals Liaison at the earliest possible date. Upon return of the Form 3210 from the Appeals Liaison, the TAS Case Advocate will contact the appropriate Appeals employee to discuss timeframes for case resolution. The appropriate appeals employee will provide an estimated date of completion.
- L) The TAS Case Advocate and the Appeals employee assigned the case will agree upon the timeframes to follow up based on the facts and circumstances of the particular case.
- M) While the case is being worked in Appeals, the TAS Liaison will follow up with the Appeals Liaison on case progress issues, including status and timeliness. The TAS employee will contact the Appeals employee assigned to the case for information related to substantive issues.
- N) TAS will provide the Appeals Liaisons with appropriate TAMIS reports that will identify OARs in each respective office that will assist Appeals in monitoring its OAR inventory.
- O) TAS will work with the Appeals Liaisons to identify those Appeals employees who require awareness training on working OARs in accordance with TAS case processing requirements that include timeliness, accuracy, and communication.
- P) TAS will provide training opportunities to Appeals to educate TAS employees on the mission and authorities of Appeals.

## **VI. APPEALS RESPONSIBILITIES**

- A) Appeals Liaisons will be Customer Service Outreach employees in major Office/Campus sites. The Appeals Liaison will be TAS's primary point of contact for case progress issues, including status, timeliness, and general administrative or procedural concerns.
- B) The Appeals Liaison will be responsible for receiving OARs from the TAS Liaison, acknowledging receipt of the case, reviewing the case for complete case file development and appropriate assignment, coordinating the case assignment within the function, and monitoring the case through its conclusion.

- C) The Appeals Liaison(s) will elevate any disagreements over the determination of relief requested, including any OAR not sufficiently developed, to the LTA within one (1) workday of receipt of the Form 12412.
- D) If an OAR is misrouted by TAS to the incorrect Appeals Liaison, that Liaison will make contact with the TAS Liaison in the initiating office within one (1) workday of receipt of the Form 12412 to discuss the disposition of the case. When a case needs to be rerouted to a function outside of Appeals, the case file will be forwarded back to the TAS Liaison for appropriate handling. If the case needs to be sent to another Appeals office, the Appeals Liaison will forward the case file to the appropriate Appeals Liaison.
- E) For cases involving economic hardship, TAS Criteria Codes 1 through 4, the Appeals Liaison will acknowledge receipt of the case to the designated TAS Liaison via Form 3210, Document Transmittal, within one (1) workday of receipt of a completed case file. The Appeals Liaison will respond within three (3) workdays in writing, via facsimile, or hand delivery to the TAS Case Advocate his or her relief/no relief decision.
- F) For cases involving systemic hardship (delay or procedural/systemic failure), TAS Criteria Codes 5 through 7, the Appeals Liaison will acknowledge receipt of the case to the designated TAS Liaison via Form 3210, Document Transmittal, within three (3) workdays of receipt of the completed case file. The Appeals employee assigned the case will provide the TAS Case Advocate with a projected completion date for the case. If the date provided is not satisfactory the Appeals Employee will elevate the discussion to their manager for resolution with TAS.
- G) The Appeals Liaison will provide the TAS Liaison with the name and telephone number of the Appeals employee assigned the case on the Form 3210, Document Transmittal. (This employee may be an Appeals Officer, Settlement Officer, or the Appeals Liaison.) The information will be provided on the Form 3210, Document Transmittal, returned to the designated TAS Liaison by the timeframe outlined in Paragraphs VI.E and VI. F herein.
- H) The Appeals employee and the TAS Case Advocate will agree upon the timeframes for follow-up based on the facts and circumstances of the particular case.
- I) The Appeals employee assigned the case will obtain ATM approval (in cases where settlement authority is not delegated to the Appeals employee) and then will contact the appropriate TAS Case Advocate to provide the proposed settlement or resolution of the case. A copy of the

schedule of adjustments, statement of changes or notations on Form 12412 containing Appeals' proposed resolution will be provided to the TAS Case Advocate, by facsimile or hand delivery. After five (5) workdays, the Appeals employee assigned the case will notify the taxpayer/representative of Appeals' final determination, unless the TAS Case Advocate raises a specific concern consistent with paragraph V (C), within the five-day period, that warrants a delay of this notification. Whenever Appeals issues the final documents containing Appeals' resolution of a TAS-referred case, the Appeals employee assigned the case will promptly provide the TAS Case Advocate with a copy of the document.

- J) If the TAS Case Advocate and the Appeals employee assigned the case cannot agree upon the appropriate resolution of the taxpayer's problem, or if the estimated date of case closure provided to the TAS Case Advocate is not satisfactory, or there are problems with the timeliness of the completion of the OAR, the TAS employee will elevate this disagreement to his or her manager who will discuss it with the appropriate Appeals manager. The Appeals employee assigned the case will also elevate any disagreement to his or her manager.
- K) The Appeals Liaisons will use the TAMIS reports provided by the TAS office to monitor the OAR inventory and to follow-up with the assigned Appeals employees as needed.
- L) The Appeals Area Directors will be responsible for effectively managing the OAR inventory. The Appeals Liaisons will provide reports to the Appeals Area Directors identifying cases with timeliness or other issues.
- M) The Appeals Liaison and appropriate Appeals manager or designee will meet at least quarterly, or more often if either party determines a need, with the TAS Area Director(s), or their designees, to discuss issues of import that may include, but are not limited to, the appropriateness of TAS criteria classification, the quality/accuracy of TAS referred-case development, and the OAR process. The Appeals Liaison will provide his or her appropriate manager with regular reports on the results of these discussions.
- N) In accordance with the final report from TIGTA, entitled, *The National Taxpayer Advocate Needs to Ensure Operations' Employees Receive Training to Identify Cases*, Appeals will provide TAS the opportunity to provide TAS awareness case criteria training to Appeals employees at least annually, during CPE sessions, group meetings, or other appropriate venues.

## VII. JOINT IMPROVEMENT EFFORTS

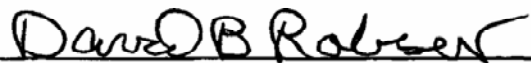
- A) The Executive Director for Systemic Advocacy will provide information on trends, legislative recommendations, and systemic and procedural problems to Appeals. The Executive Director for Systemic Advocacy, working with the TAS Director of Program, Planning, and Quality, will provide Appeals personnel with periodic reports and analysis of the TAS inventory Study.
- B) The Office of Appeals will seek and identify opportunities to work with the Executive Director for Systemic Advocacy who will advocate for taxpayers and ensure their interests and concerns are represented during the development of new IRS policies, systems, procedures, and programs.

## VIII. IMPLEMENTATION AND COMMUNICATION

TAS will convene a cross-functional team to monitor the implementation of all Service Level Agreements between TAS and the Operating/Functional Units. This team will review any proposed modifications to the Service Level Agreements and elevate any recommendation to the respective Division Commissioners and Functional Chiefs and the National Taxpayer Advocate.

TAS and the Office of Appeals will develop a communication strategy that will provide the terms of the National Service Level Agreement to all employees consistent with the timeline agreed to by the parties.

This agreement and addendum are effective beginning September 01, 2005.



David B. Robison  
National Chief, Appeals

6 October 2004

Date



Nina E. Olson  
National Taxpayer Advocate

31 August 2004

Date