

SERVICE LEVEL AGREEMENT BETWEEN THE NATIONAL TAXPAYER ADVOCATE AND THE COMMISSIONER, WAGE AND INVESTMENT DIVISION

Expiration Date: Remains in effect
until renegotiated or reissued
Impacted IRM(s): 13.1.19
Effective Date: 02-01-2008

I. INTRODUCTION

- (A) This 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 TAS represented by the National Taxpayer Advocate (NTA), and the Wage and Investment (W&I) Division, represented by the Commissioner, W&I.
- (C) Any existing customer/service level agreements are rendered obsolete and are superseded by this agreement. This agreement shall take effect February 1, 2008, and shall remain in effect unless reissued or renegotiated by the parties.
- (D) 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 W&I Division are incorporated into the addendum to this agreement, entitled, "Addendum to the Service Level Agreement between the NTA and the Commissioner, W&I Division," noted heretofore as "the W&I Addendum" or the Addendum."
- (E) Local disagreements over the implementation of these provisions will be elevated through the appropriate management channels within TAS and the W&I Division for resolution. If resolution cannot be reached, then the matter will be elevated to the NTA and the Commissioner, W&I Division, who will negotiate with the appropriate parties.

II. PURPOSE

The purpose for developing and implementing a Service Level Agreement (SLA or "the Agreement") is to establish uniform standards for the processing of work when TAS does not have the statutory or delegated authority to effect complete resolution of the taxpayer's problem, to ensure that TAS employees are included in training and Continuing Professional Education (CPE) courses held by the W&I Division, and to maintain a working knowledge in TAS of operational and functional authorities, policies and procedures.

III. STATEMENT OF COMMITMENT

- (A) The signatures of the NTA and the Commissioner, W&I Division reflect concurrence that TAS casework requires priority consideration and will receive that consideration within the W&I Division.
- (B) The Commissioner, W&I Division, will issue a memorandum consistent with the timeline agreed to by all parties, through his management chain to all employees within his jurisdiction. The memorandum will emphasize the priority nature of a Taxpayer Advocate case, and encourage W&I employees and managers to work cooperatively with TAS to effect timely resolution of taxpayer problems. This memorandum will also include his endorsement of this agreement and the provisions contained therein.
- (C) The SLA will be reviewed and reissued annually. The SLA may be reviewed earlier with concurrence of the parties or in accordance with Paragraph X. (C). Modifications will be made in writing only and must be signed by the NTA and the Commissioner, W&I Division.
- (D) All affected Internal Revenue Manuals (IRMs) for the W&I Division, upon updating, will include a reference to the SLA and Addendum. The SLA will be available via the intranet by links on both the TAS and the W&I web pages.
- (E) TAS will provide training to its employees describing the roles and responsibilities of TAS personnel in the Operations Assistance Request (OAR) process, including proper routing of OARs, timely and accurate updates to the OAR field information on the Taxpayer Advocate Management Information System (TAMIS), and the process for elevating issues related to OAR processing.
- (F) Training opportunities in the W&I Division will be communicated to TAS to ensure attendance of TAS personnel. TAS will work with the W&I Division to identify the number of slots available for the training. TAS will identify the appropriate TAS personnel who would serve as train-the-trainers to attend this training. If travel is involved for TAS employees to attend training/CPE, TAS will be responsible for funding its employees.
- (G) Training opportunities in TAS will be communicated to the W&I Division to ensure attendance of W&I personnel (i.e., Headquarters and campus liaisons). TAS will work with the W&I Division to identify the number of slots available for the training. The W&I Division will identify the appropriate personnel to attend this training (e.g., Annual TAS

Symposium). If travel is involved for W&I employees to attend training, W&I will be responsible for funding its employees.

IV. OPERATIONS ASSISTANCE REQUEST PROCESS

TAS uses the OAR process to refer a case to the W&I Division when TAS lacks either the statutory or the delegated authority to affect the resolution of the taxpayer's problem. This authority can be found in IRM 13.1.4, TAS Authorities. TAS will use Form 12412, Taxpayer Advocate Service Operations Assistance Request, to initiate the OAR process.

Exceptions:

- (1) A request for Automated Collection System (ACS) hold on collection activity on cases that are in status 22 may be made by phone, fax, or secure messaging. TAS will advise ACS of the reason a hold on collection activity is needed and an estimated date for completing actions necessary to resolve the taxpayer's issue. The W&I Division will input a 30-day hold on the account. Extensions may be granted based on the facts and circumstances of each case.
- (2) Manual refund requests may be faxed to the Manual Refund team in the appropriate campus to prevent a delay in the refund process. The original documents must then be sent via overnight mail.

Counting of Days: The first day is considered to begin on the workday the properly completed OAR is received by W&I. For this purpose, the workday will end at 2:30 p.m. in the time zone receiving the OAR. The OARs received after 2:30 p.m. will be considered as received the next workday.

V. TAS and W&I LIAISONS

- (A) Each TAS office will appoint a liaison who will be responsible for the following:
 - (1) Ensuring accuracy of the OAR and forwarding the OARs from his or her respective office to the appropriate W&I Business Unit Liaison. See the Addendum for the appropriate W&I Business Unit Liaisons.
 - (2) Ensuring that the OAR is properly completed, that all related technical questions posed by the TAS employee have been resolved, and all necessary documents are attached, that any high profile or imminent statute cases are prominently marked for the W&I Division's attention, and that the OAR is routed to the correct office within the W&I Division.
 - (3) Serving as the contact point for the appropriate W&I Business Unit Liaison on matters outside the scope of the TAS case should

discussion be necessary on administrative, technical, or procedural matters.

- (4) Reviewing for the appropriate use of expedite processing to ensure TAS taxpayers most in need of assistance receive expedite service.
- (B) The W&I Division will assign a liaison in each local office or campus where an LTA is located. The location and numbers of these liaisons may vary depending upon the business unit, the centralization of certain IRS work, and other factors.
- (C) The W&I Business Unit Liaison(s) will be responsible for accepting the OARs from TAS, acknowledging receipt of the case, reviewing the case for appropriate assignment, assigning the case to the appropriate employee within the function, monitoring the case through its W&I Business Unit conclusion, and providing TAS written approval (normally through return of the completed OAR) to input an adjustment or issue a manual refund after a W&I determination in accordance with TAS delegated authorities.
- (D) In accordance with Paragraph VII. (C), the W&I Business Unit Liaison will also be responsible for providing guidance and assistance to TAS Liaison on the proper routing of OARs when needed.
- (E) The W&I Division will maintain an addendum to this agreement listing the name and contact information for each assigned W&I Business Unit Liaison, including the liaison's telephone and fax number, mailing address, street address (for express mail), and manager's name and phone number. The addendum will be updated and posted to the W&I Division web site within seven (7) workdays of the date any change to the Liaison or contact information occurs.

VI. **TRAINING RESPONSIBILITIES**

- (A) TAS will provide training to its employees describing the roles and responsibilities of TAS personnel in the OAR process, including proper routing of OARs, timely and accurate updates to the OAR field information on TAMIS, and the process for elevating issues relating to OAR processing.
- (B) TAS will work with the W&I Business Unit Liaisons to identify those W&I Division employees who require awareness training on working OARs in accordance with TAS case processing requirements including timeliness, accuracy, and communication. To facilitate this training, TAS will provide appropriate training materials and instructors. Appropriate computer-based training will satisfy this requirement.

- (C) The W&I Division will provide TAS the opportunity to provide TAS awareness case criteria training for appropriate employees, at least annually, during CPE sessions, group meetings, or other appropriate venues.

VII. OAR INITIATION

- (A) TAS will ensure that cases meet appropriate TAS criteria prior to submitting an OAR to the W&I Division. TAS is responsible for the following:
 - (1) Building the case prior to its delivery to the W&I Division;
 - (2) Conducting all appropriate Integrated Data Retrieval System (IDRS), other systems, and IRM research;
 - (3) Identifying the issue(s) based on case analysis;
 - (4) Securing all pertinent and current documents, e.g., copy of returns, audit reports, adjustment documents, etc.;
 - (5) Requesting documentation from the taxpayer relevant to the issue; and
 - (6) Making a recommendation, where appropriate, based upon the technical knowledge of the case advocate, to the W&I Division as to the appropriate course of action. This recommendation should be supported by justification; e.g., a complete statement of facts providing reasons, addressing responsibility, willfulness, and any basis (IRM or Internal Revenue Code), for considering or reconsidering the request.

TAS will also outline the account adjustments needed to implement TAS's recommended actions. All actions within TAS's statutory and delegated authorities as pertain to the specific case, such as resolution of certain freezes, manual refunds, and other issues related to IRM 21, Customer Account Services, should be completed by TAS.

- (B) TAS will complete Form 12412 to initiate the OAR process, and include the following information:
 - (1) TAMIS case file number;
 - (2) TAS employee's name;
 - (3) TAS Liaison's name and contact information, including telephone number, address, and fax number;
 - (4) Criteria Code
 - (5) TAS Serial Number
 - (6) Primary and Secondary Core Issue Code, and
 - (7) Requested Completion Date.

In addition, TAS will clearly identify those OARs that require expedite processing based on the facts and circumstances of the case (as

defined in Paragraph VII (D)). TAS will also clearly identify those OARs that are being sent to W&I due to authorities TAS has relinquished as of October 1, 2007. TAS will forward the OAR, along with the necessary supporting documentation, via Form 3210, Document Transmittal, to the appropriate W&I Business Unit Liaison as defined in Paragraph V. (B). In transmitting OARs, TAS will use most expeditious method available in the given situation. Thus, to the extent possible and practical, TAS will transmit OARs, with scanned attachments, via encrypted emails. In offices where the TAS liaison and the W&I Business Unit liaison are co-located, where practical, TAS will hand-deliver OARs to expedite processing. Otherwise, OARS and attachments will be faxed unless original documents are needed by W&I or attachments are too voluminous (for example, over 20 pages) or faxing would cause documents to be illegible. Original documentation, forwarded by next day or regular delivery service, will not be shipped until routing is confirmed with a phone call or fax.

- (C) If unsure of the correct routing of an OAR, the TAS employee will contact the TAS Liaison or his or her manager in the co-located office. If necessary, the TAS Liaison or manager will contact the TAS Liaison in the co-located office, or the TAS Revenue Agent, TAS Revenue Officer or TAS Campus Technical Advisor supporting that office. If these efforts are not successful in resolving the issue, the TAS Liaison will contact the W&I Business Unit Liaison for additional assistance.
- (D) TAS is responsible for clearly identifying those OARs that require expedite processing. No OAR will automatically receive expedite processing; requests for expedite processing will be made on a case-by-case basis and will be based on the facts and circumstances of the taxpayer's case. TAS will generally request expedite processing of an OAR in those cases in which the failure to take the specific action requested will cause the taxpayer economic harm or burden, extended delays have occurred, repeated IRS failures to resolve the problem have taken place, the taxpayer is suffering significant health issues which may improve with earlier resolution, or when timeframes or statute consideration necessitate that case issues be worked sooner.
- (E) When TAS determines that the OAR requires expedite processing the TAS employee will submit Form 12412 to the appropriate W&I Business Unit Liaison within one (1) workday once the OAR is sufficiently developed.

Note: Innocent Spouse cases have processing timeframes based on statutory requirements. The statutory timeframes cannot be circumvented, even for economic burden cases. Check the Innocent Spouse Tracking System (ISTS) to determine if the timeframes are being

met. If the timeframes are not met and the case requires expedite processing, the TAS employee will include an explanation with the OAR.

- (F) For cases that do not require expedite processing, the TAS employee will submit Form 12412 to the appropriate W&I Business Unit Liaison at the earliest possible date. If the W&I employee indicates upon receipt of the OAR that he or she is unable to complete the OAR by the requested completion date, the TAS employee will contact the assigned W&I employee to negotiate or renegotiate the earliest possible requested completion date.
- (G) When TAS has requested expedite processing, the W&I Business Unit Liaison will acknowledge receipt of the OAR to the designated TAS Liaison via Form 3210, Document Transmittal, secure messaging email, facsimile, or by telephone, within one (1) workday of receipt of the properly completed OAR. The W&I Business Unit Liaison will provide his or her relief/no relief decision within three (3) workdays from the acknowledgement date of a properly completed OAR by telephone, facsimile, secure messaging email, or hand delivery to the TAS employee. Telephone responses are acceptable if followed up, within the time agreed upon, with the necessary documentation.
- (H) For OARs that do not require expedite processing, the W&I Business Unit Liaison will acknowledge receipt of the OAR to the designated TAS Liaison via Form 3210, secure messaging email, facsimile or by telephone contact with TAS, within three (3) workdays of receipt of the properly completed OAR. If necessary, the W&I employee assigned the OAR will negotiate with the TAS employee a reasonable timeframe for OAR resolution.
- (I) The W&I Business Unit Liaison will provide TAS with the name and telephone number of the W&I group manager or employee to whom the case is assigned. This information will be provided to TAS on the Form 3210, Document Transmittal, by telephone, secure messaging email, or facsimile. The Form 3210 will be returned to the designated TAS Liaison by the timeframes outlined in Paragraphs VII (G) and VII (H).

VIII. PERFECTING AND PROCESSING THE OAR

- (A) TAS employees should direct to the appropriate TAS Liaison all procedural or technical questions not directly related to an OAR that has already been referred. The TAS Liaison will decide, after consulting TAS subject matter experts, whether to forward the matter to the W&I Business Unit Liaison. If the OAR contains an inappropriate technical assistance request, the W&I Business Unit Liaison will advise the TAS

employee within three (3) workdays that the OAR will be returned. Prior to rejecting the matter, the W&I Business Unit Liaison will call the TAS Liaison to discuss the rejection and provide TAS a reasonable opportunity to correct the request.

Example: One example of an inappropriate technical assistance request is an OAR that requests W&I to provide OAR routing information or asks W&I what documentation is required to process the case.

- (B) If an OAR is routed by TAS to the incorrect office or campus location, the W&I Business Unit Liaison will reject and return the OAR to TAS within three (3) workdays of receipt or within (1) workday where TAS has requested expedite processing. The W&I Business Unit Liaison will complete Section VI for Form 12412 indicating the reason for the rejection, citing the W&I SLA Addendum and IRM references (when applicable). TAS will close the OAR on TAMIS as rejected and issue a new OAR with the correct routing information.

Note: If the OAR is routed to the incorrect W&I Business Unit Liaison, office or campus location because the routing information in the addendum has changed but has not been updated by W&I, the W&I Business Unit Liaison will route the OAR to the new Liaison, office or campus location and provide the assigned TAS employee with the new routing information.

- (C) If the W&I Business Unit Liaison/employee determines additional research or documentation is required on an OAR, the W&I Business Unit Liaison will contact the assigned TAS employee within one (1) workday of the determination, and within one (1) workday of the receipt of the OAR in the case of expedite processing OARs, to obtain information and to negotiate the requested completion date. If the assigned TAS employee cannot provide the information within three (3) workdays of the request, the W&I Business Unit Liaison may return the OAR to TAS and the case will be closed out of the unit inventory. W&I may provide TAS additional time to obtain the information, where appropriate. The W&I Business Unit Liaison will complete Section VI of Form 12412 indicating the reason(s) for the rejection, including that TAS did not timely provide necessary documentation upon request, and citing the IRM references (when applicable).
- (D) If W&I rejects an OAR for incorrect routing or missing documentation, and TAS believes sufficient information has been provided, the TAS Liaison will discuss any disagreement with the W&I Business Unit Liaison within three (3) workdays (or one (1) workday if the OAR was an expedite processing OAR) of the receipt of the Form 12412 prior to

elevating to the Local Taxpayer Advocate (LTA) in the originating TAS Office.

- (E) If the W&I Business Unit Liaison believes TAS has the authority to take the action(s) requested on the OAR, the W&I Business Unit Liaison will contact the TAS Liaison within one (1) workday of the determination to discuss his or her recommendation prior to returning the OAR. If the TAS Liaison agrees with the W&I Business Unit Liaison's recommendation, the W&I Business Unit Liaison will return the OAR to TAS and the case will be closed out of the unit's inventory. The W&I Business Unit Liaison will complete Section VI of Form 12412 indicating the reason for the rejection citing IRM references. If the W&I Business Unit Liaison and TAS Liaison cannot reach agreement, the disagreement will be elevated to both Liaisons' immediate managers. The managers will discuss the case and try to agree on the case resolution. If agreement on the appropriate resolution cannot be reached within three (3) workdays, both managers will elevate the issue through the appropriate management channels within TAS and the W&I Division for resolution or issuance of a Taxpayer Assistance Order by the LTA.
- (F) The TAS employee and the W&I employee assigned the OAR will agree upon the timeframes for follow-up based on the facts and circumstances of the particular case.
- (G) If additional time is needed to complete the OAR, the W&I employee assigned to the OAR will contact the TAS employee prior to the negotiated completion date. If resolution of the taxpayer's case cannot be completed by the requested completion date, or by the negotiated completion date, the W&I employee will elevate the matter to the W&I Business Unit Liaison. The TAS employee will immediately inform his or her manager of the situation. The TAS manager, working with the TAS Liaison in the initiating TAS office, will then contact the W&I Business Unit Liaison to discuss the reason(s) for the delay.
- (H) If the OAR is not completed by the requested or negotiated completion date, the TAS employee will elevate this problem to his or her immediate manager the workday after the expired completion date. The TAS manager will contact the immediate manager of the W&I employee assigned to the OAR.
- (I) If the W&I employee assigned to the OAR and the TAS employee cannot agree upon the appropriate resolution of the taxpayer's problem, the TAS employee and W&I employee will elevate this disagreement to their immediate managers. If an agreement on the appropriate resolution cannot be reached within three (3) workdays, the managers will elevate the issue through the appropriate management channels within TAS and

the W&I Division for resolution or consideration of a Taxpayer Assistance Order by the LTA.

- (J) In accordance with IRM 13, Taxpayer Advocate Service, the assigned TAS employee will be responsible for keeping the taxpayer/practitioner apprised of the progress of his or her case and will follow-up with the W&I employee assigned the OAR for a status report, as necessary. The TAS employee assigned the case will follow up with the W&I employee assigned the OAR if a response has not been received by the requested or negotiated completion date. The W&I Business Unit workgroup (employee) assigned the case will make necessary contacts with the taxpayer/practitioner. The W&I Business Unit employee assigned the OAR will discuss his or her findings and recommendations on the final disposition of the OAR with the assigned TAS employee prior to communicating the final decision to the taxpayer or issuing any closing documents. The TAS employee will also be responsible for communicating the final decision on the OAR to the taxpayer/practitioner after holding any necessary discussions with the appropriate W&I Division personnel. The W&I Division will provide the official closing documents to the taxpayer in accordance with Paragraph VIII. (K).
- (K) The W&I Division are responsible for issuing any official closing documents to the taxpayer. For example, a notice of deficiency, release of levy, or penalty denial letter will be provided to the taxpayer with a copy to TAS by the W&I Business Unit employee who handled the case.
- (L) Upon closing the OAR, the W&I employee will complete Section VI of Form 12412 and return to the TAS employee assigned the case. The OAR must be returned within three (3) workdays from the date all actions have been completed and transactions input. OARs will be closed on TAMIS upon receipt of the Form 12412 from the W&I employee and, if required, upon TAS input of an adjustment or manual refund where such action has been approved in writing by the W&I Business Unit Liaison (normally through return of the completed OAR) in accordance with TAS delegated authorities.

IX. OTHER RESPONSIBILITIES

- (A) The TAS Area Directors or their designees and the appropriate W&I Business Unit Liaisons and/or appropriate W&I managers will meet at least quarterly, or more often if either party determines a need, to discuss issues of importance that may include, but are not limited to, the appropriateness of TAS criteria classification, the quality/accuracy of case development, the use of expedite process, the effect on OAR volumes resulting from changes to TAS delegated authorities, and the OAR process. The meetings will be organized by TAS with W&I input.

The TAS Area Directors will provide the NTA, the Deputy NTA, the Executive Director Case Advocacy, and W&I with regular reports on the results of these discussions. W&I meeting participants will provide the Director CAS and the Director Compliance regular reports on the results of these meetings and the Directors will brief the Commissioner W&I, and Deputy Commissioner, W&I as appropriate.

- (B) TAS will provide the appropriate W&I Business Unit Liaison(s) with access to the W&I Division OAR reports on the TAS TAMIS Portal to identify OARs in each respective office. This will assist the W&I Division Liaison(s) in monitoring their OAR inventory. In addition, TAS will either provide W&I access to TAMIS and EUREKA or provide W&I a monthly report on the total volume of expedited OARs by Criteria Code for the month and fiscal year cumulative with prior year comparison.
- (C) TAS will update TAMIS upon receipt of an OAR acknowledgement, notification of a misrouted or rejected OAR, a negotiated completion date, and a completed OAR. This will ensure the data provided in the OAR reports available on the TAS TAMIS Portal is accurate because the data is based on the information reflected in TAMIS. The W&I Division will designate a TAMIS Data Portal Administrator who will be responsible for administering access to the TAMIS Data Portal.
- (D) The W&I Business Unit Liaison will be responsible for effectively managing the OAR inventory and providing reports to management that identify OARs not closed by the requested or negotiated date.

X. JOINT IMPROVEMENT EFFORTS

- (A) The Executive Director Systemic Advocacy will provide information on trends, legislative recommendations, and systemic and procedural problems to the W&I Division.
- (B) The W&I Division 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.
- (C) TAS and the W&I Division agree to evaluate the impact on the timeframes for responding and address any concerns of either party in future revisions of this Service Level Agreement. To assist in making this determination, TAS will provide W&I current and prior year historical data on expedited OARs, as set out in Paragraph IX (B).
- (D) To enhance taxpayer relations, the W&I Division will support TAS in efforts to secure read-only access to certain relevant W&I-owned

taxpayer account information systems. This access will enable TAS to expedite taxpayer assistance and reduce TAS contacts for taxpayer histories. Note: TAS access will be negotiated on a system by system basis and W&I may set policy restrictions upon disclosure of certain "need to know" information available to TAS. Also, TAS is subject to the IRS policy on unauthorized access (UNAX) and inspection of taxpayer records which imposes violations for accessing any case on which an employee does not have a case assignment.

- (E) Upon request, the W&I Division will work with TAS by completing concurrent case reviews and reviews of telephone contacts (if applicable) through joint review efforts or data collection methods to determine if W&I employees are appropriately advising the taxpayer of the availability of TAS and the Low Income Taxpayer Clinics (LITCs), identifying cases that should be referred to TAS, and complying with the terms of this agreement. TAS will provide the results of these reviews and suggestions for improvement to the W&I Division. With regard to telephone contacts, the joint review efforts or data collection methods will be limited to W&I Division providing TAS no more than five (5) recorded telephone contacts weekly (type of calls to be identified by TAS), National Quality Review System (NQRS) report data and guidance, and access to live call monitoring.

XI. IMPLEMENTATION AND COMMUNICATION

TAS and the W&I Division will convene a cross-functional team to develop a communication strategy that will provide the terms of the SLA to all appropriate employees, consistent with the effective date agreed to by the parties.

This agreement is effective beginning February 1, 2008.

Richard Byrd Jr.
Commissioner,
Wage and Investment Division

Date

Nina E. Olson
National Taxpayer Advocate

Date