

**SERVICE LEVEL AGREEMENT
BETWEEN THE NATIONAL TAXPAYER ADVOCATE
AND THE COMMISSIONER, LARGE BUSINESS AND INTERNATIONAL DIVISION**

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 TAS.
- (B) The parties to this agreement are TAS represented by the National Taxpayer Advocate (NTA), and the Large Business and International (LB&I) Division represented by the Commissioner, LB&I.
- (C) Any existing customer/service level agreements are superseded by this agreement. This agreement shall take effect 30 days from the date of signing and shall remain in effect unless 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 LB&I are incorporated into the addenda to this agreement, entitled, "Addendum to the Service Level Agreement between the NTA and the Commissioner, LB&I Division", noted heretofore as "the LB&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 LB&I for resolution. If resolution cannot be reached, then the matter will be elevated to the NTA and the Commissioner, LB&I, 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 both TAS and LB&I employees are afforded the opportunity to be included in training and Continuing Professional Education (CPE) courses offered by each others organization, and to maintain a working knowledge in TAS and LB&I of the operational and functional authorities, policies and procedures of each other's organization.

III. STATEMENT OF COMMITMENT

- (A) The signatures of the NTA and the Commissioner, LB&I reflect concurrence that TAS casework requires priority consideration and will receive that consideration within LB&I.
- (B) The Commissioner, LB&I, 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 LB&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 revised 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, LB&I.
- (D) All affected Internal Revenue Manuals (IRMs) for LB&I, 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 LB&I web pages.
- (E) 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 the Taxpayer Advocate Management Information System (TAMIS), and the process for elevating issues related to OAR processing.
- (F) Training opportunities in LB&I will be communicated to TAS to ensure attendance of TAS personnel. TAS will work with LB&I to identify the number of slots available for the training. TAS will identify the appropriate TAS personnel who would serve as trainers to attend this training. If travel is involved for TAS employees to attend training, TAS will be responsible for funding its employees.
- (G) Training opportunities in TAS will be communicated to LB&I to ensure attendance of LB&I personnel (i.e., HQ and campus liaisons). TAS will work with LB&I to identify the number of slots available for the training. LB&I will identify the appropriate personnel to attend this training (e.g., Annual TAS Symposium). If travel is involved for LB&I employees to attend training, LB&I will be responsible for funding its employees.

IV. OPERATIONS ASSISTANCE REQUEST PROCESS

TAS uses the Operations Assistance Request (OAR) process to refer a case to LB&I when TAS lacks 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.

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

V. TAS and LB&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 LB&I Liaison. See the Addendum for the appropriate LB&I 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 LB&I's attention, and that the OAR is routed to the correct office within LB&I.
 - (3) Serving as the contact point for the appropriate LB&I Liaison on matters outside the scope of the TAS case if discussions are 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) LB&I will assign a liaison for each industry, International and Field Specialist functions. The location and numbers of these liaisons may vary depending upon the distribution of LB&I work and other factors.
- (C) The TAS Liaison will consult by telephone or secure e-mail with the LB&I Liaison to identify the appropriate group or employee within the industry who will work the OAR. The name and telephone number of the LB&I employee assigned the OAR will be provided to the TAS Liaison. If an OAR is assigned to a group, the group manager's name and phone number will be provided to the TAS Liaison. The OAR and supporting documentation will be forwarded directly to the LB&I employee or group

manager. The LB&I employee or group manager will be responsible for accepting the OAR from TAS and acknowledging receipt of the OAR. The LB&I Liaison will also receive a copy of the OAR and will monitor the case through its LB&I conclusion.

- (D) LB&I will maintain an addendum to this agreement listing the name and contact information for each assigned LB&I Liaison, including the liaison's telephone and fax number, and backup contact name and phone number. The addendum will be updated and posted to LB&I 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 LB&I Liaisons to identify those LB&I 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) LB&I will provide TAS awareness case criteria training, 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 LB&I. TAS is responsible for the following:
 - (1) Building the case prior to its delivery to LB&I;
 - (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., copies 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 LB&I 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.

(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) 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 (E)). In transmitting OARs, TAS will use the most expeditious method available in the given situation. Thus, to the extent possible and practical, TAS will transmit OARs via encrypted emails and forward all supporting documentation to the assigned LB&I employee after the case has been assigned. In offices where the TAS Liaison and the LB&I 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 LB&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.

Note: If the issue involves an adjustment to the taxpayer's account, the case and OAR should be referred to the appropriate Wage & Investment (W&I) or Small Business/Self Employed (SB/SE) Liaison in the Cincinnati and Ogden Campuses.

(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 LB&I 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 LB&I employee within one workday after the OAR is sufficiently developed.
- (F) For cases that do not require expedite processing, the TAS employee will submit Form 12412 to the LB&I employee at the earliest possible date via secure messaging whenever possible. If the LB&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 LB&I employee to negotiate or renegotiate the earliest possible requested completion date.
- (G) When TAS has requested expedite processing, the LB&I employee 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 LB&I employee will provide his or her relief/no relief decision within three 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 LB&I employee will acknowledge receipt of the OAR to the designated TAS Liaison via Form 3210, or secure messaging whenever possible within TAS, within three workdays of receipt of the OAR. If necessary, the LB&I employee assigned the OAR will negotiate or renegotiate with the TAS employee a reasonable timeframe for OAR resolution.
- (I) The LB&I Liaison will provide TAS with the name and telephone number of the LB&I employee to whom the case is assigned. This information will be provided to TAS by secure messaging email whenever possible.

The Form 3210 will be returned to the designated TAS Liaison by the timeframe outlined in Paragraphs VII (H) and VII (I).

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 OAR to an LB&I employee. If the OAR contains an inappropriate technical assistance request, the LB&I employee will advise the TAS employee within three workdays that the OAR will be returned. Prior to rejecting the OAR, the LB&I employee will call the TAS Liaison to discuss the rejection and provide TAS a reasonable opportunity to correct the request.
- (B) If an OAR is routed by TAS to the incorrect office or campus location, the LB&I employee will reject and return the OAR to TAS within three workdays of receipt or within one workday where TAS has requested expedite processing. The LB&I employee will complete Section VI of Form 12412 indicating the reason for the rejection, citing the LB&I 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 LB&I Liaison, office, or campus location because the routing information in the Addendum has changed but has not been updated by LB&I, the LB&I 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 LB&I Liaison/employee determines additional research or documentation is required on an OAR, the LB&I employee 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 LB&I employee may return the OAR to TAS and the case will be closed out of the unit inventory. LB&I may provide TAS additional time to obtain the information, where appropriate. The LB&I employee 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 LB&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 LB&I Liaison within three business days or one business day if the OAR was an expedite processing OAR prior to elevating to the Local Taxpayer Advocate (LTA) in the originating TAS Office.
- (E) If the LB&I Liaison or employee believes TAS has the authority to take the action(s) requested on the OAR, the LB&I Liaison will contact the TAS Liaison within one workday of the determination to discuss his or her recommendation prior to returning the OAR. If the TAS Liaison agrees with the LB&I Liaison's recommendation, the LB&I Liaison will return the OAR to TAS and the case will be closed out of the unit's inventory. The LB&I Liaison will complete Section VI of Form 12412 indicating the reason for the rejection citing IRM references. If the LB&I 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 workdays, both managers will elevate the issue through the appropriate management channels within TAS and LB&I for resolution or issuance of a Taxpayer Assistance Order by the LTA.
- (F) The TAS employee and the LB&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 LB&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 LB&I employee will elevate the matter to the LB&I 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 LB&I 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 LB&I employee assigned to the OAR.
- (I) If the LB&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 LB&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 LB&I 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 LB&I employee assigned the OAR for a status report, as necessary. The TAS employee assigned the case will follow up with the LB&I employee assigned the OAR if a response has not been received by the requested or negotiated completion date. The LB&I workgroup (employee) assigned the case will make necessary contacts with the taxpayer/practitioner. The LB&I 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 discussion with the appropriate LB&I personnel. LB&I will provide the official closing documents to the taxpayer in accordance with Paragraph VIII (L).
- (K) LB&I is responsible for issuing any official closing documents to the taxpayer with a copy to TAS by the LB&I employee who handled the case.
- (L) Upon closing the OAR, the LB&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 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 LB&I employee.

IX. OTHER RESPONSIBILITIES

- (A) The TAS Area Directors or their designees and the appropriate LB&I Liaisons 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, and the OAR process. The meetings will be organized by TAS with LB&I input. The TAS Area Directors will provide the NTA, the Deputy NTA, the Executive Director Case Advocacy, and LB&I with regular reports on the results of these discussions. The LB&I Liaisons will provide the Commissioner, LB&I, with regular reports on the results of these

- discussions.
- (B) TAS will provide the appropriate LB&I Liaison(s) with access to LB&I OAR reports on the TAS TAMIS Portal to identify OARs in each respective office. This will assist LB&I Liaison(s) in monitoring their OAR inventory. In addition, TAS will either provide LB&I access to TAMIS and EUREKA or provide LB&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) The LB&I Liaison will use the LB&I OAR reports available on the TAS TAMIS Portal to monitor the OAR inventory and to follow up with the assigned LB&I employee as needed. If any errors are discovered in the TAMIS reports, the LB&I Liaison will immediately notify the LTA of the inaccuracies and the corrections needed. Corrections will be made by TAS within 7 business days, unless the error is a programming error. The LTA will notify the LB&I Liaison when the error is a programming error and will provide a projected expedited resolution date.
 - (D) TAS will update TAMIS upon receipt of an OAR acknowledgement, notification of a misrouted or rejected OAR, a renegotiated 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. LB&I will designate a TAMIS Data Portal Administrator who will be responsible for administering access to the TAMIS Data Portal.
 - (E) The LB&I Liaison will be responsible for effectively managing the OAR inventory and providing reports to management that identify OARs not closed by the 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 LB&I.
- (B) TAS and LB&I agree to develop a team and implement the use of a centralized email point to receive all TAS OARs via the use of encrypted email no later than September 30, 2009. Until the time that this new procedure is developed, OARs will continue to be processed according to Sections VII and VIII of this agreement.
- (C) LB&I 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.

- (D) TAS and LB&I agree to evaluate the impact on the timeframes for responding and address any concerns of either party in futures revisions of the SLA. To assist in making this determination, TAS will provide LB&I current and prior year historical data on expedited OARS, as set out in Paragraph IX (B).

XI. IMPLEMENTATION AND COMMUNICATION

TAS will convene a cross-functional team to monitor the implementation of all SLAs between TAS and the Operating/Functional Units. This team will review any proposed modifications to the SLAs and elevate any recommendation to the respective Division Commissioners, Functional Chiefs, and the NTA.

This agreement is effective beginning 30 days from the date of signing.

/s/ Steven T Miller

8/10/2009

Steven T Miller
Commissioner, LB&I

Date

/s/ Nina E. Olson

5/19/2009

Nina E. Olson
National Taxpayer Advocate

Date