

**SERVICE LEVEL AGREEMENT BETWEEN THE NATIONAL TAXPAYER
ADVOCATE AND THE COMMISSIONER, TAX EXEMPT/GOVERNMENT ENTITIES**

Impacted IRM(s): 13.1.19
Effective Date: May 29, 2009

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 Tax Exempt/Government Entities (TE/GE) Division, represented by the Commissioner, TE/GE.
- (C) Any existing customer service level agreements are rendered obsolete and are superseded by this agreement. This agreement shall take effect May 29, 2009, 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 TE/GE Division are incorporated into the addendum to this agreement, entitled, "Addendum to the Service Level Agreement between the NTA and the Commissioner, TE/GE", noted heretofore as "the TE/GE 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 TE/GE Division for resolution. If resolution cannot be reached, then the matter will be elevated to the NTA and the Commissioner, TE/GE 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 TE/GE 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, TE/GE Division reflect concurrence that TAS casework requires priority consideration and will receive that consideration within the TE/GE Division.
- (B) The Commissioner, TE/GE 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 TE/GE 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, TE/GE Division.
- (D) All affected Internal Revenue Manuals (IRMs) for the TE/GE 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 TE/GE 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 the TE/GE Division will be communicated to TAS to ensure attendance of TAS personnel. TAS will work with the TE/GE 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/Continuing Professional Education, TAS will be responsible for funding its employees.
- (G) Training opportunities in TAS will be communicated to the TE/GE Division to allow attendance of TE/GE personnel (i.e., HQ and TE/GE business unit liaisons). TAS will work with the TE/GE Division to identify the number of slots available for the training. TE/GE will identify the

appropriate personnel to attend this training (e.g., Annual TAS Symposium). If travel is involved for TE/GE employees to attend training, TE/GE 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 the TE/GE 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.

Counting of Days: The first day begins on the workday the properly completed OAR is received by TE/GE. 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 TE/GE 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 TE/GE Business Unit Liaison. See the Addendum for the appropriate TE/GE 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 TE/GE Division's attention, and that the OAR is routed to the correct office within the TE/GE Division.
 - (3) Serving as the contact point for the appropriate TE/GE 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 TE/GE Division will assign liaisons who will be responsible for coordinating all TAS work coming to TE/GE. 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 TE/GE Business Unit Liaison 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 TE/GE Business Unit conclusion, where appropriate, and providing TAS written approval (normally through return of the completed OAR) to input an adjustment or issue a manual refund after a TE/GE determination in accordance with TAS delegated authorities.
- (D) In accordance with Paragraph VII. (C), the TE/GE 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 TE/GE Division will maintain an addendum to this agreement listing the name and contact information for each assigned TE/GE 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 TE/GE 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 TE/GE Business Unit Liaisons to identify those TE/GE 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 TE/GE 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 TE/GE Division. TAS is responsible for the following:
- (1) Building the case prior to its delivery to the TE/GE 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 TE/GE 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) Requested Completion Date.

In addition, TAS will clearly identify those OARs that require expedite processing (as defined in Paragraph VII. (D)) based on the facts and circumstances of the case TAS will also clearly identify those OARs that are being sent to TE/GE 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 TE/GE 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 TE/GE 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 TE/GE 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 TE/GE 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 TE/GE Business Unit Liaison within one (1) workday once the OAR is sufficiently developed.
- (F) For cases that do not require expedite processing, the TAS employee will submit Form 12412 to the appropriate TE/GE Business Unit Liaison at the earliest possible date. If the TE/GE 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 TE/GE employee to negotiate or renegotiate the earliest possible requested completion date.
- (G) When TAS has requested expedite processing, the TE/GE 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 TE/GE 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 TE/GE 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 TE/GE employee assigned the OAR will negotiate with the TAS employee a reasonable timeframe for OAR resolution.
- (I) The TE/GE Business Unit Liaison will provide TAS with the name and telephone number of the TE/GE 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 timeframe 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 TE/GE Business Unit Liaison. If the OAR contains an inappropriate technical assistance request, the TE/GE Business Unit Liaison will advise the TAS employee within three (3) workdays that the OAR will be returned. Prior to rejecting the matter, the TE/GE 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 TE/GE to provide OAR routing information or asks TE/GE what documentation is required to process the case.

- (B) If an OAR is routed by TAS to the incorrect office, the TE/GE 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 TE/GE Business Unit Liaison will complete

Section VI for Form 12412 indicating the reason for the rejection, citing the 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 TE/GE Business Unit Liaison or office because the routing information in the Addendum has changed but has not been updated by TE/GE, the TE/GE Business Unit Liaison will route the OAR to the new Liaison or office and provide the assigned TAS employee with the new routing information.

- (C) If the TE/GE Business Unit Liaison determines additional research or documentation is required on an OAR, the TE/GE 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 TE/GE Business Unit Liaison may return the OAR to TAS and the case will be closed out of the unit inventory. TE/GE may provide TAS additional time to obtain the information, where appropriate. The TE/GE 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 TE/GE 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 TE/GE 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 TE/GE Business Unit Liaison believes TAS has the authority to take the action(s) requested on the OAR, the TE/GE 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 TE/GE Business Unit Liaison's recommendation, the TE/GE Business Unit Liaison will return the OAR to TAS and the case will be closed out of the unit's inventory. The TE/GE Business Unit Liaison will complete Section VI of Form 12412 indicating the reason for the rejection citing IRM references. If the TE/GE 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 TE/GE Division for resolution or issuance of a Taxpayer Assistance Order by the LTA.

- (F) The TAS employee and the TE/GE 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 TE/GE 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 TE/GE employee will elevate the matter to the TE/GE 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 TE/GE 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 TE/GE employee assigned to the OAR.
- (I) If the TE/GE employee assigned to the OAR and the TAS employee cannot agree upon the appropriate resolution of the taxpayer's problem, the TAS employee and TE/GE 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 TE/GE 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 TE/GE employee assigned the OAR for a status report, as necessary. The TAS employee assigned the case will follow up with the TE/GE employee assigned the OAR if a response has not been received by the requested or negotiated completion date. The TE/GE Business Unit workgroup (employee) assigned the case will make necessary contacts with the taxpayer/practitioner. The TE/GE Business Unit employee, or his or her manager, 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 TE/GE Division personnel. The TE/GE Division will provide the official closing documents to the taxpayer in accordance with Paragraph VIII. (K).

- (K) The TE/GE Division is responsible for issuing any official closing documents to the taxpayer. For example, a determination letter or denial of a determination letter will be provided to the taxpayer with a copy to TAS by the TE/GE Business Unit employee who handled the case.
- (L) Upon closing the OAR, the TE/GE 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 TE/GE employee and, if required, upon TAS input of an adjustment or manual refund where such action has been approved in writing by the TE/GE 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 TE/GE Business Unit Liaisons and/or appropriate TE/GE 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 TE/GE input. The TAS Area Directors will provide the NTA, the Deputy NTA, the Executive Director Case Advocacy, and TE/GE with regular reports on the results of these discussions. TE/GE meeting participants will provide regular reports on the results of these meetings to the Director Employee Plans, Exempt Organizations or Government Entities will brief the Commissioner, TE/GE, and Deputy Commissioner, TE/GE as appropriate.
- (B) TAS will provide the appropriate TE/GE Business Unit Liaison with access to the TE/GE Division OAR reports on the TAS TAMIS Portal to identify OARs in each respective office. This will assist the TE/GE

Division Liaison(s) in monitoring their OAR inventory. In addition, TAS will either provide TE/GE access to TAMIS and EUREKA or provide TE/GE 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 TE/GE Division will designate a TAMIS Data Portal Administrator who will be responsible for administering access to the TAMIS Data Portal.
- (D) The TE/GE 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 TE/GE Division.
- (B) TAS and TE/GE agree to develop a team and implement the use of a centralized email point for Division within TE/GE to receive all TAS OARs via the use of encrypted email no later than September 30, 2009.
- (C) The TE/GE 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.
- (D) TAS and the TE/GE 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 TE/GE current and prior year historical data on expedited OARs, as set out in Paragraph IX. (B).
- (E) To enhance taxpayer relations, the TE/GE Division will support TAS in efforts to secure read-only access to certain relevant TE/GE-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 TE/GE 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.

XI. IMPLEMENTATION AND COMMUNICATION

TAS and the TE/GE 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 May 29, 2009

/s/ Joseph H Grant
Joseph H. Grant
Acting Commissioner
Tax Exempt /Government Entities Division

April 29, 2009
Date

/s/ Nina E Olson
Nina E. Olson
National Taxpayer Advocate

April 23, 2009
Date