



April 17, 2020

**VIA E-MAIL**

The Honorable Michael J. Desmond  
Chief Counsel  
Internal Revenue Service  
Office of Chief Counsel  
1111 Constitution Avenue, NW, Room 3026  
Washington, DC 20224

Dear Mr. Desmond:

On April 2, 2020, Chief Counsel issued a memorandum to bargaining unit employees ordering them to telework. It also states that employees may be directed to return to the work site to retrieve equipment and work materials. Individual employees are being further instructed by their managers to return to the post of duty to retrieve their laptop if they do not already have it at home, or to make other arrangements to retrieve it.

NTEU raised concerns with Labor and Employee Relations (LER) that requiring employees who are at high-risk as defined by the Centers for Disease Control (CDC) to retrieve their laptops from their post of duty will potentially expose them to the novel coronavirus, which is highly contagious. Many employees use public transportation to travel to and from work each day. To address the inherent risks of travel during this pandemic, NTEU requested that Counsel make alternate arrangements for the employees to obtain their laptops, such as mailing their laptops to them as the IRS is doing for hundreds of its employees. LER rejected our request and informed NTEU that laptops will not be mailed to any employee and that high-risk employees should contact their manager for assistance. NTEU was further advised by LER that high-risk employees *would not* be exempt from the requirement to travel into the office to retrieve their laptops, and our suggestion that Counsel encourage managers to find ways to actively assist high-risk employees with retrieval was rejected.

The CDC has identified people who are at high-risk for severe illness from COVID-19 to include older adults and people of any age with serious underlying medical conditions (e.g., people who are age 65 or older or who have chronic lung disease or moderate to severe asthma, serious heart conditions, are immunocompromised, severely obese, diabetic, or who have liver or chronic kidney disease). These employees simply should not be forced to risk their lives or otherwise endanger their health by traveling to the post of duty to retrieve equipment or work.

I am asking that you intervene on this issue and take the steps necessary to ensure that all Chief Counsel employees remain as safe as possible during this pandemic. Forcing high-risk employees to travel into an office to pick up a laptop to continue working when there are safer

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means to provide equipment to them tells employees that Counsel has little to no regard for their health and well-being. I urge you to consider the same protocols as the IRS for high-risk employees, and either mail their laptops, equipment and work materials to them or make other arrangements for them to be delivered to these employees.

I am available at any time to discuss these issues with you.

Sincerely,

A handwritten signature in black ink, reading "Anthony M. Reardon". The signature is written in a cursive style with a large, prominent initial "A".

Anthony M. Reardon  
National President