



March 14, 2025

VIA E-MAIL

Mr. Max R. Wyche
Acting Chief Human Capital Officer
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224

RE: Requirements of Article 19, Reduction in Force; 2022 National Agreement

Dear Mr. Wyche:

It is no secret that the Internal Revenue Service is facing the very real possibility of a RIF in the near future. It won't surprise you to learn that the National Treasury Employees Union (NTEU) vehemently opposes this course of action. It would be incredibly destructive not only for the many civil servants we proudly represent at the IRS, but also for the American public who depends on this agency to bring in revenue for vital government services.

Today, I'm writing to remind you, in the event of a potential RIF, of the IRS's obligations under the law, regulation, and the parties' National Agreement. I would appreciate you confirming, expeditiously, the IRS's intent to follow its Article 19 obligations.

First, some background. On February 26, 2025, OMB and OPM issued guidance to the heads of executive branch departments and agencies directing them to "promptly undertake preparations to initiate large-scale reductions in force (RIFs), consistent with law." The guidance instructs them to develop "agency RIF and reorganization plans" (ARRPs) and to work with the Department of Government Efficiency as they develop the competitive areas for the ARRPs. It emphasized the agency "should focus on the maximum elimination of functions that are not statutorily mandated."

The OMB/OPM memo further advises agencies to begin conducting RIFs in two phases: In Phase 1 ARRP, agencies must submit their ARRPs to OMB and OPM for review and approval by March 13, 2025. This phase is supposed to include specific plans by the agency for the elimination of positions through RIF, as well as the existing hiring freeze, and the attrition of positions through retirement or resignation. The agencies are also required to submit a timetable for any RIFs. Agencies must submit Phase 2 ARRPs to OMB and OPM for review and approval by April 14, 2025. In Phase 2, among other things, agencies are directed to submit proposed future state organizational charts; any proposed relocations of employees from Washington, DC or the National Capital Region "to less costly areas of the country;" and "any provisions of collective bargaining agreements that would inhibit government efficiency and cost-savings."

Phase 2 plans must be completed by each agency by no later than September 30, 2025.

At the 2006 term bargaining table over changes to the National Agreement, the IRS insisted that the agreement include a “comprehensive RIF article”. Following months of negotiations, the parties reached an agreement on a new article: Reduction in Force and Mitigation Strategies. In Article 19, the parties expressly agreed that the “purpose” of the provisions contained in the article is an effort to:

- avoid the need for a RIF;
- mitigate the impact of any RIF decision on employees;
- reduce the number of employees who would be involuntarily separated; and
- retain employees who have institutional knowledge of the Service.

The parties agreed the agency would provide the rationale or business case for any RIF, and established procedures that would be used to carry out any RIF, including rules for expedited negotiations over issues carved out for bargaining by the Article. Finally, the article included mitigation strategies intended to lessen the severe impact of an employee being separated from their position. The 2006 National Agreement became effective on October 1, 2005, and has been part of our term contract for 20 years. Article 19 is contained in the parties’ current 2022 NA.

The procedure in Section 2 of Article 19 requires the IRS, at the outset of any contemplated RIF, to inform NTEU at least fifteen (15) days in advance of the formal notice of a RIF, in writing, so NTEU has an opportunity to provide pre-decisional input (PDI) once the IRS has made “a preliminary determination” that it will conduct a RIF. At that time, the agency must provide the NTEU National President with “the business case analysis or other reports or analyses” on which the agency relied in making the preliminary RIF decision. NTEU may request and be provided with a briefing on the business case documents and, within five (5) days after that briefing, may submit comments on the agency’s preliminary determination. The Agency must consider the Union’s comments on the RIF.

If after PDI has been given the agency proceeds with formal notice of an RIF, the agreement requires the agency to provide formal notice of the RIF to NTEU “no later than twelve (12) months in advance of the off-rolls date for any RIF.” The notice must include the applicable competitive area(s); the approximate numbers, types and grades of positions that would be affected; and the anticipated off-rolls date (again, no sooner than 12 months after the notice). In addition, the notice must include a “projection with an analysis of employees that will likely be separated.” The formal notice in Section 2 triggers the right of the Union to engage in expedited bargaining beginning 30 days after the formal notice is given and concluding 90 days later. The parties agreed that bargaining would address matters not expressly covered by the Article.

In addition to the procedures listed above, in Article 19, Section 5, the IRS agreed to implement several mitigation strategies that are intended to “reduce the number of employees who would be involuntarily separated” by any RIF. The required mitigation strategies include the

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agency making every effort to obtain Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Pay (VSIP) authority from OPM and offering both to impacted employees; voluntary incentives through job swaps; outplacement services so impacted employees may search and secure for other employment before the off-rolls date; relocation opportunities to follow their work; and reassignment preference notices so impacted employees may continue their employment in areas that are not included in the list of competitive areas of the RIF. As previously stated, the ‘purpose’ of these provisions was to lessen to the greatest extent the harm to employees that would otherwise be caused by the loss of their jobs. In past recent circumstances, including the closure of Submission Processing locations, the parties have demonstrated the effectiveness of these Article 19 processes.

Based on the requirements of Article 19, any action by the IRS seeking to comply with the OMB and OPM guidance and instructions discussed above, including: failing to provide notice to NTEU or affording it the opportunity to negotiate over any RIF; failing to offer the mitigation strategies to impacted employees; and conducting any RIF by September 30 of this year or sooner, would violate Article 19 of the parties’ 2022 National Agreement. The failure to adhere to the contractual requirements of Article 19 would also constitute a repudiation of the Article and an unfair labor practice under the Federal Service Labor-Management Relations Statute.

Again, I ask that you please confirm at your earliest convenience IRS’s commitment to follow its lawful obligations under Article 19.

Sincerely,



Doreen P. Greenwald
National President

cc: Geralda Larkins, Director, IRS LERN
Terry Scott, National Executive Vice President, NTEU
Dan Kaspar, Director of Field Operations, NTEU
Ken Moffett, Jr., Director of Negotiations, NTEU
Ryan Soon, Deputy Director of Negotiations, NTEU