

February 28, 2007

MEMORANDUM

TO: IRS Chapter Presidents

RE: Settlement of March 31, 2006 — Invocation of Arbitration Regarding the Implementation of Flexiplace Tracking via WebSETR

SUMMARY: On February 28, 2007, NTEU and the IRS entered into a settlement agreement with respect to NTEU's March 31, 2006 grievance that alleged the agency unilaterally implemented a flexiplace tracking system via the use of WebSETR. Accordingly, the arbitration hearing that was scheduled before Arbitrator Jerry Ross on March 1 and 2, 2007, has been cancelled.

Some of the highlights of the settlement agreement include:

- The Agency will ensure that no Agency employee will be required to record their flexiplace hours and location on WebSETR forms or any other form.
- The Agency agrees to inform its employees, in writing by means of electronic newsletter that it does not require them to complete WebSETR or any other form to track flexiplace hours and locations.
- In the event that the Agency determines that it will seek to require that Agency employees complete any form to record employee hours and location in connection with a flexiplace arrangement, it will give written notice to the Union and bargain with the Union, concerning any such proposed change in accordance with the terms of Article 47 of the National Agreement and applicable law and regulation.
- The Agency will ensure that any Agency employee(s) who suffered harm (i.e., lost eligibility for flexiplace) as a result of being required to record flexiplace hours and location on WebSETR forms or other form shall receive a remedy for any loss they may have suffered.
- NTEU shall provide the Agency with notice of the circumstances surrounding any such events and identify any employees harmed, within 45 calendar days of the date of this settlement. Within 15 calendar days after the expiration of the 45-day period, the parties will meet and confer with respect to reaching a mutually agreeable resolution, including appropriate remedy, for any such claims of harm. Any claim not brought to the Agency's attention within 45 days will be waived.

- The parties agree that Arbitrator Jerry Ross will retain jurisdiction over this matter in order to resolve any dispute that may arise with respect to the parties' inability to reach agreement concerning the remediation of any harm suffered by any employee as set forth herein. Arbitrator Ross shall also retain jurisdiction to resolve any dispute that may arise with respect to either parties' compliance with the terms of this Settlement Agreement.
- The Agency agrees that all official forms that require employees to provide information and which fall within the purview of the Privacy Act, 5 U.S.C. § 552a, shall set forth the required Privacy Act Compliance Statement.
- Within 30 days, the Agency will provide written assurance to NTEU that it is in compliance with the requirements of the Privacy Act regarding WebSETR and Form 3081.
- The parties agree that this settlement Agreement resolves the March 31, 2006 National Grievance filed by the Union.
- The parties agree to bear their own costs, expenses, and attorney's fees.

Please note that if you lost a flexiplace arrangement due to the IRS's requirement that hours and locations be entered on WebSETR or any other form, please contact Kevin Fagan as soon as possible. NTEU only has 45 days from the date the agreement is signed by all parties to present this information to the agency for remediation.

Please forward any questions, comments, or observations on this matter to Kevin Fagan, National Negotiator, via e-mail at Kevin.Fagan@nteu.org.

Colleen M. Kelley
National President