

October 8, 2021

MEMORANDUM

TO: IRS Chapter Presidents

RE: IRS – Update – Vaccination Mandate Negotiations

SUMMARY: The IRS provided NTEU with an initial briefing on its implementation of the COVID-19 vaccination mandate.

Yesterday, NTEU was briefed by the IRS on the current plan to administer the mandate for federal employees to be vaccinated for COVID-19 by November 22, 2021. While the IRS provided some information, it shared that it has not made a final decision on how it will address two key issues – reasonable accommodation requests and progressive discipline for employees who refuse to comply with the mandate. On those issues, the IRS states that it is still awaiting further Treasury guidance, which is expected next week.

IRS was able to provide information and updates on several issues, including the following:

- The agency is working on a series of national and local communications to encourage employees to get vaccinated and plans to engage with NTEU to coordinate messaging.
- Approximately 1,500 bargaining unit employees have already requested a medical or religious reasonable accommodation (RA). The agency is waiting for further Treasury guidance before processing these requests. It is also waiting for guidance on whether employees will be required to use standardized forms to submit reasonable accommodation requests. IRS advises that the pending RA requests will be addressed, and those employees who have made an RA request should await further instructions from the agency; they need not take additional action on it at this time.
- Employees will not be disciplined while their RA request is pending.
- Only HCO employees on a need-to-know basis and first level supervisors will have access to the vaccination status of bargaining unit employees. IRS states that pursuant to the Privacy Act, which permits disclosure within the IRS only to employees “who have a need for the record in the performance of their duties,” employees will not be made aware of an unvaccinated employee or contractor’s unvaccinated status in their area/floor/work unit.
- The IRS will notify seasonal employees of the requirement to be fully vaccinated by their recall date. -

- Employees on an extended leave of absence or LWOP do not have to be fully vaccinated until they report to duty.
- Unvaccinated employees who receive a reasonable accommodation and report to the worksite will be required to mask, socially distance, and follow agency testing protocols once established.
- The agency will follow safety protocols as recommended by the CDC and GSA. FMSS will continue to maintain an inventory of cleaning supplies and provide disinfectant wipes, gloves and disinfectants as requested to all IRS work areas. FMSS will also continue to provide masks to all employees when requested.
- Pursuant to Article 27 of the 2022 National Agreement, if COVID-19 booster shots are not provided at the Employer's POD, the Employer will grant administrative time to employees to receive any booster shots, if shots are recommended by the CDC, including reasonable time to travel to and from the POD or site within the commuting area at which such shots are provided.
- IRS is waiting additional guidance from Treasury on whether the agency will enforce the vaccine requirement against employees who have provided notice that they are leaving their position in the Executive Branch and are on leave until the date they depart.
- The agency will send targeted emails reminding employees who previously chose not to disclose their vaccination status on HR Connect to update their status.

Regarding next steps, clearly the IRS must provide us with information on how it plans to address requests for reasonable accommodation and progressive discipline for employees who do not comply with an agency directive to get vaccinated. Once we have all of that information, we will engage the agency in bargaining over their implementation of the mandate. The bargaining will not delay the requirement for employees to be fully vaccinated by November 22, 2021. I will provide more updates as negotiations advance and we receive more information from the agency.

Chapter 97 President Jason Sisk is one of four Chapter President to be appointed to the related bargaining team.

Anthony M. Reardon
National President