



March 3, 2025

**VIA ELECTRONIC MAIL**

Mr. Cesar Olmos  
Director, Labor & Employee Relations  
Finance & Management  
Office of Chief Counsel, IRS  
Suite 2400  
200 West Adams Street  
Chicago, IL 60606

**RE: National Grievance and Unfair Labor Practice Charge — Agency’s  
Violations of the Parties’ Nationwide Agreement and 5 U.S.C. § 7116(a)(1),  
(5), (7) and (8)**

Dear Mr. Olmos:

The National Treasury Employees Union (NTEU) hereby files this national grievance and national institutional grievance on behalf of all affected bargaining unit employees pursuant to Article 34, Institutional Grievance Procedure and National and Consolidated Grievance Procedures, of the 2025 Collective Bargaining Agreement (CBA) between the Office of Chief Counsel (Counsel) and the National Treasury Employees Union.

On February 27, 2025, Counsel notified NTEU National via email that the Department of the Treasury had revised its telework policy, and based on the revisions, “starting March 10, 2025, all employees are expected to report to the office 5 days a week.” The notice stated the directive to report five (5) days per week applied to all teleworking employees whose telework site is located 50 miles or fewer from their post of duty (POD). The notice further stated that certain teleworking employees, those whose telework location is greater than 50 miles from their POD and those who have been granted a reasonable accommodation, would be excepted from the directive. In issuing this notice, Counsel pointed to the Office of Personnel Management’s (OPM) “Guidance on Collective Bargaining Obligations in Connection with Return to In-Person Work” which was issued on February 3, 2025, as support for its decision. A copy of the Treasury policy was subsequently provided on February 28, 2025.

Counsel’s directive to report to work is in violation of Article 48 (Telework) of the current CBA, the Federal Service Labor-Management Relations Statute (statute), 5 U.S.C. §7101 *et seq.* as amended, and any other Article, Section, law, rule or regulation that may apply.

Article 48, Telework, of the parties’ 2025 National Agreement (2025 NA) grants employees the right to seek various types of telework and once approved, engage in telework

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consistent with the terms of the Article. In Section 1A, the parties agreed that it was their intent to “set forth a program that allows telework to the maximum extent possible without diminished employee or office performance.” Counsel employees who are approved for telework may only be prohibited from telework for specific reasons, which are set forth in Article 48, Section 9.B. None of the reasons delineated in Section 9. B apply to Counsel’s directive to prohibit telework.

Counsel’s unilateral termination of the telework agreement and rights of employees constitutes a violation of the terms of Article 48 of the 2025 NA. The violation of the 2025 CBA is so egregious as to constitute a clear and patent breach of the agreement and a repudiation of its terms, which constitutes bad faith bargaining and an unfair labor practice under 5 U.S.C. § 7116(a)(1), (5) and (8). Lastly, to the extent that Counsel may claim reliance on the January 25, 2025 Presidential Memorandum (PM) and implementing OPM guidance as authority for its actions, the directive is an unfair labor practice (ULP) under 5 U.S.C. § 7116(a)(7), which states that it is an ULP to enforce rules or regulations that conflict with any preexisting applicable collective bargaining agreement.

To remedy these violations, NTEU requests that Counsel: (1) rescind the directive to the extent it applies to NTEU bargaining unit employees; (2) issue a message clarifying that the directive does not apply to bargaining unit employees; (3) reinstate all telework agreements of bargaining unit employees that were terminated as a result of the directive; (4) post a notice signed by the Chief Counsel admitting that the agency violated the statute by repudiating the CBA; and (5) any other remedy deemed appropriate.

NTEU requests a meeting pursuant to Article 34, Sections 3 and 4, within fourteen (14) days of this filing. NTEU’s representative in this matter will be Jack Jarrett. Please contact him via email at [jack.jarrett@nteu.org](mailto:jack.jarrett@nteu.org) to schedule a meeting.

Sincerely,



Doreen P. Greenwald  
National President

cc: Edith Shine, IRS Chief Counsel  
Jack Jarrett, NTEU  
Jake DiMarzio, NTEU  
Ken Moffett, NTEU  
Rani Rolston, NTEU