



October 27, 2020

**VIA ELECTRONIC MAIL**

J. Trevor Norris  
Deputy Assistant Secretary for Human Resources and  
Chief Human Capital Officer  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220

Dear Deputy Assistant Secretary Norris:

I am writing to you on behalf of the nearly 63,000 Internal Revenue Service (IRS) employees represented by the National Treasury Employees Union (NTEU) to request that the Department of the Treasury revise its directive(s) and guidance related to granting excused absences to evacuated, telework-eligible employees with caregiving responsibilities, to allow for that policy's termination date to extend beyond December 31, 2020.

On March 13, 2020, President Trump declared COVID-19 a national emergency, effective March 1, 2020. And on March 30, 2020, the IRS directed telework-eligible employees to evacuate the work site and work from home. Since then, many IRS employees represented by NTEU have experienced extreme difficulty managing childcare and other family care responsibilities during this pandemic. These hardships are particularly acute for parents who must pick up the educational slack for school-age children while working full-time during the pandemic. Flexible work schedules are insufficient for large numbers of these employees to manage these competing demands because there simply aren't enough hours in the day to do so. As the pandemic drags on and cases spike again, bringing the prospect of even more school and daycare closures, many employees in this situation have insufficient accrued annual leave to account for the time they must devote to family care or childcare and education.

On March 27, the Office of Personnel Management (OPM) informed agencies that their evacuation pay authority under 5 CFR 550.406 allows them to grant excused absences to employees with caregiving responsibilities. A little over four months later, on September 8, 2020, Treasury authorized its bureaus to grant employees up to 20 hours of administrative leave per pay period under this authority. Over a month later, on October 13, the IRS recognized the dire need to address these situations through the IRS's recent "Interim Guidance for Granting Excused Absence to Evacuated, Telework-Eligible Employees with Caregiving Responsibilities due to COVID-19", giving managers the discretionary authority to grant limited amounts of excused absence to those employees who meet certain criteria in OPM's March 27, 2020 guidance.

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As noted, the authority to grant administrative leave to caregivers under evacuation orders derives from OPM's evacuation pay regulations, for which there is no expiration date. Treasury's authorization, however, expires after only two-and-a-half months, on December 31, 2020, even where an otherwise qualifying employee is still under an evacuation order. Given that an employee's eligibility for excused absence under this policy is directly tied to their status as an evacuated employee, the termination date should, at a minimum, be coextensive with their evacuation orders, which currently expire on January 31, 2021. This is especially so given the resurgent COVID-19 infection rates across the country and the widely held opinions of medical and immunological experts that the COVID-19 pandemic will continue well into 2021.

IRS employees will continue to need excused absences for caregiving beyond December 31, 2020. Since there are no date limitations on offering this excused absence, Treasury should extend the authorization to grant administrative leave for this purpose to the length of employees' evacuation orders, whatever that may be.

Thank you for the consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony M. Reardon". The signature is fluid and cursive, with a large initial "A" and "R".

Anthony M. Reardon  
National President

cc: Charles Rettig, Commissioner, IRS  
Robin Bailey, Human Capital Officer, IRS