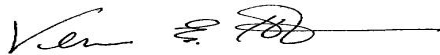




DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

February 11, 2016

**MEMORANDUM FOR: AMALIA COLBERT, DIRECTOR
WORKFORCE RELATIONS DIVISION
INTERNAL REVENUE SERVICE**

FROM: Veronica E. Hinton 
Associate Chief Human Capital Officer
Office of Human Capital Strategic Management

SUBJECT: Agency Head Review of Memorandum of Understanding
Regarding the Successor Bedbug Protocol

We have reviewed the parties' attached memorandum of understanding regarding Successor Bedbug Protocol, executed December 23, 2015, between the Internal Revenue Service and the National Treasury Employees Union, pursuant to section 7114(c) of the Federal Service Labor-Management Relations Statute. The attached memorandum of understanding is hereby approved.

Please feel free to contact Ruth Cook if you have questions regarding this approval or the agency head approval process. Ms. Cook is available to provide advice and assistance on labor relations issues as needed. She may be reached at (202) 927-9229.

Attachment

cc: National Treasury Employees Union

**MEMORANDUM OF UNDERSTANDING
BETWEEN
NATIONAL TREASURY EMPLOYEES UNION
AND
INTERNAL REVENUE SERVICE,
REGARDING SUCCESSOR BEDBUG PROTOCOL**

Introduction

The Internal Revenue Service ("IRS," "Employer" "Agency" or "Management") and the National Treasury Employees Union ("NTEU" or "Union") were parties to a Memorandum of Understanding (MOU) regarding bed bug protocol that expired on April 29, 2013.

The parties continue to recognize that the presence of bed bugs in the workplace presents unique and continuing challenges requiring the continuing attention and cooperation of the parties.

The parties recognize that applicable requirements of Title 29 of the Code of Federal Regulations provide that every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin, and that a continuing and effective extermination program shall be instituted where their presence is detected.

The parties recognize that Article 27 of the parties 2016 NA obligates the Agency to comply with Title 29 of the Code of Federal Regulations in providing and maintaining safe and healthful working conditions for all employees and obligates the Union to cooperate to that end.

The parties recognize the importance of their joint participation in a protocol addressing, preventing and eradicating the presence of bed bugs in the workplace.

Agreement

Therefore, the Parties have agreed upon a successor MOU for addressing, preventing and eradicating the presence of bed bugs in the workplace as follows:

1. Notice to Employees

Because most of the provisions of this MOU are standard practice, Section 7114 formal meetings will not be required. The Agency will make available to impacted bargaining unit employees a copy of this MOU within fourteen (14) days of its execution. A "hard copy" of this MOU will be distributed to impacted employees who do not have routine access to the IRS intranet, including those employees without assigned desktop or laptop computers.

The Agency will continue to disseminate communications regarding bed bugs to impacted bargaining unit employees via newsletters and "all employee" emails, periodically or when new information becomes available. The Agency will continue to maintain these communication strategies consistent with its document retention policies, and will make them available to impacted bargaining unit employees upon request.

The Agency will continue to maintain a link on its intranet where employees may find information about bed bugs, including a frequently asked questions (FAQ) section and a mechanism whereby employees may submit questions and concerns and receive responses to them.

Subject to workload considerations, employees will be given a reasonable amount of administrative time (generally no more than 15 minutes per communication) to review IRS communications on bed bugs, as well as a reasonable amount of administrative time to review this MOU.

2. Protocol for Bed Bugs in the Workspace.

NOTE: To the extent that Subsection 2 references the use of any contractor or vendor, pursuant to 2016 NA Article 1 Section 5 management has determined that said resources shall be used.

- A. Employees or their managers should contact Facilities Management and Security Services (FMSS) via the Employee Resource Center (ERC) to report a suspected bed bug if:
 - 1. A suspected bed bug is discovered in or near their work area; or
 - 2. The employee believes he/she may have been exposed to bed bugs in the workspace (for example, if they have bite marks or welts) or
 - 3. The employee has other reason to believe he/she or his/her work areas have been, or are likely to be, exposed to bed bugs.

NOTE: It is recommended that employees who believe they have possible evidence of bed bug exposure (for example, bite marks or welts) visit a Federal Occupational Health ("FOH") Unit or their personal physician.

- B. The ERC ticket will be forwarded to the local FMSS office. Upon receiving the ticket, FMSS will promptly contact the ticket originator. The ticket originator will be asked to complete the Insect Evaluation Questionnaire (Appendix 1) and provide the bed bug specimen, if gathered. The FMSS POC can provide instructions to the initiator on the best way to gather the specimen. No employee will be required to gather a specimen. However, a specimen is useful for a number of reasons. A specimen could help to confirm that there is a bed bug presence and that the area needs to be treated.

- C. Once the ticket originator returns the questionnaire to the local FMSS POC, that questionnaire will be forwarded promptly to the FMSS Section Chief and Territory Manager.
- D. If a bed bug presence is suspected in or near the workspace, based on the ERC ticket, questionnaire and/or visual identification, or other relevant information, FMSS will promptly contact a licensed pest control contractor and schedule the inspection and, if needed, the treatment. Local impacted NTEU Chapters will be notified promptly of any suspected presence of bed bugs. It is acknowledged that bed bugs may migrate, and inspections need not be limited to the work area(s) where the presence of bed bugs was initially identified or suspected. The Agency will rely on the licensed pest control contractor (employed by the Agency or the lease holder/landlord if the building is not owned by the IRS) to conduct a thorough inspection to determine if bed bugs are present. If the inspection results in positive findings, the licensed pest control contractor will be asked to recommend the area to be treated in order to eliminate the bed bugs from the workplace.
- E. If a presence is confirmed, by the pest control contractor, and a treatment appointment is scheduled, FMSS will promptly notify management, the appropriate building occupants, and the local NTEU Chapter(s) of the pest contractor treatment appointment following local practices (Sample Notification Form - Appendix 2).
- F. Effective eradication may include the request for employee assistance with packing and removal of personal items, and stored materials/files. Any employee assistance with removal of items from the workspace will be performed on duty time.
- G. FMSS, management, and/or NTEU may meet with, and accompany the pest control contractor during the inspection/treatment process. The local NTEU Chapter(s) will be invited in advance when an inspection is scheduled, and provided in advance with a copy of the ERC ticket(s), and any insect evaluation questionnaire(s) completed by the employee(s) initiating the ERC ticket(s).
- H. Inspections will be conducted by a licensed pest control technician and/or a licensed pest control technician accompanied by a trained, pest-detecting canine. Treatment will be recommended by the pest control professional and the safety data sheet (SDS) of all products used in the treatment will be provided to the Contract Officer Technical Representative (COTR) or his/her designee who will forward them to the Safety Officer. Upon request, the results of any such inspection, including the recommended treatment, treatment verification documents and the SDS will be provided to the local impacted NTEU Chapters and to the impacted employees. Inspection and treatment verification documentation will be maintained by the local FMSS

territory consistent with the Agency's document retention policies. The IRS will follow best practices according to guidelines from the CDC, pest control technicians and other recognized industry authorities when conducting inspections and treatment.

- I. During treatment, and until it is safe for employees to return to the treated workspace, the Agency will post multiple Notification Tags (Appendix 3) throughout the area that was treated (100 square foot minimum), though the square footage of the area treated may be different depending on the treatment method, layout of the area and other specific details of the situation. No Notification Tag will be placed on any individual employee's work station. Upon the request of any employee, the Agency will promptly provide written information, which will include the Safety Data Sheet (SDS), on what chemicals are being used to treat the workspace.
 - J. Because of the nature of this pest, multiple treatments and inspections could be necessary.
 - K. If there are no FMSS personnel available to be contacted during swing shifts or night shifts, employees should follow local practice in reporting a suspected bed bug problem.
 - L. Because of the possibility of migration, all inspections, as conducted and lead by a licensed pest control technician should encompass a reasonable amount of area near suspected activity, particularly highly trafficked areas near sites of suspected activity. Managerial and lead space, thus, may be tested and treated where appropriate.
 - M. Local protocols and/or practices that address bed bugs may continue unless contrary to the terms of this MOU. For local protocols and/or practices addressing bed bugs that are contrary to the terms of this MOU, the terms of this MOU shall control.
3. Relocation/Telework. If necessary, during the treatment of a targeted area, employees in that targeted area may be temporarily relocated within the Campus/POD, consistent with Article 27 Section 1.B of the 2016 NA. Additionally, telework arrangements may be offered. If telework arrangements are offered, managers are encouraged to be flexible regarding telework, including allowing Ad Hoc telework arrangements, and making a temporary exception to the requirement that a telework employee report at least twice per pay period to the regular worksite. Treatment of the targeted area will be performed outside normal business hours. In the unusual event that this is not possible and the Agency closes the office or part of the office, employees may be granted administrative leave.

4. Alternate Duties and Reassignment of Work. The Agency will follow the provisions in Article 27 Section 1.C of the 2016 NA, to reassign tasks if employees present acceptable medical documentation that particular tasks presently assigned to them poses a health hazard. The Employer will follow the provisions of Article 16 of the 2016 NA, when temporarily assigning higher graded duties to bargaining unit employees to accommodate staffing and workload needs as a result of employee absences in connection with bed bug infestations or treatments.
5. Leave and Absence. IRS employees may use FOH services to address medical issues related to exposure or suspected exposure to bed bugs, including bites or welts. Consistent with workload and staffing needs, employees will be granted a reasonable amount of administrative time for this purpose, including travel to and from a FOH unit in the employee's post of duty or within the commuting area if there is not a FOH unit on the premises. In accordance with law and regulation and pursuant to the 2016 NA, employees may use Article 34 sick leave, Article 32 annual leave, Article 23 accrued credit hours or Article 24 accrued compensatory time for appointments with their personal physician.

Employees using approved leave will not be negatively impacted because of absences from work due to illness resulting from exposure or suspected exposure to bed bugs at IRS work sites. In addition, use of approved leave for this purpose will not be the sole basis for a leave usage review.

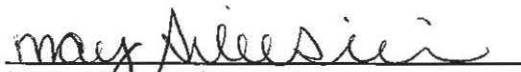
6. Detection and Infestation. If management suspects an employee of transporting bed bugs into the facility, management will inform the Union locally. The parties may meet informally to discuss how best to resolve the issue. This may include urging the employee to educate himself or herself on how to eradicate the problem.

Further, management may require the individual employee to submit to a reasonable inspection of his or her clothing and other materials when entering the workplace, and may use the services of an expert, including canines trained to detect the presence of bed bugs, to conduct such inspections. If an inspection is performed, the Union may be present and the inspections will be conducted during the employee's scheduled tour-of-duty. Where management determines to take other actions to prevent the infestation and harborage of bed bugs in the workplace, management will provide notice to the Union of such actions as may be required in accordance with law, rule, regulation, and the collective bargaining agreement.

Employees will not be required to address the presence, or suspected presence, of bedbugs in their homes. Further, employees will not be required to certify that their homes were inspected or treated for bedbugs.

7. Grievances. Grievances related to bed bug infestations may be brought under the streamlined grievance process in Article 41 of the 2016 NA.
8. Health & Safety Committees. In addition to any regularly scheduled meetings of local Health & Safety Committees, NTEU and the IRS may mutually agree to convene the local Health & Safety Committee to discuss issues that arise from bed bug infestation, suspected infestation, or treatment. These meetings may be conducted telephonically.
9. Significant Problems. If either of the parties becomes aware of significant unanticipated problems that arise following the implementation of this protocol MOU, the Agency or NTEU will inform the other, and the parties will meet or discuss telephonically and attempt to resolve them as soon as possible. Furthermore in doing so, the Union may submit an information request in accordance with 2016 NA Article 8 Section 10, on matters related to this Agreement.
10. Reopener. Either party may reopen this MOU twelve (12) months from the date that it becomes effective. The parties may mutually agree to reopen it prior to that time.
11. Confidentiality and Privacy 2016 NA Article 5 Section 7 will be followed for all confidential matters related to and arising out of the presence or suspected presence of bed bugs in the work area. Relationships between employees and their managers should be mutually conducted in a business like, courteous and tactful manner. Moreover, managers are expected to respect the privacy of their employees, protect confidential information regarding their employees and only share such information with individuals with a "need to know".
12. Effective date. This agreement will become effective upon Agency head review or on the thirty-first (31st) day after execution, whichever is first. Unless the parties agree otherwise during reopener negotiations, the MOU will expire two (2) years after execution of this memorandum of understanding.

For NTEU:


 May Silverstein
 National Negotiator, NTEU

2/10/2016
 Date

For IRS:

Amalia C. Colbert
 Lia Colbert
 Director, Workforce Relations Division
 Human Capital Office

Digitally signed by Amalia C. Colbert
 DN: c=US, o=U.S. Government, ou=Department of the
 Treasury, ou=Internal Revenue Service, ou=People,
 serialNumber=388439, cn=Amalia C. Colbert
 Date: 2016.02.10 12:44:58 -05'00'

 Date

Appendix 1
Insect Evaluation Questionnaire
FMSS Integrated Pest Management
IRS Environmental Health and Safety

Date: _____ ERC Ticket
Number: _____

Caller: _____

Phone Contact Number: _____

Building: _____

Work Zone/Area: _____

1. Have you seen suspected bed bugs in your specific work space? Yes
No

2. Have you seen suspected bed bugs in other work areas?
Where: _____

3. Are you or your co-workers experiencing any bites? Yes No

4. Have any old/new/used items been brought into the work areas of concern?
(computer, furniture, clothing, shoes, personal items?) Yes
No

Notes:
Information documented by FMSS Safety Officer: _____

Sent to: FMSS Management (name) _____ Date
faxed/emailed: _____

**Appendix 2
Sample Notification**

Dear NTEU/Building Personnel:

To: Employees, Building XXXX and NTEU Chapter # XX:

We have recently found a suspected bed bug in a work area. Bed bugs are a nuisance, but their bites are not known to spread disease. They are small, wingless insects that can feed on sleeping people and animals. They are usually active and feed on blood at night. The bite is initially painless; but it may become swollen and itchy, much like a mosquito bite. If you have personal concerns, you should visit the Federal Occupational Health (FOH) Health Unit or call your physician.

The source of bed bugs often cannot be determined, as bed bugs may be found in many places including hotels, planes, buses and movie theaters. The IRS will conduct an inspection and, if recommended by a pest control contractor, professionally treat the appropriate area(s) and/or request that the leaseholder/landlord professionally treat the appropriate area(s). The fact that an area is being treated does not mean that area was the actual source of the infestation or suspected infestation.

An inspection of _____ [insert name of area/building] is currently scheduled for _____ [insert date].

The IRS will continue to work to identify bed bugs, provide thorough inspections of work spaces and have licensed pest control specialists treat areas if a problem is found.

If you have any questions regarding bed bugs in your work space, please contact the local FMSS office at _____. If you have any additional general questions regarding bed bugs in homes or would like to use the hotel bedbug registry, please visit the following internet web sites.

<http://www.nyc.gov/html/doh/html/vector/vector-faq1.shtml>

<http://bedbugregistry.com/>

http://www.cdc.gov/nceh/ehs/publications/Bed_Bugs_CDC-EPA_Statement.htm

Sincerely,

FMSS Representative

Date: _____

Appendix 3
IRS FMSS Environmental Health and Safety
Notification Tag

STOP

Please do not enter. FMSS is currently working in this area. Chemicals may be used in this process.

Date:

Time:

You must wait _____ before entering this
area.

Questions? Call your local FMSS at: _____