



*Programming Changes Would Allow  
More Accurate Tracking of Fair  
Tax Collection Practices Violations*

**September 14, 2016**

**Reference Number: 2016-10-068**

This report has cleared the Treasury Inspector General for Tax Administration disclosure review process and information determined to be restricted from public release has been redacted from this document.

**Redaction Legend:**

3 = Personal Privacy Information

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## HIGHLIGHTS

### **PROGRAMMING CHANGES WOULD ALLOW MORE ACCURATE TRACKING OF FAIR TAX COLLECTION PRACTICES VIOLATIONS**

## Highlights

**Final Report issued on September 14, 2016**

Highlights of Reference Number: 2016-10-068 to the Internal Revenue Service Chief Counsel and the Internal Revenue Service Human Capital Officer.

### **IMPACT ON TAXPAYERS**

The abuse and harassment of taxpayers by IRS employees while attempting to collect taxes reflects poorly on the IRS and can have a negative impact on voluntary compliance. It is important that taxpayers receive fair and balanced treatment from IRS employees when they attempt to collect taxes.

### **WHY TIGTA DID THE AUDIT**

The overall objective of this review was to obtain information on any reported IRS administrative or civil actions resulting from violations of Fair Tax Collection Practices (FTCP) (Internal Revenue Code Section 6304) for cases opened after July 22, 1998, and closed during Fiscal Year 2015. This information will be used to comply with the IRS Restructuring and Reform Act of 1998 requirement that TIGTA include in one of its Semiannual Reports to Congress information regarding administrative or civil actions related to FTCP violations.

### **WHAT TIGTA FOUND**

The IRS recorded two FTCP violations in Fiscal Year 2015 that resulted in administrative actions for revenue officers who contacted taxpayers directly without the required consent of the taxpayers' power of attorney.

TIGTA also determined that 12 cases were not tracked by the IRS as potential FTCP violations. These 12 cases consisted of one investigation and 11 complaints.

TIGTA identified one investigation that was not correctly coded with the FTCP issue code on the Automated Labor and Employee Relations Tracking System (ALERTS), which the IRS uses to track disciplinary action. This occurred because the ALERTS can only receive three violation codes electronically and the investigation case contained five violation codes.

TIGTA identified 11 complaints that included potential FTCP issues that were either not entered into the ALERTS or were entered without the associated FTCP issue code. This occurred due to a combination of factors. Unlike investigations, complaints are transferred to the IRS using paper forms and manually entered into a separate tracking system. These forms contain a narrative explaining the potential violation(s) but do not include the specific violation code(s) related to the complaint. In addition, guidance does not clearly identify who is responsible for entering these complaints into the ALERTS after IRS management completes an inquiry.

There were no civil actions resulting in monetary awards for damages to taxpayers because of an FTCP violation. However, one case related to an offer in compromise was miscoded as an FTCP case. The IRS corrected this data entry error during the audit.

### **WHAT TIGTA RECOMMENDED**

TIGTA recommended that the IRS Human Capital Officer: 1) take action to update programming to allow all potential FTCP violation codes to be transmitted electronically to the ALERTS, 2) review the 12 cases not properly coded or entered into the ALERTS to determine whether potential FTCP violations were addressed, and 3) improve guidance to clearly identify responsibility for manually entering complaints on the ALERTS.

In its response, the IRS agreed with TIGTA's recommendations. The IRS plans to update programming and revise guidance. In addition, the IRS stated that it has reviewed the 12 cases TIGTA concluded were not properly coded or entered into the ALERTS and determined that FTCP issues were adequately addressed.



TREASURY INSPECTOR GENERAL  
FOR TAX ADMINISTRATION

DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

September 14, 2016

**MEMORANDUM FOR CHIEF COUNSEL**  
**INTERNAL REVENUE SERVICE HUMAN CAPITAL OFFICER**

**FROM:** Michael E. McKenney  
Deputy Inspector General for Audit

**SUBJECT:** Final Audit Report – Programming Changes Would Allow More  
Accurate Tracking of Fair Tax Collection Practices Violations  
(Audit # 201610004)

This report presents the results of our review on how Programming Changes Would Allow More Accurate Tracking of Fair Tax Collection Practices Violations. The overall objective of this review was to obtain information on any reported Internal Revenue Service (IRS) administrative or civil actions resulting from violations of Fair Tax Collection Practices (FTCP)<sup>1</sup> for cases opened after July 22, 1998, and closed during Fiscal Year<sup>2</sup> 2015. Information found in this report regarding administrative or civil actions related to FTCP violations will be used to comply with the IRS Restructuring and Reform Act of 1998<sup>3</sup> Section 1102(d)(1)(G)<sup>4</sup> requirement that the Treasury Inspector General for Tax Administration include this information in one of its Semiannual Reports to Congress. This audit is included in the Treasury Inspector General for Tax Administration's Fiscal Year 2016 Annual Audit Plan and addresses the major management challenge of Taxpayer Protection and Rights.

Management's complete response to the draft report is included as Appendix VII.

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<sup>1</sup> 26 U.S.C. § 6304 (2016).

<sup>2</sup> Any yearly accounting period, regardless of its relationship to a calendar year. The Federal Government's fiscal year begins on October 1 and ends on September 30.

<sup>3</sup> Pub. L. No. 105-206, Stat. 685 (codified as amended in scattered sections of 2 U.S.C., 5 U.S.C. app., 16 U.S.C., 19 U.S.C., 22 U.S.C., 23 U.S.C., 31 U.S.C., 38 U.S.C., and 49 U.S.C.).

<sup>4</sup> Pub. L. No. 105-206, 112 Stat 702-703.



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Copies of this report are also being sent to the IRS managers affected by the report recommendations. If you have any questions, please contact me or Gregory Kutz, Assistant Inspector General for Audit (Management Services and Exempt Organizations).



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*Abbreviations*

ALERTS	Automated Labor and Employee Relations Tracking System
FTCP	Fair Tax Collection Practices
IRS	Internal Revenue Service
PARIS	Performance and Results Information System
TIGTA	Treasury Inspector General for Tax Administration



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## *Background*

The Fair Debt Collection Practices Act,<sup>1</sup> as originally enacted, included provisions that prohibit various collection abuses and harassment in the private sector. However, the restrictions did not apply to the Federal Government until passage of the Internal Revenue Service (IRS) Restructuring and Reform Act of 1998.<sup>2</sup> Congress believed that it was appropriate to require the IRS to comply with certain portions of the Fair Debt Collection Practices Act and be at least as considerate to taxpayers as private creditors are required to be with their customers. The IRS Restructuring and Reform Act of 1998 Section (§) 3466 requires the IRS to follow provisions, known as Fair Tax Collection Practices (FTCP),<sup>3</sup> similar to those in the Fair Debt Collection Practices Act.

***Internal Revenue Service employees are required to follow Fair Tax Collection Practices, similar to those in the Fair Debt Collection Practices Act.***

IRS employees who violate any FTCP provision are subject to disciplinary actions. Violations and related disciplinary actions are tracked on the IRS Human Capital Officer's Automated Labor and Employee Relations Tracking System (ALERTS). In addition, the Federal Government may be subject to claims for damages under 26 United States Code (U.S.C.) § 7433, *Civil Damages for Certain Unauthorized Collection Actions*, if the FTCP violations are substantiated. Taxpayer civil actions are tracked on the Office of Chief Counsel's Counsel Automated System Environment.

The IRS Restructuring and Reform Act of 1998 § 1102(d)(1)(G)<sup>4</sup> requires the Treasury Inspector General for Tax Administration (TIGTA) to include in one of its Semiannual Reports to Congress information regarding administrative or civil actions related to FTCP violations listed in 26 U.S.C. § 6304.<sup>5</sup> The Semiannual Report must provide a summary of such actions and include any judgments or awards granted to taxpayers. TIGTA is required to report as violations the actions taken by IRS employees who were involved in a collection activity and who received a disciplinary action that is considered an administration action. The law does not provide a definition of administrative action; however, for this review, we used the IRS's definition, which

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<sup>1</sup> 15 U.S.C. §§ 1601 note, 1692-1692p (2006).

<sup>2</sup> Pub. L. No. 105-206, 112 Stat. 685 (codified as amended in scattered sections of 2 U.S.C., 5 U.S.C. app., 16 U.S.C., 19 U.S.C., 22 U.S.C., 23 U.S.C., 26 U.S.C., 31 U.S.C., 38 U.S.C., and 49 U.S.C.).

<sup>3</sup> See Appendix V for a detailed description of FTCP provisions.

<sup>4</sup> Pub. L. No. 105-206, 112 Stat. 702-703.

<sup>5</sup> 26 U.S.C. § 6304 (2016).



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is action that ranges from a letter of admonishment<sup>6</sup> to removal. Information from this report will be used to meet the requirements of IRS Restructuring and Reform Act of 1998 § 1102 (d)(1)(G).

This review was performed with information obtained from the offices of the IRS Human Capital Officer and Chief Counsel in the IRS National Headquarters in Washington, D.C., during the period January through June 2016. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. This audit did not address potential violations not reported to the IRS or TIGTA. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. Detailed information on our audit objective, scope, and methodology is presented in Appendix I. Major contributors to the report are listed in Appendix II.

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<sup>6</sup> Admonishment is a disciplinary action that involves the manager holding a discussion with the employee to advise the employee that he or she has engaged in misconduct and that the misconduct should not be repeated. The manager confirms the discussion with a written summary in a letter.



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*Results of Review*

**Two Fair Tax Collection Practices Violations Resulting in Administrative Actions Were Reported in Fiscal Year 2015; However, Twelve Potential Violations Were Not Tracked**

Two FTCP violations were identified on the IRS Human Capital Officer’s ALERTS that were closed in Fiscal Year<sup>7</sup> 2015 and resulted in an administrative action. In both instances, the employees were revenue officers performing collection activities who contacted the taxpayers directly without the required consent of the taxpayers’ power of attorney. One of the employees received a three-day suspension. The other employee received alternative discipline<sup>8</sup> in lieu of reprimand. In this instance, the alternative discipline consisted of the employee conducting a presentation on the procedures for bypassing a power of attorney and being professional and courteous. The disciplinary actions received by both employees were consistent with the range of penalties set forth in the IRS Manager’s *Guide to Penalty Determinations*.<sup>9</sup>

In addition, we determined that one FTCP violation case reported in last year’s report<sup>10</sup> was subsequently appealed during Fiscal Year 2015. \*\*\*\*\*3\*\*\*\*\*  
\*\*\*\*\*3\*\*\*\*\*  
\*\*\*\*\*3\*\*\*\*\*.

**Potential FTCP violations were not tracked**

We identified 12 cases with potential FTCP violations<sup>11</sup> that were either not coded correctly on or entered into the ALERTS. The 12 cases consisted of one investigation<sup>12</sup> and 11 complaints.<sup>13</sup>

<sup>7</sup> Any yearly accounting period, regardless of its relationship to a calendar year. The Federal Government’s fiscal year begins on October 1 and ends on September 30.

<sup>8</sup> Alternative discipline refers to an option other than traditional discipline for misconduct warranting a written reprimand or disciplinary suspension of 14 days or less.

<sup>9</sup> The range of penalties is to serve as a guide only and is not a rigid standard. Deviations from the guide are permissible, and greater or lesser penalties than suggested may be imposed. IRS management determines the appropriate penalty for infractions as individual circumstances warrant, considering mitigating and aggravating factors as well as agency-wide penalties for comparable fact patterns.

<sup>10</sup> TIGTA, Ref. No. 2015-10-045, *Review of Fair Tax Collection Practices Violations During Fiscal Year 2014* p. 3 (May 2015).

<sup>11</sup> See Appendix VI for a detailed description of FTCP violation issue codes.

<sup>12</sup> An investigation is any matter involving an employee in which TIGTA conducted an investigation into alleged misconduct and referred a Report of Investigation to the IRS for appropriate action.

<sup>13</sup> A complaint is any allegation of criminal or administrative misconduct, mismanagement, or other impropriety within TIGTA’s oversight purview of Federal tax administration, including allegations of misconduct by IRS employees, the IRS Office of Chief Counsel, the IRS Oversight Board, or TIGTA.



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We identified one investigation case involving a revenue officer harassing a taxpayer in connection with tax collection activity that was not coded with the corresponding FTCP issue code on the ALERTS. Reports of Investigation involving potential FTCP violations are electronically transferred to the ALERTS from TIGTA's Performance and Results Information System (PARIS) once the investigation is complete. The violation code entered into the PARIS transfers to the ALERTS and is automatically assigned a corresponding issue code. However, the computer programming created to automatically transfer these cases to the ALERTS allows only the first three violation codes to transfer over from the PARIS. In this instance, the PARIS investigation case contained five violation codes.

We identified 11 complaint cases involving revenue officers who may have committed FTCP violations related to direct contact with a taxpayer without the representative's consent or harassing a taxpayer in connection with tax collection activity that were not tracked on the ALERTS. Eight of the cases were not on the ALERTS, while three cases were entered into the ALERTS but did not include the associated FTCP issue code. Unlike Reports of Investigation, complaint cases involving potential FTCP violations are transferred to the IRS from TIGTA using Form TIGTA OI 2070, *Complaint Referral Memorandum*, and manually entered into a separate tracking system. According to IRS officials, information from these cases should be manually entered into the ALERTS by Labor Relations employees after IRS management completes an inquiry into the allegation(s) and makes findings and recommendations. However, the complaint form contains only a narrative explaining the potential violation(s) and does not identify the specific violation code(s) related to the complaint. As a result, if IRS personnel do not identify potential FTCP violations through review of the narrative on the complaint form, the resulting management inquiry may not address potential FTCP issues. In addition, guidance for Labor Relations personnel does not clearly identify who is responsible for entering the results of management inquiries and related case information into the ALERTS.

Due to the need to address programming limitations and strengthen controls, IRS officials did not directly address the potential FTCP violations associated with these cases. It is important that the data in the ALERTS are complete and accurate to ensure consistency in tracking employee disciplinary actions. In addition, the ALERTS is a data source for key management reports and, at times, is used in congressional testimony on legislation that affects the entire IRS.

### ***Recommendations***

The IRS Human Capital Officer should:

**Recommendation 1:** Work with the TIGTA Office of Investigations to update programming to allow all potential FTCP violation codes to be transmitted electronically to the ALERTS.

**Management's Response:** The IRS agreed with this recommendation. The PARIS and ALERTS project teams have already started working together to update the Interface Control Agreement between both systems. They will revise the violation code count in



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the PARIS transmittal file from three violation codes to a maximum of 10 violation codes. This will ensure that the small percentage of cases that contain more than three PARIS violation codes will be transmitted to ALERTS with all codes identified by the TIGTA investigator. Target deployment is scheduled for the October 2016 software transmittal.

**Recommendation 2:** Review the 12 closed cases not properly coded or entered into the ALERTS to determine whether the potential FTCP violations were addressed.

**Management's Response:** The IRS agreed with this recommendation. All 12 cases have been reviewed, and the FTCP issues were adequately addressed.

**Recommendation 3:** Improve guidance to clearly identify responsibility for manually entering complaints into the ALERTS.

**Management's Response:** The IRS agreed with this recommendation. The Employee Conduct and Compliance Office is currently revising its guidance as to who is responsible for entering complaint referrals that meet specific criteria into the ALERTS. The FTCP complaints will be included in this guidance.

### **No Fair Tax Collection Practices Civil Actions Resulted in Monetary Settlements to Taxpayers**

Internal Revenue Code § 7433<sup>14</sup> provides that a taxpayer may bring a civil action for damages against the Federal Government if an officer or employee of the IRS recklessly or intentionally, or by reason of negligence, disregards any provision of the Internal Revenue Code or related regulation in connection with the collection of Federal tax. There were no civil actions resulting in monetary awards for damages to taxpayers because of an FTCP violation. However, there was one case related to an offer in compromise closed on the Counsel Automated System Environment during Fiscal Year 2015 that was miscoded as an FTCP case as a result of a data entry error. We recommended that the Office of Chief Counsel correct the miscoded case, and the IRS made the correction during the audit.

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<sup>14</sup> 26 U.S.C. § 7433 (2016).



## **Appendix I**

### *Detailed Objective, Scope, and Methodology*

Our overall objective was to obtain information on any reported IRS administrative or civil actions resulting from violations of the FTCP (Internal Revenue Code § 6304) for cases opened after July 22, 1998, and closed during Fiscal Year<sup>1</sup> 2015. This audit did not address potential violations not reported to the IRS or TIGTA. To accomplish this objective, we:

- I. Identified the number of reported FTCP violations resulting in administrative actions for cases opened after July 22, 1998, and closed during Fiscal Year 2015.
  - A. Obtained data for all cases posting to the ALERTS during Fiscal Year 2015 and performed tests to determine whether the data were reasonable. For example, tests determined date fields contained dates, blank fields were explainable, fields contained only applicable data required for that field, and gaps in the sequential order of case numbers were explainable. The data were determined to be reliable for our purposes.
  - B. Performed queries of the ALERTS for FTCP issue codes<sup>2</sup> to identify cases that were opened after July 22, 1998, and closed during Fiscal Year 2015, and determined whether any cases resulted in administrative action. We verified the employee was performing specific collection-related activities and the affected party was a taxpayer or taxpayer representative.
  - C. Performed queries of the ALERTS to identify potentially miscoded FTCP violation cases that were opened after July 22, 1998, and closed during Fiscal Year 2015, for which the affected party was a taxpayer or taxpayer representative and the case involved the employee performing collection-related activities.
  - D. Identified any cases coded as potential FTCP violations on the PARIS and determined if those cases were coded correctly on the ALERTS.
- II. Identified the number of FTCP violations resulting in IRS civil actions (judgments or awards granted) by requesting a computer extract from the Office of Chief Counsel's Counsel Automated System Environment database of any Subcategory 6304 (established to track FTCP violations) cases opened after July 22, 1998, and closed during Fiscal Year 2015. We did not conduct validation tests of this system.

<sup>1</sup> Any yearly accounting period, regardless of its relationship to a calendar year. The Federal Government's fiscal year begins on October 1 and ends on September 30.

<sup>2</sup> See Appendix VI for a list of FTCP violation issue codes.



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**Internal controls methodology**

Internal controls relate to management's plans, methods, and procedures used to meet their mission, goals, and objectives. Internal controls include the processes and procedures for planning, organizing, directing, and controlling program operations. They include the systems for measuring, reporting, and monitoring program performance. We determined the following internal controls were relevant to our audit objective: the guidance used to code and work potential FTCP violation cases, FTCP provisions used to identify potential violations, and the ALERTS audit control log to substantiate the removal of cases from the database. We evaluated these controls by interviewing management, performing queries of ALERTS data, and comparing PARIS cases with FTCP-related violation codes to the issue codes assigned for cases received in the ALERTS.



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**Appendix II**

*Major Contributors to This Report*

Gregory D. Kutz, Assistant Inspector General for Audit (Management Services and Exempt Organizations)

Troy D. Paterson, Director

Thomas F. Seidell, Audit Manager

Jennifer M. Burgess, Lead Auditor



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**Appendix III**

*Report Distribution List*

Commissioner  
Office of the Commissioner – Attn: Chief of Staff  
Deputy Commissioner for Operations Support  
Director, Office of Audit Coordination



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## **Appendix IV**

### *Outcome Measures*

This appendix presents detailed information on the measurable impact that our recommended corrective actions will have on tax administration. These benefits will be incorporated into our Semiannual Report to Congress.

#### **Type and Value of Outcome Measure:**

- Reliability of Information – Potential; 12 cases (see page 3).

#### **Methodology Used to Measure the Reported Benefit:**

We reviewed investigations and complaints from the PARIS closed during Fiscal Year<sup>1</sup> 2015 that were classified as FTCP violations. We identified one investigation that was electronically transferred to the ALERTS that did not have an FTCP violation issue code. We also identified 11 complaints that were manually transferred to the IRS and not recorded as potential FTCP cases.

#### **Type and Value of Outcome Measure:**

- Reliability of Information – Actual; 1 case (see page 5).

#### **Methodology Used to Measure the Reported Benefit:**

The Office of Chief Counsel's Counsel Automated System Environment database search of FTCP violation cases closed during Fiscal Year 2015 identified one case. This case, related to an offer in compromise, was miscoded as an FTCP case. We recommended that the Office of Chief Counsel correct the miscoded case, and the IRS made the correction during the audit.

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<sup>1</sup> Any yearly accounting period, regardless of its relationship to a calendar year. The Federal Government's fiscal year begins on October 1 and ends on September 30.



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**Appendix V**

*Fair Tax Collection Practices Provisions*

To ensure equitable treatment of debt collectors in the public and private sectors, the IRS Restructuring and Reform Act of 1998<sup>1</sup> requires the IRS to comply with certain provisions of the Fair Debt Collection Practices Act.<sup>2</sup> Specifically, the IRS may not communicate with taxpayers in connection with the collection of any unpaid tax:

- At unusual or inconvenient times.
- If the IRS knows that the taxpayer has obtained representation from a person authorized to practice before the IRS and the IRS knows or can easily obtain the representative's name and address.
- At the taxpayer's place of employment, if the IRS knows or has reason to know that such communication is prohibited.

In addition, the IRS may not harass, oppress, or abuse any person in connection with any tax collection activity or engage in any activity that would naturally lead to harassment, oppression, or abuse. Such conduct specifically includes, but is not limited to:

- Use or threat of violence or harm.
- Use of obscene or profane language.
- Causing a telephone to ring continuously with harassing intent.
- Placement of telephone calls without meaningful disclosure of the caller's identity.

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<sup>1</sup> Pub. L. No. 105-206, 112 Stat. 768-769.

<sup>2</sup> 15 U.S.C. §§ 1601 note, 1692-1692p (2006).



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**Appendix VI**

*Fair Tax Collection Practices Violation Issue Codes*

<b>Issue Code</b>	<b>Description</b>
141	<b>Contact Taxpayer Unusual Time/Place</b> – Contacting a taxpayer before 8:00 a.m. or after 9:00 p.m., or at an unusual location or time, or at a location known or which should be known to be inconvenient to the taxpayer.
142	<b>Contact Taxpayer Without Representative</b> – Contacting a taxpayer directly without the consent of the taxpayer’s power of attorney.
143	<b>Contact at Taxpayer Employment When Prohibited</b> – Contacting a taxpayer at his or her place of employment when it is known or should be known that the taxpayer’s employer prohibits the taxpayer from receiving such communication.
144	<b>Use/Threat of Physical Harm</b> – Conduct which is intended to harass or abuse a taxpayer, or conduct which uses or threatens to use violence or harm.
145	<b>Use Obscene/Profane Language to Abuse</b> – The use of obscene or profane language toward a taxpayer.
146	<b>Continuous Phone Calls With Intent to Harass</b> – Causing a taxpayer’s telephone to ring continuously with harassing intent.
147	<b>Phone Calls Without Making Full Identification Disclosure</b> – Contacting a taxpayer by telephone without providing a meaningful disclosure of the IRS employee’s identity.

Source: *IRS ALERTS User Manual (February 2016)*.



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**Appendix VII**

*Management's Response to the Draft Report*



HUMAN CAPITAL OFFICE

DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
WASHINGTON, D.C. 20224

SEP 01 2016

MEMORANDUM FOR MICHAEL E. MCKENNEY  
DEPUTY INSPECTOR GENERAL FOR AUDIT

FROM: Daniel T. Riordan *Daniel Riordan*  
IRS Human Capital Officer

SUBJECT: Draft Audit Report – Programing Changes Would Allow More  
Accurate Tracking of Fair Tax Collection Practice Violations  
(Audit # 201610004)

Thank you for the opportunity to review the draft report - Programming Changes Would Allow More Accurate Tracking of Fair Tax Collection Practices (FTCP) dated July 26, 2016. We are committed to taking the extra steps needed to ensure complaints that have FTCP allegations are entered into our Automated Labor Employee Relations Tracking System (ALERTS) so that they can be tracked for future reporting.

Management agrees with TIGTA's recommendations. We provide the following explanation in response to your findings regarding the 12 cases not properly coded or not entered into the ALERTS.

One of the 12 cases in your report was a Report of Investigation (ROI) and should have been entered into ALERTS. As outlined below in Recommendation #1, we are working to program the interface between our system and TIGTA's to catch this omission in the future. For the remaining 11 cases in your report, these are complaint referrals and we track them in our etrak database. Etrak is a stand-alone system used by the Service to track many controls/issues. The Employee Conduct and Compliance Office (ECCO) uses this system to track not only TIGTA 2070 and 2070A complaint referrals but other employee misconduct allegations referred to the Agency. Our procedures have never mandated that we enter the FTCP complaints into ALERTS. All of the 11 complaints were reviewed and appropriately adjudicated and their findings were forwarded back to TIGTA for review and closure.

Moving forward, we will work with TIGTA Office of Investigations to annotate any complaints relating to violations of FTCP on TIGTA Complaint Referral Form 2070. This will assist the ECCO office in ensuring FTCP allegations are reviewed appropriately and are entered into the ALERTS database.



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Management concurs with the Outcome Measures as outlined on the **Appendix IV Page 10**.

Attached is a detailed response outlining the corrective actions that the Human Capital Office will take to address your recommendations. If you have any questions, please contact me at (202) 317-7600, or a member of your staff may contact Lia Colbert, Director, Workforce Relations Division at (202) 317-4390.

Attachment



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3

Attachment

**RECOMMENDATION 1:**

Work with the TIGTA Office of Investigations to update programming to allow all potential FTCP violation codes to be transmitted electronically to the ALERTS.

**CORRECTIVE ACTIONS:**

We agree with this recommendation. The PARIS and ALERTS project teams have already started working together to update the Interface Control Agreement between both systems. They will revise the violation code count in the PARIS transmittal file from three violation codes, to a maximum of ten violation codes. This will ensure that the small percentage of cases that contain more than three PARIS violation codes will be transmitted to ALERTS with all codes identified by the TIGTA investigator.

Target deployment is scheduled for the October 2016 software transmittal.

**IMPLEMENTATION DATE:** December 30, 2016

**RESPONSIBLE OFFICIAL(S):**

Human Capital Office: Director, Workforce Relations Division

**CORRECTIVE ACTION(S) MONITORING PLAN:**

We will enter accepted Corrective Actions into the Joint Audit Management Enterprise System (JAMES), upload supporting documentation into JAMES with Forms 13872 Planned Corrective Action (PCA) Status Update for TIGTA/GAO/MW/SD/TAS/RE. We will also provide a progress update on a quarterly basis to the Office of Internal Controls (OIC) until the Corrective Actions are completed.

**RECOMMENDATION 2:**

Review the 12 closed cases not properly coded or entered into the ALERTS to determine whether the potential FTCP violations were addressed.

**CORRECTIVE ACTIONS:**

We agree with this recommendation. All 12 cases have been reviewed and the FTCP issues were adequately addressed.



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**IMPLEMENTATION DATE:** Completed August 3, 2016

**RESPONSIBLE OFFICIAL(S):** Human Capital Office: Director, Workforce Relations  
Division

**CORRECTIVE ACTION(S) MONITORING PLAN:**

N/A, No monitoring is required because action is complete.

**RECOMMENDATION 3:**

Improve guidance to clearly identify responsibility for manually entering complaints into the ALERTS.

**CORRECTIVE ACTIONS:**

We agree with this recommendation. ECCO is currently revising their guidance as to who is responsible for entering complaint referrals that meet specific criteria into ALERTS. The FTCP complaints will be included in this guidance.

**IMPLEMENTATION DATE:** December 30, 2016

**RESPONSIBLE OFFICIAL(S):** Human Capital Office: Director Workforce Relations  
Division

**CORRECTIVE ACTION(S) MONITORING PLAN:**

We will enter accepted Corrective Actions into the Joint Audit Management Enterprise System (JAMES), upload supporting documentation into JAMES with Forms 13872 Planned Corrective Action (PCA) Status Update for TIGTA/GAO/MW/SD/TAS/RE. We will also provide a progress update on a quarterly basis to the Office of Internal Controls (OIC) until the Corrective Actions are completed.