

Tyler Morning Telegraph

Don't expect IRS to fire employees

May 26, 2013

Be prepared for disappointment. While some people at the Internal Revenue Service inarguably should be fired for their roles in targeting conservative non-profit groups in the run-up to the 2012 elections, they probably won't be. That sorry fact is an argument not just for reform at the IRS, but in federal employee policies.

Democratic Sen. Max Baucus, the Senate Finance Committee chairman, asked last week "Why weren't more people fired?" The answer, according to POLITICO, is that it's not so easy to fire federal workers.

"In fact, it appears that no one has been formally reprimanded and a spokesperson for the union representing IRS workers said it hasn't been called to help any employees yet," POLITICO reports. "Most employees involved in the targeting program are covered by protections for federal workers that could drag out the termination process."

Officials could at least try, couldn't they?

"The incoming acting IRS Commissioner, Daniel Werfel, could try to clean house — but he'd have to be prepared for a lengthy appeals process," POLITICO explains. "Under federal rules, a fired government worker has the right to appeal to the Merit Systems Protection Board. He or she can challenge the decision, argue that their actions don't meet the threshold for termination and ask to be reinstated — especially if there was no warning of trouble in past performance reviews."

Fired workers actually get two chances to appeal.

"Their first stop is at the merit board's regional level, which — for the Cincinnati-based IRS employees in question — would be in Chicago," POLITICO says. "The initial appeals take an average of 93 days to process, said William Spencer, a spokesman for the board. If the regional board rules against the IRS employees, they could appeal to the national Washington, D.C.-based board, which takes on average another 245 days."

If they're reinstated, they're owed back pay.

"Max Stier, who heads Partnership for Public Service, a nonprofit that recommends ways to improve the federal workforce, says it's 'not impossible' to get rid of federal workers," the political website notes.

It's not impossible, but it's not easy, and it doesn't happen very often. Last year, according to the Cato Institute, "8,755 people were fired... But that was out of 2.1 million civilian federal employees, or just 0.4 percent of the total."

In 1998, Congress tried to make the IRS more “user-friendly,” and enacted reforms outlining the “10 deadly sins” an agent or supervisor could be sacked for. As POLITICO notes, “The ‘sins’ include falsifying information or destroying documents to cover up mistakes, violating a taxpayer’s constitutional rights, abusing privacy clauses to conceal information from a congressional inquiry and threatening to audit taxpayers for personal gain or benefit.”

Sounds familiar.

J. Russell George, the Treasury Inspector General for Tax Administration, acknowledged in last week’s House hearing that at least one of the sins — revealing taxpayer information in order to harm a taxpayer — might have been violated.

In and of itself, that’s grounds for firing.

We’ll see if Congress and the insulated IRS leadership have the political will do so.