

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE UNITED STATES DEPARTMENT OF LABOR**  
**AND**  
**THE NATIONAL COUNCIL OF FIELD LABOR LOCALS, AFGE, AFL-CIO**

**Introduction**

This Memorandum of Understanding (MOU) is between the U.S. Department of Labor (DOL) and the National Council of Field Labor Locals (NCFL), AFGE, AFL-CIO in accordance with the applicable provisions of the DOL/NCFL National Agreement.

**Background**

In March 2020, DOL entered a maximum telework posture due to the Coronavirus/COVID-19 global pandemic health emergency. Large portions of DOL staff therefore have been in this telework status or weather & safety leave status since March 2020.

On July 2, 2021, DOL provided the NCFL notice with the Reentry Phases and Policy Direction on transitioning employees to return to on-site operations. The NCFL requested bargaining on July 9, 2021.

In order to navigate the ever-changing landscape of the COVID 19 pandemic, both DOL and the NCFL are committed to transparency, flexibility and collaboration. We do this in order to protect the safety and health of our employees, while continuing to achieve the mission of DOL.

**Subject**

This MOU concerns appropriate arrangements for the DOL Reentry Phases and Policy Direction.

## Terms of Agreement

The parties agree to the following:

### 1. Return to Duty Station

- a. Subject to mission critical needs, employees may request to defer their reentry until Phase 3. Employees may volunteer to reenter beginning in Phase 1, subject to mission needs and occupancy rates: 50% for Phase 1 and 75% for Phase 2.
- b. The occupancy percentage rates for each of the phases only apply to DOL sites. Employees who fall into one of the phase categories may be required to reenter onsite work at third party locations (e.g., investigation and inspection sites).
- c. Supervisors will give due consideration to delays of more than 15 minutes in reporting to the office that are caused by occupancy limitations in elevators. Employees must notify their supervisors of such delays as soon as practicable.
- d. In instances when a DOL employee must meet in-person with a visitor in a DOL worksite, all parties must follow masking, physical distancing, and occupancy requirements. Employees must request and receive advance approval from their supervisor to hold the in-person meeting and provide pertinent information, such as the number of attendees, location of meeting, etc., in advance, such that the supervisor can ensure the overall work space is in compliance with DOL workplace safety protocol. Walk-in visitors are subject to applicable masking, physical distancing and occupancy requirements in place at the time of the visit. To minimize potential exposure, visitors should not be permitted to travel freely throughout an office.
- e. In developing its reentry plan, DOL leadership will consider guidance from the Centers for Disease Control and Prevention, the Safer Federal Workforce Task Force, the Office of Personnel Management (OPM) and the Office of Management and Budget (OMB). Plans may include a review of various factors such as vaccination rates, transmission rates, and new case trends.
- f. Wherever possible, DOL will provide at least 45 calendar days' notice to employees who are operating in a maximum telework posture or on weather and safety leave, when they are directed to reenter on-site work. The parties understand that some DOL employees have been engaged in on-site work throughout the COVID-19 pandemic, to meet the mission of DOL.
- g. Management will make best efforts to provide reasonable notice to employees for short-term in-office or on-site needs that may arise. Management will take full advantage of existing technology where possible to minimize the need for employees to return to the office to work on short term projects.

- h. If an employee is notified that they are required to report on a specific date or the start of a phase and the employee has been previously approved for leave on that day, is scheduled to telework, and/or on an approved AWS or compressed workday off, supervisors and bargaining unit employees should follow current procedures. If a recall from leave is necessary, supervisors should communicate that as soon as practicable and take into consideration any costs to the employee associated with cancellation of leave that the employee timely raises to the supervisor.
- i. While the use of the COVID-19 considerations form is not mandatory, managers are encouraged to complete it. If used, the COVID-19 considerations form will be filled out by Management and the designated NCFLL representative in a timely manner. In any case, the parties agree that, in the interest of mission accomplishment, completion of the COVID-19 considerations form will not represent a delay to reentry. If used, management will provide the designated NCFLL representative with a copy of the form. Upon request to the Labor Relations Officer, the NCFLL Executive Committee will be provided with copies of the COVID-19 considerations forms.
- j. Both management and bargaining unit employees must follow the protocols in DOL's Workplace Safety Plan.
- k. If bargaining unit employees and/or Union representatives identify that protocols of the Workplace Safety Plan are not being followed they should notify the OASAM Regional Safety and Health Manager. If employees have questions, they may also utilize the [COVID19questions@dol.gov](mailto:COVID19questions@dol.gov) email box.
- l. DOL will have face coverings available for employees if they do not already have one.

## 2. Reasonable Accommodation

- a. DOL will offer reasonable accommodation training to employees during duty time no later than August 20, 2021, and post this training on Labor Net. DOL will provide notice to employees of the training and its link on Labor Net.
- b. Employees who have been notified that they are directed to be available to return in any Phase of reentry, and who have a disability that prevents them from reentering, and believe they need a reasonable accommodation, should request a reasonable accommodation promptly and prior to the reentry date to allow the agency sufficient time to consider it. Prior to submitting a request, employees should speak with their supervisor about possible changes to their job functions or business processes, work hours/schedules, and telework under consideration by management. Employees are asked to request a reasonable accommodation as soon as possible and submit required medical documentation to support it. These employees may be granted interim relief by their supervisor in advance of a final determination regarding a telework-related accommodation. In accordance with OPM guidance, employees may also request to use their own accrued leave or leave without pay.

3. Personal Operational Challenges

- a. Supervisors will consider requests for temporary telework arrangements for telework-eligible employees with personal operational challenges to reentry such as dependent care responsibilities; and/or where an employee lives with or provides care for individuals in a vulnerable population.
- b. Supervisors will consider requests for temporary telework arrangements from telework eligible employees who are not comfortable reentering due to the use of public transit.

4. Weather and Safety Leave Reentry

DOL Telework ineligible employees who have been on continuous Weather and Safety Leave during the COVID-19 public health crisis may be provided refresher training on the duties of their position, as appropriate.

5. Nothing in this MOU permanently changes any provision in the current collective bargaining agreements between the Department and the NCFLL.
6. Nothing in this MOU constitutes a waiver of bargaining unit employee's rights otherwise afforded to them outside of this MOU or a waiver by management of any management rights otherwise afforded to them outside of this MOU.
7. If DOL employees are required to receive the COVID-19 vaccine, DOL management will fulfill any applicable labor management obligations.
8. As new issues related to the coronavirus pandemic arise that impact bargaining unit employees' working conditions and/or conditions of employment, the parties will reconvene to address.
9. DOL will email all regional employees the link to this MOU posted on LaborNet. This information will be posted on LaborNet and the link emailed to regional employees within five business days of the signing of this MOU.
10. This MOU will remain in effect until the first business day of Phase 3. In the event that DOL retreats to Phase 2 or below, this MOU will be reinstated.

CONCLUSION

This MOU establishes no precedent for any other agreement, practice, or procedure.

**FOR THE DEPARTMENT**

**SYDNEY  
ROSE**

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Sydney T. Rose  
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**JULIA TRITZ**

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**MARIA  
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Sheila DeMartino  
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**FOR THE NCFL**

**DARYL  
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8/9/21

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Date