

June 4, 2020

MEMORANDUM

TO: HHS and FDA Chapter Presidents

RE: HHS and FDA — Briefing on HHS Phased Return to Normal Operations Implementation Guidance

SUMMARY: HHS briefed NTEU and raised bargaining unit employees' concerns regarding recently issued "Return to Normal Operations" guidance.

Yesterday, after ignoring our previous repeated requests for a briefing on how HHS is addressing the impact of coronavirus on employees, we were very pleased that HHS briefed NTEU on the "HHS Phased Return to Normal Operations – Implementation Guidance" (Guidance), attached. During the briefing, NTEU raised the points outlined in NTEU's Safe Return recommendations. We also discussed issues concerning the safety of employees raised in a recent HHS Chapter Presidents' call. [REDACTED] HHS Deputy Chief Human Capital Officer, led the briefing for HHS with the assistance of [REDACTED], National Labor Relations Officer.

The agency's Guidance lays out three phases of return to normal operations. Phase One is "Maximum Telework and Prepare Workplaces for Re-entry;" Phase Two is "Protect the Vulnerable, Ensure a Safe Workplace, and Restore On-site Critical Functions;" and Phase Three is "Normal Operations." HHS emphasized that the agency is not even in "Phase One" yet, as certain criteria must be met before the agency will implement "Phase One." Those criteria include: a 14-day downward trend in COVID-like cases; a 14-day downward trend in positive tests; and capacity for local hospitals to treat all patients without crisis care. Currently, HHS is permitting all employees, with the exception of those mission critical employees who are required to be physically present in the worksite, to telework. NTEU asked if any HHS facilities will be entering Phase One in the next couple of weeks and HHS responded that, although OPM will be moving to Phase One on Monday, June 8, HHS will give more notice to employees than that (with the implication that HHS will not be moving to Phase One until at least after June 8).

Only once Phase One conditions are met will an office move to Phase Two, and if gating criteria are no longer met at any point (for example, because of an increase in COVID cases), the office cannot continue towards normal operations. Maximum telework will continue through Phase One and remain an option in Phase Two. NTEU asked whether maximum telework is being considered in Phase Three, since it is demonstrably effective, and HHS responded that it is looking into continuing maximum telework. HHS is also in the process of developing guidance on what to do in the case of a second spike of cases in the future.

I would like to thank NTEU's team of Dannine Johnson, National Vice President for District #11; Chapter 254 President Roosevelt Turner; and Chapter 282 Vice President Mike Theodorakis for attending and raising important issues in the briefing. They were assisted by National Negotiator [REDACTED] and Director of Negotiations [REDACTED].

Anthony M. Reardon
National President

Attachment