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April 22, 2020

Mr. Michael J. Rigas
Acting Director
U.S. Office of Personnel Management
1900 E. Street, NW
Washington, DC 20415

Dear Acting Director Rigas:

On behalf of the more than 700,000 federal and District of Columbia workers represented by the American Federation of Government Employees, AFL-CIO (AFGE), I write in response to your April 20, 2020 memorandum regarding the administration's guidelines for "Opening Up America Again" and the connection to "federal agency operations." AFGE members are on the front lines of America's efforts both to contain the coronavirus pandemic and to treat those who have been infected. Health care workers in the Department of Veterans Affairs, Transportation Security Officers employed by TSA, correctional officers in the Bureau of Prisons, inspectors at the Department of Agriculture, civilians in the Department of Defense have lost their lives carrying out their duties on behalf of the American people.

I must strongly rebuke the administration for publishing a set of guidelines that is both premature and imprudent. These guidelines would, if implemented too soon, worsen the crisis, and unnecessarily expose millions of Americans to illness and potentially, to death. Human life is precious, and we must protect the health and safety of our government workforce.

Every precaution must be taken to protect human lives as the first consideration in any attempt to reopen the agencies and the economy at large. Our front-line healthcare and public safety workers in federal agencies are everyday heroes who brave the normal risks to their health and safety when they perform their regular duties. This, however, does not relieve the federal government from the obligation to do its utmost to protect all federal workers from avoidable harm in this unprecedented crisis and its aftermath. This principle must be the basis of any and all plans to "open up America."

Accordingly, below is a list of AFGE's preconditions for a safe, prudent, and gradual return to normalcy for federal agency operations.

1. **Universal testing for COVID-19.** Our nation will not be able to correctly assess the risk of transmission until we know the extent of infection. Epidemiologists are unanimous that nationwide universal testing is the best way to identify risk and take action to isolate those who have been in contact with infected individuals. Only with universal testing will it be possible to implement prudent policies for the use of public transportation, for social distancing inside federal offices and other worksites, and other appropriate precautions, especially those that



involve direct interaction with the general public. The administration has so far eschewed the development or implementation of a national plan for universal testing, leaving it to states to compete with one another under the false assumption that a virus somehow will respect a state's borders. For testing and exposure tracing to be effective, it must be universal nationwide.

2. **Science-based standard for the safe return to work.** After universal testing and the identification of the extent of risk by location, the federal government should apply a prudent, apolitical, *science-based* standard for the safe return of federal employees to their worksites. Epidemiologists and other public health experts recommend the standard of 14 days of exponential decline in new cases within a region before easing quarantine and shelter-at-home restrictions. For federal employees, the region should be defined by commuting area. In most cases, this measure will encompass the areas defined in the General Schedule locality pay system. For areas within the "Rest of US" locality, regions should be defined by Census data on commuting used to describe Combined Statistical Areas or Metropolitan Statistical Areas.
3. **Treat all workers equally, with full accommodation as needed.** Your memorandum attempted to divide the federal workforce into groups of varying risk of dying from COVID-19. In particular, you suggest that healthy workers under the age of 65 be treated differently from so-called "vulnerable populations." This is contradicted by abundant evidence that even healthy workers under the age of 65 are vulnerable to contracting and dying from COVID-19. As such, AFGE rejects the OPM/OMB attempted categorization of the federal workforce in terms of vulnerability. Recognizing that all federal employees are vulnerable to the effects of COVID-19, we urge a return policy that treats all workers equally with full accommodation provided to anyone who needs further measures to ensure that individual's safety and health.
4. **Federal workplaces must be safe workplaces.** All federal worksites must have adequate supplies available to the workforce to ensure ongoing efforts to minimize the spread of infection. These include but are not limited to employer-supplied masks and PPE, hand sanitizer, facilities for hand washing including soap and hot water, tissues, etc. Interior infrastructure must meet safety and health standards to allow proper distancing, dividers, regular disinfecting of workspaces, and areas for isolation. In addition, we recommend that oximeters and no-touch electronic thermometers be used at federal worksites to ensure that employees, and others, displaying signs of possible infection, be immediately quarantined. Every federal worksite must be fully OSHA-compliant and operated within CDC guidelines.
5. **Symptomatic employees sent home on leave.** After a return to work at federal worksites, every agency must adopt a strict policy to ensure that federal employees who develop a COVID-19 infection, or who displays any symptom known to be related to COVID-19 be removed from the workplace immediately and all remaining employees must be notified immediately. Contact tracing should be employed and all those who report contact with the symptomatic employee must be removed from the workplace as well and permitted either to work remotely or receive weather and safety leave for a minimum of 14 days.



6. **Comply with bargaining obligations with union.** While the foregoing five preconditions refer to governmentwide policy, we understand that there will be variation among agencies with respect to bargaining obligations over the terms of any new policies and their implementation. As such, each agency with union represented employees must engage with their union in order to obtain the views of front-line workers as plans are formulated and meet any and all bargaining obligations prior to implementing the plan.

These six preconditions must be met prior to any “opening up” of federal worksites. I trust that you value the lives and well-being of the federal workforce and all Americans. While I understand the eagerness to return to normal operations, as leaders we must display the wisdom and prudence necessary for those who rely upon us for guidance and good judgment. If you have any questions for me, please contact my assistant Ms. Wanda Manson at (202) 639-6455 and she will be happy to arrange a call at your convenience. Thank you for your time and consideration.

Sincerely yours,



Everett B. Kelley
AFGE National President

