

March 7, 2022

MEMORANDUM FOR: Sonya Gaither, Director, Employee and Labor Relations Division

D'andra Hankinson, Deputy Director, Employee and Labor Relations

FROM: Salvatore T. Viola, President, AFGE National Council 222 of HUD Locals

SUBJECT: Unfair Labor Practice—Grievance of the Parties: Implementation of New COVID-19 Safety

Protocols and Cease and Desist Demand

In accordance with Article 51, Section 51.15 of the HUD-AFGE Council 222 Agreement (Agreement), I am filing this Unfair Labor Practice—Grievance of the Parties (ULP-GOP) with you. This ULP-GOP concerns the Department of Housing and Urban Development's (the Agency's) violation of statutory and contractual provisions, and other violations of Federal law, which require management to negotiate in good faith with a union over the impact and implementation of a change in working conditions that affect the HUD bargaining unit.

On March 4, 2022, the Agency sent a series of emails to bargaining unit employees. Deputy Secretary Adrianne Todman's 2:07 p.m. message, "CDC Update" (Attachment 1) provided employees with the most recent Centers for Disease Control (CDC) and Safer Federal Workforce Task Force guidance related to COVID-19, including new recommendations related to mask-wearing requirements and testing. The Deputy Secretary's message noted that emails would follow with instructions specific to employees' duty stations (e.g., Headquarters and field offices).

Following the Deputy Secretary's message, the Office of Administration and the Field Office Directors sent emails to bargaining unit employees. These included an Office of Administration message on March 4 at 3:34 p.m., "Implementation of the Department's Interim COVID-19 Testing Program" (subsequently recalled at 7:22 p.m.) (Attachment 2), and messages to the Chicago, Puerto Rico, Headquarters, and District of Columbia Field Office employees (Attachment 3) among others that provided:

- New mask-wearing protocols
- New screening testing protocols
- Required use of the Concur Travel System to create travel vouchers related to screening and testing.
- Procedures for reviewing COVID-19 community levels to determine mask-wearing and screening requirements for each HUD Field Office.

While the last two items were in the recalled message, they are mentioned because the content of the original message, which addressed "Supervisors' Role and Responsibilities," suggests that the message may have been intended for or redirected to supervisors and managers.

In sending these new instructions, HUD relied on its interpretation of the Safer Federal Workforce Task Force's guidance (and unspecified guidance from the Office of Management and Budget) to eliminate current

masking requirements for all personnel regardless of vaccination status and to announce that screening testing is not required for employees who are unvaccinated or who have declined to provide their vaccination status. The Agency improperly presented the Task Force's guidance as mandatory, which is contrary to the actual guidance provided by the Task Force. In it's February 28, 2022, guidance (Attachment 4), the Task Force stated that "Agencies **do not need** to require individuals to wear masks . . . " and "Agencies **do not need** to utilize their screening testing program . . . " when the COVID-19 community level is low in the county where the federal facility is located (emphasis added). The guidance does not obligate the Agency to take immediate steps to eliminate mask-wearing or screening testing requirements.

By unilaterally implementing these changes to the bargaining unit employees' conditions of employment, HUD has violated the Union's contractual and statutory rights, including:

- Article 49, including but not limited to Sections 49.02 and 49.03, by failing to provide proper notice to AFGE Council 222 and failing to engage in good-faith bargaining;
- Agreement of January 15, 2022, Return to Safe Workplace Plan and Flexiplace Negotiations (Attachment 5), including but not limited to Paragraph 6 (requiring negotiations on the remaining COVID-19 protocols after completing Flexiplace negotiations or after reaching the 30-day timeline allowed for the Flexiplace negotiations);
- Supplement 28, April 8, 2021, HUD COVID-19 Safe Federal Workplace Guide (Attachment 6), including but not limited to Paragraphs 8 and 12 (requiring use of masks and for management to provide masks to personnel, and recognizing management's obligation to honor bargaining obligations);
- Supplement 25, September 2020, Phase I Resuming Normal Operations Guide COVID-19 Response
 (Attachment 7), including but not limited to Paragraph 20 (requiring face coverings for all employees
 and visitors in HUD workspace);
- Executive Order 14003, January 22, 2021, Protecting the Federal Workforce, including but not limited to Section 4 ("Ensuring the Right to Engage in Collective Bargaining"); and the
- Federal Service Labor-Management Relations Statute, 5 U.S.C. Chapter 71 (the Labor-Management Statute), including but not limited to §§ 7116(a)(1) and 7116(a)(5) by:
 - 1. interfering with, restraining, or coercing any employee in the exercise by the employee of any right under this chapter; and
 - 2. failing to consult or negotiate in good faith with the Union.

HUD and the Union are currently engaged in negotiations regarding workplace safety protocols which have been paused briefly at the request of the Agency while Flexiplace Policy negotiations are underway (see Attachment 5). The Agency is obligated to adhere to that agreement made by the Parties.

The Union demands that HUD cease and desist from implementing any new guidance related to COVID-19 protocols until all bargaining is completed. Although Maximum Telework policies remain in place at this time, the changed masking and testing policies affect employees who go into HUD offices either because they must (either for work or to resolve computer issues, obtain badges, and so on) or because they voluntarily choose to work in a HUD office.

The Union requests the following remedies for HUD's violations of the Agreement and the Labor-Management Statute:

• A finding that the Agency committed unfair labor practices by violating §§ 7116(a)(1) and 7116(a)(5).

- An order directing the Agency to specifically retract the new instructions in an electronic message to all bargaining unit employees and to include a pledge to not violate the Labor-Management Relations Statute in the future.
- An order directing the Agency to cease its implementation of the new policy until it provides appropriate notice to the Union in accordance with HUD-AFGE Agreement Article 49, Sections 49.02 and 49.03, and engages in bargaining with the Union if the Union issues a demand to bargain.
- Attorneys' fees related to the preparation and conduct of arbitration, if arbitration is necessary, as
 well as the full costs of arbitration, including but not limited to arbitrator's fees, reporting
 services, and the travel expenses and per diem of Union witnesses who travel to the arbitration
 site to testify.
- Any other remedy available to the fullest extent of the law, rule, regulation, policy, past practice, the HUD-AFGE Agreement and arbitrator's award.

If there is no agreement to resolve this GOP, then arbitration shall take place in accordance with Article 52 of the Agreement.

Please respond within 30 days in accordance with Article 51, Section 51.15 (3) of the Agreement.

Attachments

- 1. DSec Todman Email CDC Update 03-04-2022
- 2. Ofc Admin Email Interim COVID-19 Testing 03-04-2022
- 3. HUD Emails Community Level Status 03-04-2022
- 4. Task Force COVID-19 Community Levels Initial Guidance for Federal Agencies 20220228
- 5. Return to Safe Workplace Agreement Executed 1-15-2022
- 6. Supp28
- 7. Supp25

A Message from Deputy Secretary Todman: CDC Update

Office of the Deputy Secretary <officeofthedeputysecretary@hud.gov>

Fri 3/4/2022 2:07 PM



Dear Colleagues -

I am writing today to provide you with an update on the most recent Centers for Disease Control (CDC) guidance related to COVID-19, and to share what it means for HUD in the days and weeks ahead.

Last Friday, the CDC issued recommendations related to <u>COVID-19 Community Levels</u>, and this past Monday, the Safer Federal Workforce Task Force (Task Force) <u>issued guidance</u> for federal agencies based on these recommendations.

The Task Force instructed all agencies to implement updated mask-wearing and screening testing protocols no later than today, Friday, March 4th. As part of these requirements, each agency is charged with reviewing the COVID-19 Community Level for the county in which each of their facilities is located on a weekly basis, to determine the appropriate mask-wearing and screening testing requirements necessary for the upcoming week. In addition, where a locality imposes more protective pandemic-related safety requirements, those requirements should be followed in Federal facilities within that locality.

The guidance from the Task Force also makes clear that agencies should ensure that individuals can wear a mask if they choose regardless of COVID-19 Community Level. Please know that is something that the Secretary and I are committed to ensuring and have communicated that to our senior leaders across the Department. Anyone who prefers to wear a mask should feel empowered to do so.

In order to inform each of you of the community level status and corresponding safety protocols that will be in place based on your duty station, you will receive an email from the Office of Administration if you are in HQ or in a DC satellite office or from Field Policy and Management if you are in a field office. You can expect the first email with this information to be sent to you this afternoon.

Additional information and guidance will be forthcoming regarding other policies and protocols impacted by the new CDC and Task Force guidance.

We remain committed to keeping you safe and delivering on HUD's mission.

Thank you for your partnership.

Deputy Secretary Adrianne Todman

Implementation of the Department's Interim COVID-19 Testing Program

Office of Administration < OfficeofAdministration@hud.gov>

Fri 3/4/2022 3:34 PM

2 attachments (1 MB)

Interim Employee Protocol for COVID-19 Screening Testing_Final.pdf; Steps for Claiming a COVID Test Expense on a Local Voucher.pdf;



Greetings,

In accordance with the Safer Federal Workforce Task Force, and under direction from the Office of Management and Budget (OMB), the Department has established a screening program for SARS-CoV-2, the virus that causes COVID-19, that goes into effect on **Monday, March** 7th, 2022. The screening program requires regular testing for all employees who have stated they are unvaccinated, have declined to share their vaccination status, or have not provided Proof of Vaccination documentation in HR Connect.

Implementation and Applicability

Attached is a copy of the *Interim Employee Protocol for COVID-19 Screening Testing*. For the purposes of this protocol, the unvaccinated status includes all employees who have stated they are unvaccinated, have declined to share their vaccination status, or have not provided Proof of Vaccination documentation.

The requirements of this testing program will be in place when an unvaccinated employee needs to: (1) enter a federal building or federally controlled worksite, (2) work off-site with HUD employees and/or stakeholders, *or* (3) interacts in person with members of the public while performing official duties; **and** (4) needs to conduct these in-person duties in a county with *medium* or *high* COVID-19 community levels.

Supervisors' Role and Responsibilities

Please verify the vaccination status of your direct reports in HR Connect. When an unvaccinated employee must report for the in-person duties described above in a county with *medium* or *high* COVID-19 community levels, they are **required to email you an encrypted copy of their negative test result**. The attached protocol includes guidance to help you implement this process, which relies on communications with the employee and your program office's budget officer. It is highly important to follow all the steps outlined in the protocol to ensure funds are available before they are obligated.

Next Steps

Please review the attached documentation to understand the vaccination status of your staff to ensure they are abiding by the testing program. As a reminder, employees' vaccination information is considered private. Please exercise discretion and make sure their information is protected at all times.

Additional Information or Questions

For questions or additional guidance, please email officeofadministration@hud.gov.

Thank you.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Interim Employee Protocol for COVID-19 Screening Testing

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Overview

In accordance with the Safer Federal Workforce Task Force COVID-19 Workplace Safety: Agency Model Safety Principles, last updated September 13, 2021 (Model Safety Principles), and under the direction from the Office of Management and Budget (OMB), the U.S. Department of Housing and Urban Development (HUD or the Department) has established a screening program for SARS-CoV-2, the virus that causes COVID-19, to test federal employees subject to the screening requirements based on COVID-19 community levels.

The protocols described in this document provide an overview of the testing requirements and process effective **Monday**, **March 7**th, **2022**. During the Interim Phase, employees will be required to use in-store or drive-through Point-of-Care (POC) testing, such as testing at pharmacies, to meet the requirements of this protocol. In a later phase, HUD will migrate to self-administered, proctored testing for employees. Additional details will be provided as the Department moves to this phase.

Screening Protocol

A regular weekly screening test for COVID-19 is required for:

 Employees who are unvaccinated¹ and will enter a federal building or federally controlled worksite, work off-site with HUD employees and/or stakeholders, or interact in person with members of the public while performing official duties, when the federal building, worksite, or in-person interaction occurs in a county with medium or high COVID-19 community levels.

If the above applies, testing is required at least once during the week for which the above circumstance occurs. Testing must be done during duty time on the employee's first scheduled workday of the workweek.

If the above does not apply during a given week (e.g., due to taking leave or teleworking), testing is not required for that week.

 Employees who are unvaccinated and must enter a HUD-controlled worksite for unscheduled administrative needs (e.g., IT assistance, PIV card renewal, printing, etc.) are required to take a screening test prior to entry into the facility when the facility is in a county with *medium* or *high* COVID-19 community levels.

¹ For the purposes of this protocol, the unvaccinated status includes all employees who have stated they are unvaccinated, have declined to share their vaccination status, or have not provided Proof of Vaccination documentation. These employees will be enrolled in the Department's screening protocol.

For employees in the categories described above, proof of a negative test result is required when testing is required. The test result must be sent to the employee's first-line supervisor via encrypted email.

Interim Phase

The policy described below ("interim phase") is effective until further notice. HUD will notify employees when the interim phase has concluded.

1. When to Test

This testing program will be in place when an unvaccinated employee meets **both** of the following conditions:

- enters a federal building or federally controlled worksite, works off-site with HUD employees and/or stakeholders, or interacts in person with members of the public while performing official duties; and
- 2. conducts these in-person duties in a county with *medium* or *high* COVID-19 community levels.

2. Where to Test

The test result must produce a dated report. Therefore, during the interim phase, *in-store or drive-through point-of-care (POC) testing*, such as testing at pharmacies, must be used. A rapid antigen test at an in store or drive-through point-of-care (POC) testing is acceptable. Employees should utilize the closest available testing site, and in most circumstances, no more than two hours should be needed to travel to the testing site, complete testing, and return to work.

3. Leave & Travel Costs

The time spent obtaining the test, including travel time, is considered duty time. There is no need for the employee to take administrative leave for such time during the tour of duty. Employees needing longer than two hours should provide the reasons for the additional time to their first-line supervisor.

Reasonable travel costs that are incurred because of obtaining the test will be reimbursed by the Department. This may include mileage, public transportation, parking, and tolls. Additionally, the cost of testing, if not covered (or reimbursable) through insurance, will be reimbursed by the Department.

If an employee is not required to be tested but decides to test during basic tour of duty hours, at the employee's own initiative, the employee may request sick leave or other available paid time off for the test. The cost of the test and associated travel expenses will *not* be reimbursed by the Department. (See section <u>Diagnostic Testing Due to</u>

Exposure [p. 6] for more information on this type of testing).

4. Process Steps

When an employee is subject to this testing protocol, they will e-mail their first line supervisor prior to incurring a cost for the test or travel. The supervisor will contact the *Program Office's* Budget Officer (or designee) to ensure funds are available. The Budget Officer will verify funds are available and the supervisor will advise the employee that they may proceed with testing. Please contact the Office of the Chief Financial Officer (OCFO) if guidance or assistance with funding is needed. The roles and responsibilities for the employees, supervisor, and Budget Officer are listed below.

Employees

- E-mail their first-line supervisor with a request to obtain a COVID-19 test if it will be required the following week. In your request for testing, you must include the estimated travel costs you expect to incur to obtain testing. This may include mileage, public transportation, parking, and tolls.
- Once the employee receives the email from their supervisor approving the request, the employee gets tested, retains their receipt, and submits a claim for reimbursement, if appropriate, using the process described in the Reimbursement section.
- Provide their first-line supervisor with a copy of the negative test result, showing the date the test was taken, via encrypted email. Negative test results must be provided to the first-line supervisor prior to the employee entering a federal building or federally controlled worksite, working off-site with HUD employees and/or stakeholders, or interacting in person with members of the public.
 - o If the test is **positive**, the employee must follow the reporting protocol established in the <u>HUD COVID-19 Response Safe Federal Workplace Plan (May 2021, p. 9)</u>. The employee cannot enter the federal building or federally controlled worksite or meet with stakeholders or members of the public.
 - How to Encrypt Email: When creating a new email in Microsoft outlook, go to Options on the ribbon, select the Encrypt option.

Supervisors

- Respond to an employee's request for authorization for testing in a timely manner by e-mailing a request to the Budget Office's Program Office mailbox.
 The request must not include confidential information, such as the employees' names. The e-mail request must include:
 - Date of the Week the test is being requested for
 - The number of employees requiring authorization to incur costs for a test

and travel

 Wait for a response from the budget mailbox before sending an email to employee(s) authorizing employees to test. Typically, supervisors should receive a response from the budget mailbox the same day, but no later than 24 hours after the request.

Budget Officers

- A COVID-19 Testing mailbox has been created for your program office.
 Additional information will be provided by OCFO. For assistance with the mailbox, please call the HUD Help Desk at 202-708-3300.
- Designate one or more employees to monitor the e-mail box at least twice a
 day, once in the morning and once in the afternoon. Since monitoring the box
 will be a daily activity, it is recommended that more than one person be
 provided with access to the mailbox.
- Review emails received, record the obligation in the funds control log, and respond by email to the Supervisor with a confirmation that the request was received and approved, if funds are available.
 - Please contact the OCFO if guidance or assistance with funding is needed.
- Keep a funds control log of this funding and requested expenditures and track the local travel voucher when entered/paid on the funds control log.
- Make every attempt to respond to the supervisor on the same day, but no later than 24 hours after the request. Some requests may be higher priority, such as an unexpected need to enter the office for items such as IT services.

5. Reimbursement

The cost of the COVID test for employees covered under HUD's testing protocol will be reimbursed by the Department **if not covered by (or reimbursable through) insurance**. Reasonable travel costs incurred to obtain testing will be reimbursed by the Department. This may include mileage, public transportation, parking, and tolls. If the test is ultimately covered by insurance, employees are required to reimburse the federal government. Employees should follow the attached guidance to submit a claim for reimbursement using the Department's travel system, CONCUR.

Reasonable Accommodation

If an employee requests a reasonable accommodation to being tested, they will not be required to comply with the protocol while the accommodation request is being processed.

Disciplinary Action

If an employee is needed for in-person duties² and they do not adhere to testing requirements, management may take disciplinary action as appropriate, up to and including removal, for failure to comply with workplace requirements. Employees who have requested a reasonable accommodation to being tested will not be subject to discipline for failing to adhere to testing requirements while the accommodation request is being processed.

Diagnostic Testing Due to Exposure

If an employee or contractor receives notification of a confirmed exposure in the workplace, they should refer to the <u>HUD COVID-19 Response Safe Federal Workplace</u> <u>Plan (May 2021, p. 10)</u> for further guidance.

Additional Information or Questions

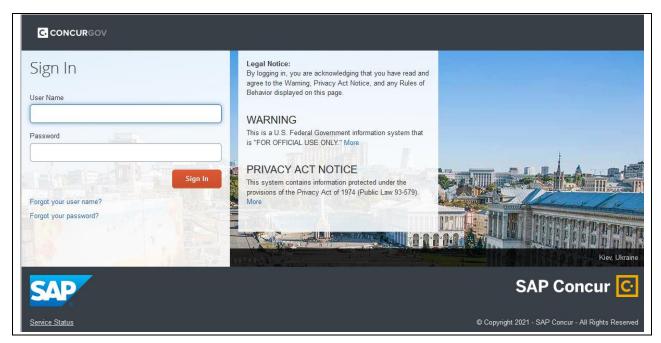
The Centers for Disease Control and Prevention (CDC) has more information about staying healthy. We encourage you to visit their site and review the information on a regular basis.

If you need additional information or have any questions, you can send them to officeofadministration@hud.gov.

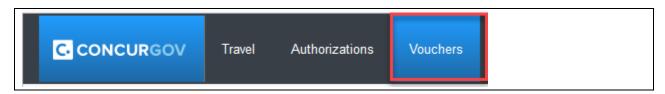
² In-person duty sites identified in the protocol include federal buildings or federally controlled worksites, off-site locations with HUD employees and/or stakeholders, or when interacting in person with members of the public while performing official duties.

Steps for claiming a COVID Test expense on a Local Voucher in ConcurGov

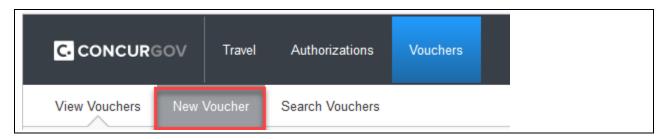
1. Log in to ConcurGov.



2. Select Vouchers.

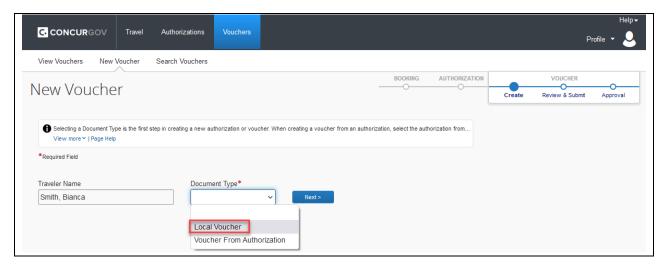


3. Select New Voucher.

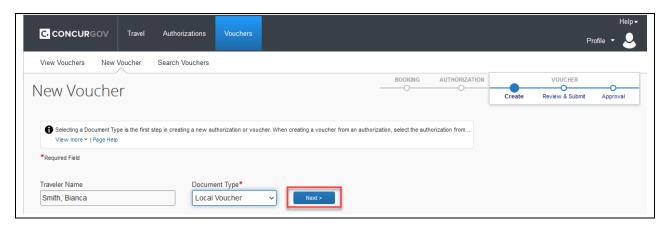




4. Select Local Voucher.

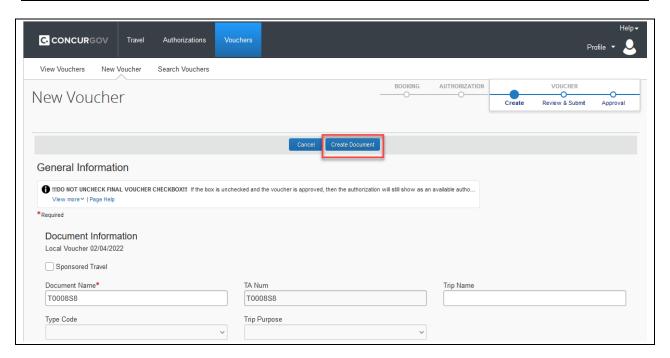


5. Select Next.

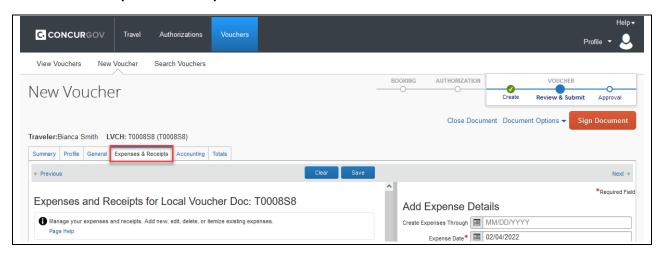


6. Select Create Document.



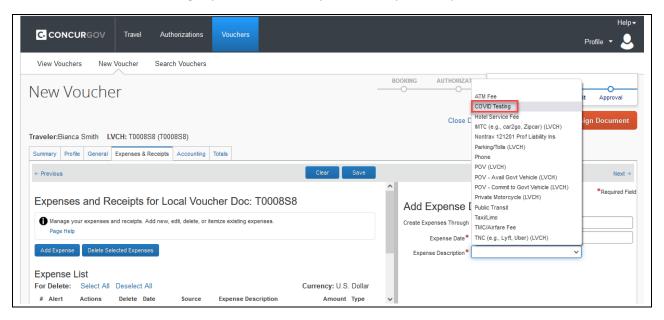


7. Select Expenses & Receipts tab.

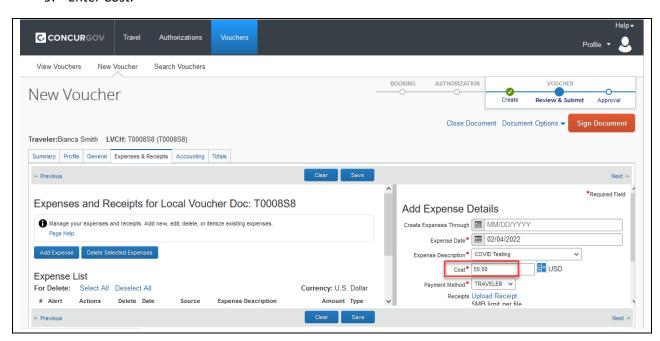




8. Select COVID Testing expense from the Expense Description drop down list.

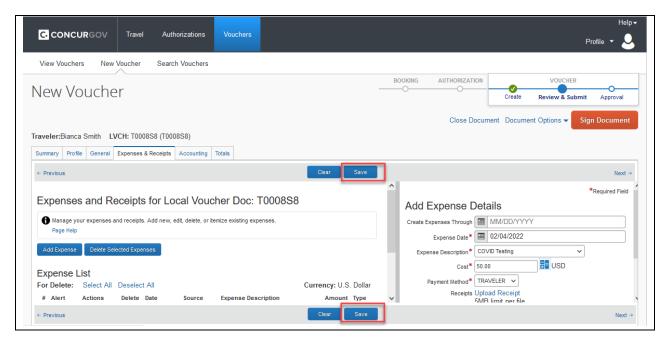


9. Enter Cost.

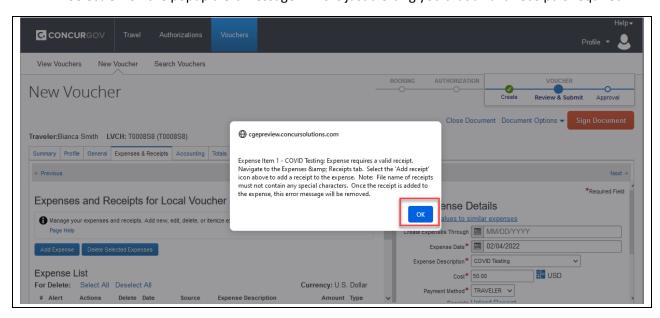




10. Select Save.

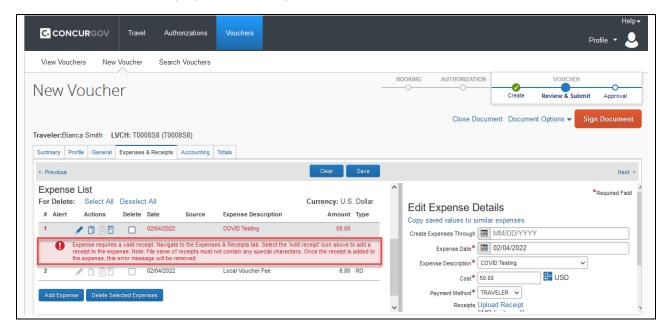


11. Select **OK** on the popup alert message. This is just alerting you that a valid receipt is required.

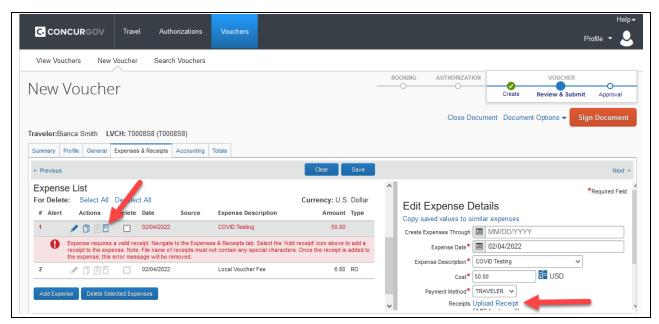




12. The alert now displays under the expense. The alert is in red.

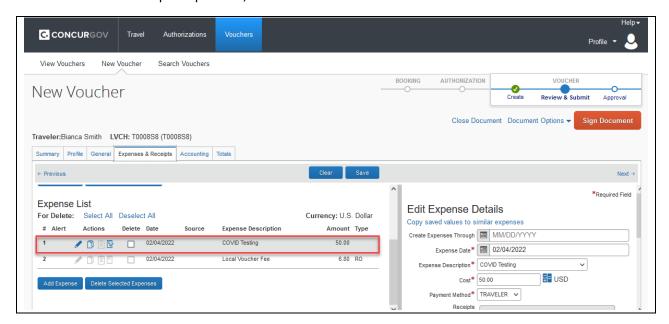


13. For the alert in red, you will need to attach a valid receipt to the expense either by selecting the 'add receipt' icon () or by selecting the Upload Receipt link.





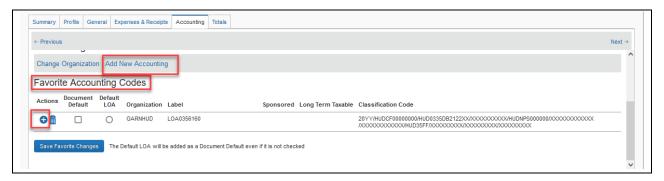
14. Once the receipt is uploaded, the red alert will be removed.



15. Select the **Accounting** tab.

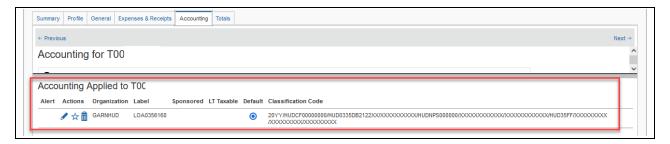


16. Select the accounting code you would normally use from the Favorite Accounting Codes list or select Add New Accounting link to build and save a new accounting code.





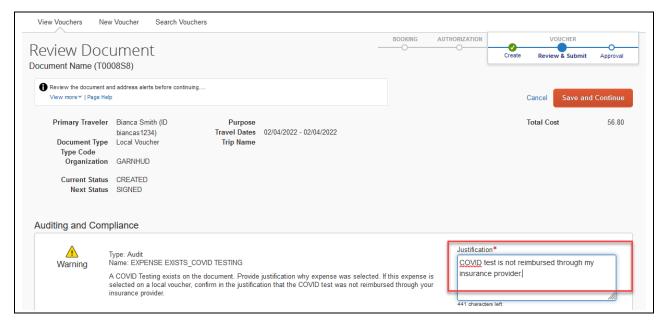
17. The accounting is added to the local voucher and is listed under the 'Accounting Applied to TXXXXXX' section.



18. Traveler selects Sign Document.

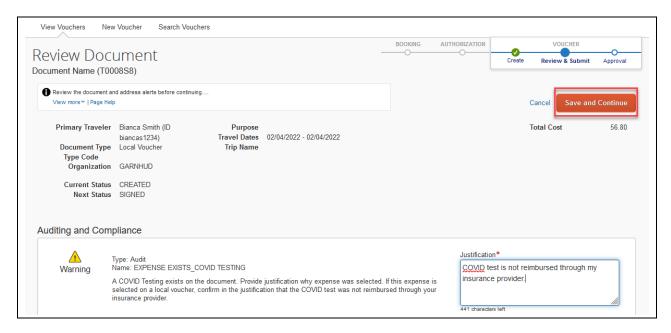


19. Enter a justification confirming that the COVID test was not reimbursed through your insurance provider.



20. Select Save and Continue.



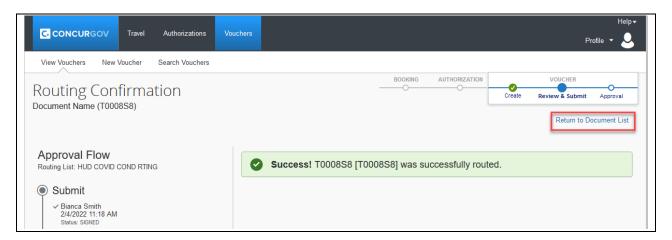


21. Select Sign Document.

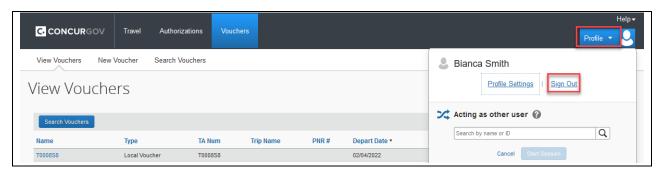


- 22. The local voucher will route to the appropriate routing officials.
- 23. Select Return to Document List or select Profile > Sign out.





24. If finished, select Profile > Sign Out.



HUD Headquarters: Low COVID-19 Community Level Status for the Week of: Monday March 7, 2022 through Friday March 11, 2022

Office of Administration < OfficeofAdministration@hud.gov > Fri 3/4/2022 7:52 PM

OFFICE OF ADMINISTRATION U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CORRECTION This information is for HUD Headquarters and Satellite offices.

In accordance with the Safer Federal Workforce Task Force COVID-19 Workplace Safety: Agency Model Safety Principles, and under direction from the Office of Management and Budget (OMB), guidelines for mask-wearing and additional measures to prevent the spread of COVID-19 illness are determined based on the CDC's COVID-19 Community Levels for the county in which a U.S. Department of Housing and Urban Development (HUD or the Department) facility sits.

This communication provides notice that the CDC's <u>COVID-19 Community Levels by County</u> has identified the community level for the HUD Headquarters and Satellite offices. [1]

LOW

Accordingly, the below pandemic-related safety requirements are applicable to HUD employees, contractors, and visitors who will enter the facility:

<u>Mask-Wearing (Regardless of Vaccination Status)</u>:

■ The use of a mask is **not required**, but the Department encourages the use of a mask when in communal areas, meetings, or gatherings. [2]

Screening Testing Program:

 At this time, routine screening testing for employees who are unvaccinated or have not disclosed their vaccination status under the Department's testing protocol IS NOT required.

As a reminder, individuals with COVID-19 symptoms, individuals that have tested positive for COVID-19 within the last 5 days, or individuals who have been exposed to someone with COVID-19 within the last 5 days **should not enter any federally controlled facility** and should wear a well-fitting mask when around others for 10 full days after the date of their first day of symptoms, or the date of a positive test, regardless of the community level for the facility.

Employees on travel are required to abide by the community level requirements for the facility they are traveling to, unless more protective pandemic-related safety requirements are put in place by the locality.

For more information on this guidance, contact the Office of Administration, at officeofadministration@hud.gov

^[1] The <u>U.S. COVID-19 Community Levels by County Map</u> is directly administered by the Centers for Disease Control and Prevention (CDC), and it is updated weekly on Thursdays. The Department revises its weekly guidance following the CDC's tracker

and applies more protective pandemic-related safety requirements if they are put in place by the locality where the facility sits. Said guidance is applicable for the week identified in the title of this document.

The <u>U.S. COVID-19 Community Levels by County Map</u> is directly administered by the Centers for Disease Control and Prevention (CDC), and it is updated weekly on Thursdays. The Department revises its weekly guidance following the CDC's tracker and applies more protective pandemic-related safety requirements if they are put in place by the locality where the facility sits. Said guidance is applicable for the week identified in the title of this document.

[2] If you are immunocompromised, learn more about how to protect yourself.

² If you are immunocompromised, learn more about <u>how to protect yourself</u>.

District of Columbia Field Office: Low COVID-19 Community Level Status for the Week of: Monday March 7, 2022 through Friday March 11, 2022

Office of Administration <OfficeofAdministration@hud.gov>

Fri 3/4/2022 5:38 PM

OFFICE OF ADMINISTRATION U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

In accordance with the Safer Federal Workforce Task Force COVID-19 Workplace Safety: Agency Model Safety Principles, and under direction from the Office of Management and Budget (OMB), guidelines for mask-wearing and additional measures to prevent the spread of COVID-19 illness are determined based on the CDC's COVID-19 Community Levels for the county in which a U.S. Department of Housing and Urban Development (HUD or the Department) facility sits.

This communication provides notice that the CDC's <u>COVID-19 Community Levels by County</u> has identified the community level for the HUD District of Columbia Field Office as: [1]

LOW

Accordingly, the below pandemic-related safety requirements are applicable to HUD employees, contractors, and visitors who will enter the facility:

Mask-Wearing (Regardless of Vaccination Status):

■ The use of a mask is **not required**, but the Department encourages the use of a mask when in communal areas, meetings, or gatherings. [2]

Screening Testing Program:

 At this time, routine screening testing for employees who are unvaccinated or have not disclosed their vaccination status under the Department's testing protocol IS NOT required.

As a reminder, individuals with COVID-19 symptoms, individuals that have tested positive for COVID-19 within the last 5 days, or individuals who have been exposed to someone with COVID-19 within the last 5 days **should not enter any federally controlled facility** and should wear a well-fitting mask when around others for 10 full days after the date of their first day of symptoms, or the date of a positive test, regardless of the community level for the facility.

Employees on travel are required to abide by the community level requirements for the facility they are traveling to, unless more protective pandemic-related safety requirements are put in place by the locality.

For more information on this guidance, contact Marvin Turner, Field Office Director, at marvin.turner@hud.gov.

^[1] The <u>U.S. COVID-19 Community Levels by County Map</u> is directly administered by the Centers for Disease Control and Prevention (CDC), and it is updated weekly on Thursdays. The Department revises its weekly guidance following the CDC's tracker and applies more protective pandemic-related safety requirements if they are put in place by the locality where the facility sits. Said guidance is applicable for the week identified in the title of this document.

² If you are immunocompromised, learn more about how to protect yourself.

The <u>U.S. COVID-19 Community Levels by County Map</u> is directly administered by the Centers for Disease Control and Prevention (CDC), and it is updated weekly on Thursdays. The Department revises its weekly guidance following the CDC's tracker and applies more protective pandemic-related safety requirements if they are put in place by the locality where the facility sits. Said guidance is applicable for the week identified in the title of this document.

[2] If you are immunocompromised, learn more about how to protect yourself.

RE: COVID-19 Community Level Status

Miranda, Ricardo < Ricardo. Miranda@hud.gov>

Fri 3/4/2022 4:10 PM

To: Maldonado, Efrain <EFRAIN.MALDONADO@hud.gov>; SJU Caribbean Office <SJU_Caribbean_Office@hud.gov>; SJU Caribbean_Office Directors & Supervisors <SJU_Caribbean_Office_Directors_and_Supervisors@hud.gov>

Cc: Hankinson, D'andra A <Dandra.A.Hankinson@hud.gov>; Jackson, Sharon <Sharon.R.Jackson@hud.gov>; Michalski, Lori A <Lori.A.Michalski@hud.gov>; Surplus, Lisa <Lisa.Surplus@hud.gov>; Perez, Michele P <Michele.P.Perez@hud.gov>; Patton, Marcus R <Marcus.R.Patton@hud.gov>; Sal Viola <salafge@outlook.com>; Gross, Jerry <jerry.gross@hud.gov>

Efraín:

This notification and implementation are a violation of National Supplement 25 and National Supplement 28. HUD and the Union are currently engaged in negotiations regarding workplace safety protocols which have been paused at the request of the Agency while Flexiplace Policy negotiations are underway. The Agency will be receiving a national Unfair Labor Practice Grievance of the Parties on this issue.

Ricardo Miranda AFGE Council 222 Chief Steward, Regions 1, 2 & 4 San Juan Area Vice President & Steward AFGE Local 1568 (787) 274-5883 (workstation) (787) 274-5821 (Union office)

"It was the labor movement that helped secure so much of what we take for granted today. The 40-hour work week, the minimum wage, family leave, health insurance, Social Security, Medicare, retirement plans. The cornerstones of the middle-class security all bear the union label." –President Barack Obama

From: Maldonado, Efrain < EFRAIN.MALDONADO@hud.gov>

Sent: Friday, March 4, 2022 5:01 PM

To: SJU Caribbean Office <SJU_Caribbean_Office@hud.gov>; SJU Caribbean Office Directors & Supervisors

<SJU_Caribbean_Office_Directors_and_Supervisors@hud.gov>

Subject: COVID-19 Community Level Status

Low COVID-19 Community Level Status for the Week of: Monday, March 7 – Friday, March 11, 2022

In accordance with the Safer Federal Workforce Task Force COVID-19 Workplace Safety: Agency Model Safety Principles, and under direction from the Office of Management and Budget (OMB), guidelines for mask-wearing and additional measures to prevent the spread of COVID-19 illness are determined based on the CDC's COVID-19 Community Levels for the county in which a U.S. Department of Housing and Urban Development (HUD or the Department) facility sits.

This communication provides notice that the CDC's <u>COVID-19 Community Levels by County</u> has identified the community level for the HUD San Juan Field Office located in

LOW

Accordingly, the below pandemic-related safety requirements are applicable to HUD employees, contractors, and visitors who will enter the facility:

Mask-Wearing (Regardless of Vaccination Status):

- The use of a mask is **not required**, but the Department encourages the use of a mask when in communal areas, meetings, or gatherings. [2]
- HOWEVER, the Government of Puerto Rico has imposed further maskwearing restrictions, consequently, the CDC requires that HUD apply the Government of Puerto Rico's mask-wearing mandate at this time.

Screening Testing Program:

• At this time, routine screening testing for employees who are unvaccinated or have not disclosed their vaccination status under the Department's testing protocol **IS NOT required**.

As a reminder, individuals with COVID-19 symptoms, individuals that have tested positive for COVID-19 within the last 5 days, or individuals who have been exposed to someone with COVID-19 within the last 5 days **should not enter any federally controlled facility** and should wear a well-fitting mask when around others for 10 full days after the date of their first day of symptoms, or the date of a positive test, regardless of the community level for the facility.

Employees on travel are required to abide by the community level requirements for the facility they are traveling to, unless more protective pandemic-related safety requirements are put in place by the locality.

Footnotes:

[1] The <u>U.S. COVID-19 Community Levels by County Map</u> is directly administered by the Centers for Disease Control and Prevention (CDC), and it is updated weekly on Thursdays. The Department revises its weekly guidance following the CDC's tracker and applies more protective pandemic-related safety requirements if they are put in place by the locality where the facility sits. Said guidance is applicable for the week identified in the title of this document.

² If you are immunocompromised, learn more about <u>how to protect yourself</u>. For more information on this guidance, please feel free to contact me.

Thank you and stay safe,



Efrain Maldonado, Esq.
Field Office Director
United States Department of Housing and Urban Development
San Juan, Puerto Rico (787) 274-5838

The <u>U.S. COVID-19 Community Levels by County Map</u> is directly administered by the Centers for Disease Control and Prevention (CDC), and it is updated weekly on Thursdays. The Department revises its weekly guidance following the CDC's tracker and applies more protective pandemic-related safety requirements if they are put in place by the locality where the facility sits. Said guidance is applicable for the week identified in the title of this document.

[2] If you are immunocompromised, learn more about <u>how to protect yourself</u>.

Fw: Community Level Status for the Week of March 7-11, 2022

Bland, Crystal A < Crystal.A.Bland@hud.gov>

Fri 3/4/2022 3:49 PM

To: Miranda, Ricardo <Ricardo.Miranda@hud.gov>; Gross, Jerry <jerry.gross@hud.gov>; salafge@outlook.com <salafge@outlook.com>; Horton, Kimberly A <Kimberly.A.Horton@hud.gov>; Shahriar, Sajid A <Sajid.A.Shahriar@hud.gov>

FYI, what we just received in the Chicago Regional Office.

Crystal Bland

HUD Executive Council 222, Treasurer AFGE Local 911, President 77 W. Jackson (23rd Floor) Chicago, IL 60604 312-913-8235 708-801-8772 Crystal.a.bland@hud.gov Afgehud911@gmail.com

Union Business

From: Cunningham, James A < JAMES.A.CUNNINGHAM@hud.gov>

Sent: Friday, March 4, 2022 2:15 PM

To: CHI ALL EMPLOYEES < CHI_ALL_EMPLOYEES@hud.gov>

Subject: Community Level Status for the Week of March 7-11, 2022

Low COVID-19 Community Level Status for the Week of: March 7-11, 2022

In accordance with the Safer Federal Workforce Task Force COVID-19 Workplace Safety: Agency Model Safety Principles, and under direction from the Office of Management and Budget (OMB), guidelines for mask-wearing and additional measures to prevent the spread of COVID-19 illness are determined based on the CDC's COVID-19 Community Levels for the county in which a U.S. Department of Housing and Urban Development (HUD or the Department) facility sits.

This communication provides notice that the CDC's <u>COVID-19 Community Levels by County</u> has identified the community level for the Chicago Regional Office located in

Cook County as:

LOW

Accordingly, the below pandemic-related safety requirements are applicable to HUD employees, contractors, and visitors who will enter the facility:

Mask-Wearing (Regardless of Vaccination Status):

• The use of a mask is **not required**, but the Department encourages the use of a mask when in communal areas, meetings, or gatherings. [2]

Screening Testing Program:

 At this time, routine screening testing for employees who are unvaccinated or have not disclosed their vaccination status under the Department's testing protocol IS NOT required.

As a reminder, individuals with COVID-19 symptoms, individuals that have tested positive for COVID-19 within the last 5 days, or individuals who have been exposed to someone with COVID-19 within the last 5 days **should not enter any federally controlled facility** and should wear a well-fitting mask when around others for 10 full days after the date of their first day of symptoms, or the date of a positive test, regardless of the community level for the facility.

Employees on travel are required to abide by the community level requirements for the facility they are traveling to, unless more protective pandemic-related safety requirements are put in place by the locality.

For more information on this guidance, contact me.

The <u>U.S. COVID-19 Community Levels by County Map</u> is directly administered by the Centers for Disease Control and Prevention (CDC), and it is updated weekly on Thursdays. The Department revises its weekly guidance following the CDC's tracker and applies more protective pandemic-related safety requirements if they are put in place by the locality where the facility sits. Said guidance is applicable for the week identified in the title of this document.

James A. Cunningham Deputy Regional Administrator Region V -The Midwest Chicago Regional Office 312.913.8139

² If you are immunocompromised, learn more about <u>how to protect yourself</u>.

The <u>U.S. COVID-19 Community Levels by County Map</u> is directly administered by the Centers for Disease Control and Prevention (CDC), and it is updated weekly on Thursdays. The Department revises its weekly guidance following the CDC's tracker and applies more protective pandemic-related safety requirements if they are put in place by the locality where the facility sits. Said guidance is applicable for the week identified in the title of this document.

If you are immunocompromised, learn more about <u>how to protect yourself</u>.

Safer Federal Workforce Task Force Initial Implementation Guidance for Federal Agencies on COVID-19 Community Levels and Mask-Wearing

<u>Purpose</u>

On February 25, 2022, the Centers for Disease Control and Prevention (CDC) set recommendations related to COVID-19 Community Levels, which measure the impact of COVID-19 illness on health and healthcare systems. Layered prevention strategies—like staying up to date on vaccines, screening testing, ventilation, and wearing masks—can help limit severe disease and reduce the potential for strain on the healthcare system.

Pursuant to Executive Order 13991, Federal agencies follow CDC guidelines for mask-wearing and other public health measures. This document provides Federal agencies with initial implementation guidance they should follow in utilizing the CDC's COVID-19 Community Levels to determine the appropriate mask-wearing and screening testing requirements for each Federal facility at a given time. Further Safer Federal Workforce Task Force guidance will address the intersection of COVID-19 Community Levels with other workplace safety protocols for Federal agencies.

CDC notes that some settings, such as high-risk congregate settings, might include additional layers of prevention. In addition, recommendations based on COVID-19 Community Levels may not apply in healthcare settings, which should follow relevant regulations and guidance.

Agencies should implement the mask-wearing and screening testing protocols set forth in this guidance as soon as operationally feasible and <u>no later than Friday, March 4, 2022</u>.

<u>Federal Agency Protocols for Mask-Wearing and Screening Testing Based on COVID-19 Community Levels</u>

CDC has provided <u>county-level data</u> showing the COVID-19 Community Level for each county in the United States. For Federal facilities in the United States, agencies should utilize that data in determining the COVID-19 Community Level for a given facility by looking to the COVID-19 Community Level for the county in which the facility is located. Where a locality imposes more protective pandemic-related safety requirements, those requirements should be followed in Federal facilities within that locality.

Federal agency masking and screening testing protocols based on COVID-19 Community Levels		
When the COVID-19 Community Level is LOW in the county where a Federal facility is located	 Mask-Wearing: Agencies do not need to require individuals to wear masks in that Federal facility, regardless of vaccination status. Screening Testing: Agencies do not need to utilize their screening testing program in that Federal facility. 	
When the COVID-19 Community Level is MEDIUM in the county where a Federal facility is located	 Mask-Wearing: Agencies do not need to require individuals to wear masks in that Federal facility, regardless of vaccination status. Screening Testing: Agencies should utilize their screening testing programs in that Federal facility, consistent with the protocols the agency has established for screening testing that align with guidance from the Safer Federal Workforce Task Force. 	

Federal agency masking and screening testing protocols based on COVID-19 Community Levels

When the COVID-19 Community Level is **HIGH** in the county where a Federal facility is located

- Mask-Wearing: Agencies should require individuals to wear masks in that Federal facility, regardless of vaccination status and consistent with CDC and Task Force guidance on mask-wearing.
- Screening Testing: Agencies should utilize their screening testing program in that Federal facility, consistent with the protocols the agency has established for screening testing that align with guidance from the Safer Federal Workforce Task Force.

As noted above, further Task Force guidance will address the intersection of <u>COVID-19 Community</u> <u>Levels</u> with other workplace safety protocols for Federal agencies. At this time, agencies should follow existing Task Force guidance with respect to other COVID-19 workplace protocols.

Further Considerations for Mask-Wearing

Agencies should ensure that individuals can wear a mask if they choose regardless of COVID-19 Community Level and consistent with agency protocols. When the COVID-19 Community Level is HIGH, agencies should require all individuals to wear masks in Federal facilities, regardless of vaccination status.

Consistent with CDC recommendations and Safer Federal Workforce Task Force <u>guidance</u> for quarantine and isolation, people with symptoms, a positive test, or exposure to someone with COVID-19 should wear a mask for the required period of time.

Determining COVID-19 Community Level for Federal Facilities

As noted above, CDC has provided <u>county-level data</u> showing the COVID-19 Community Level for each county in the United States. Agencies should utilize that data in determining the COVID-19 Community Level for a given facility by looking to the COVID-19 Community Level for the county in which the facility is located.

Agencies should review the COVID-19 Community Level for each of their facilities on a weekly basis, to determine any changes that need to be made to agency COVID-19 workplace safety protocols for the upcoming week; for example, an agency could review the COVID-19 Community Level each Friday and implement any changes to agency safety protocols due to changes in the COVID-19 Community Level starting the following Monday.

If agencies have implementation challenges or unique operational circumstances that may require other or additional prevention measures, please reach out to the Safer Federal Workforce Task Force for consultation, consistent with existing processes for determining necessary exceptions to COVID-19 workplace safety protocols.

Agreement between AFGE and HUD

SUBJECT: Return to Safe Workplace Plan and Flexiplace Negotiations

The Parties agree to the following provisions:

- 1. No provisions of National Supplement 25 or National Supplement 28 shall be rescinded by this agreement unless expressly stated herein.
- 2. Prior to ending the current voluntary five-day Maximum Telework status per National Supplement 28 signed on April 8, 2021, Management shall provide 30-day notice to the Union and bargaining unit employees.
- 3. Management shall provide such 30-day notice to end Maximum Telework no earlier than February 14, 2022. The Parties understand that once the 30-day notice has been issued, Management may lift Maximum Telework provisions and the occupancy limit referenced in Supplement 28 at the end of that 30-day notice period.
- 4. From the date Maximum Telework ends until April 15, 2022, or the conclusion of Flexiplace negotiations, whichever occurs first, Management will assess COVID-19 transmission rates of each HUD office weekly as informed by the CDC's COVID-19 Data Tracker County View (https://covid.cdc.gov/covid-data-tracker/#county-view) and data provided by Johns Hopkins University to determine whether to authorize full time telework with the option of voluntary re-entry, in accordance with the following criteria.
 - a. When the level of transmission related to a given HUD office is at a substantial or high transmission rate and remains at a substantial or high level based on a weighted average of: i) the general population of the commuting counties within each office and ii) the average transmission level over the previous one week period in commuting counties within each office, the Agency will authorize full time telework. It shall be voluntary for an employee to work from the HUD office while full time telework is authorized. Paragraph 8 of Supplement 25 shall continue to apply.
 - b. When the level of transmission related to a given HUD office is at a moderate or low level based on a weighted average of: i) the general population of the commuting counties within each office and ii) the average transmission level over the previous two week period in commuting counties within the HUD office, the Agency will no longer authorize full time telework.

- c. Management agrees to assess the Pandemic transmission rates as April 15, 2022 approaches.
- 5. For those employees who do not currently have Telework Agreements for telework in place, Management shall expedite the signing of Telework Agreements to the greatest extent possible and Management will allow such agreements to be signed virtually.
- 6. After execution of this agreement, the Parties agree that they will continue to negotiate proposals 1-49 in the Return to Safe Workplace Plan negotiations.
 - a. The Parties acknowledge that Management issued its Article 49 notice to the Union on Flexiplace on January 10, 2022, which was received by the Union on January 11, 2022. Nonetheless, negotiations on Flexiplace will not begin until negotiations on proposals 1-49 are completed and the Parties reach an agreement, or the Parties declare impasse on those proposals, or 30 days from execution of this agreement whichever date is soonest. Thus, negotiations on Flexiplace shall commence no later than 30 days from execution of this agreement.
 - b. After starting the Flexiplace negotiations, the Parties will pause all other negotiations on Return to Safe Workplace Plan for 30 days or until completing negotiations on Flexiplace, whichever is soonest.
 - c. Upon completing Flexiplace negotiations, or declaring impasse on the Flexiplace negotiations, or reaching the 30 day timeline set out in 6(b), the Parties will resume bargaining on all other provisions in the Return to Safe Workplace Plan negotiations and continue negotiations on Flexiplace (unless negotiations on Flexiplace have concluded and the Parties have reached agreement) and engage in both negotiations concurrently.

For the Agency:	For the Union:
D. Hankinson	Rivando Minanda
D'Andra Hankinson, Chief Negotiator, HUD	Ricardo Miranda, Chief Negotiator, AFGE
Date:1/14/22	

NATIONAL SUPPLEMENT BETWEEN U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES NATIONAL COUNCIL OF HUD LOCALS 222

SUBJECT: HUD COVID-19 Safe Federal Workplace Guide

SCOPE: The parties recognize that National Supplement 25 remains in effect and binding, and that HUD shall remain in what was previously referred to in National Supplement 25 as Phase I of the Return to Normalcy Plan. Furthermore, the parties agree that the implementation of this Supplemental Agreement regarding the HUD COVID-19 Safe Federal Workplace Guide draft dated March 11, 2021 shall not diminish or waive any right that the parties have under the HUD/AFGE Collective Bargaining Agreement, law, government-wide rule or regulation. If this Supplemental Agreement expires because of the implementation of a new collective bargaining agreement, the parties agree to renegotiate, re-open, amend, or modify this Supplement to the extent necessary and if requested by either party. The negotiations shall be limited to the scope of this Supplemental Agreement. When a return to workplace plan is developed notification will be issued to the Union as required per article 49. The parties agree that HUD shall not modify voluntary existing five-days per week maximum telework flexibilities and/or notify or require any HUD bargaining unit employee to return to HUD workspace without a subsequent Article 49 Notice to the Union under the HUD/AFGE Agreement with the exception of HUD mission-critical essential travel as referenced in term 19; however, the parties further agree that employees reserve their rights under Article 37, Section 37.10 of the HUD/AFGE Agreement.

- 1. The Parties agree that the HUD COVID-19 Safe Federal Workplace guidance for Headquarters and Field Offices draft dated March 11, 2021 is incorporated into the HUD-AFGE Agreement. Any conflicting language on the same issue between the HUD COVID-19 Safe Federal Workplace guidance draft dated March 11, 2021 and this Supplement or the HUD-AFGE Agreement, this Supplement and HUD-AFGE Agreement shall take precedence in accordance with 5 U.S.C. § 7122(a)(1) of the Federal Service Labor-Management Relations Statute.
- 2. The Union will receive formal notice from the department and is entitled to attend all formal discussions, including those related to implementation of the "HUD COVID-19 Response Safe Federal Workplace Guide", as provided in Article 4, "Rights and Obligations of the Parties," Section 4.03, of the 2015 collective bargaining agreement.

- 3. The Department will provide notice to all bargaining unit employees of any new policies relating to the HUD COVID-19 Safe Federal Workplace including this Supplement. All such documents will be posted on the Department's intranet (HUD@Work) at the time of issuance.
- Management shall encourage teleworking employees' use of TEAMS for meetings and continue to offer access to communication methods such as teleconferencing.
- 5. HUD management will confirm that field offices have completed the required building safety and preparedness procedures as referenced on pages 14-16 of the HUD COVID-19 Safe Workplace guidance dated March 11, 2021 and will give notice to AFGE Council 222 president of this determination and to local AFGE president upon request. HUD will provide the criteria used to contract for the office cleaning and preparation. HUD will enforce the guidelines on cleaning requirements and hold GSA responsible to such.
- 6. It shall be voluntary for employees to return to the worksite instead of teleworking.
- When a return to workplace plan is developed notification will be issued to the Union as required per article 49 and 50. National Supplement 25 remains in effect.
- 8. Management will abide by EO14003 and OMB M-21-15 which requires use of mask at employee's assigned workstation, subject to exceptions consistent with CDC quidelines, for example when an individual is alone in an office with floor to ceiling walls and a closed door or for a limited time when eating or drinking and maintaining distancing in accordance with CDC guidelines. Management will encourage telework for those employees who are unable to wear a mask. Management will provide a reusable or disposable mask to employees in accordance with recommended guidelines and requirements as established by CDC at the following link, as accessed on the date of execution of this Supplement: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/aboutface-coverings.html. When an employee is on approved official travel or employees who are directed to make face-to-face contact with the public, or expected to do so in the regular course of their duties, Management will provide the employee disposable N-95 masks or masks that meet or exceed N-95 mask standards. Visitors to HUD facilities will be limited and all meetings are encouraged to be conducted virtually.

- 9. The Department will postpone or hold virtually any conference or meeting unless adequate social distance can be accomplished. Employees with concerns related to attending non-HUD sponsored conferences or meetings in person must timely notify their supervisor. Management shall not require employee attendance of any non-HUD sponsored in-person conference or meetings.
- 10. When a return to workplace plan is developed notification will be issued to the Union as required per article 49.
- 11. COVID-19 advisory language from the Centers for Disease Control (CDC) continues to evolve regarding counteractive measures for HVAC systems, which affects GSA building recommendations. The measures incur additional cost and energy consumption in many cases. GSA will follow basic HVAC recommendations from CDC, and will consider guidance from WHO, ASHRAE and other organizations to be useful, non-mandatory additional information. The HUD Safe Federal Workplace plan dated March 11, 2021 shall be updated to refer to the following link as operative standards regarding issues covered by this term, as accessed on the date of execution of this Supplement: https://www.cdc.gov/coronavirus/2019-ncov/community/office-buildings.html. The Union reserves its right to negotiate regarding HVAC issues for the subsequent return to work negotiations when Management provides the corresponding Article 49 notice.
- 12. Management will honor any local bargaining obligations resulting from the HUD COVID-19 Safe Workplace Guide as required by the HUD/AFGE contract.
- 13. Management agrees to presumptively grant reasonable accommodation requests related to COVID-19 illness at the time of the request. Appropriate documentation is to be provided once available.
- 14. Management should consider to the maximum extent possible excusing brief absences due to the implementation of COVID-19 protocols in accordance with the HUD/AFGE Agreement, Article 15.
- 15. Management shall ensure maximum telework schedule will accommodate social distancing requirements. Up to date maximum telework schedules shall be regularly provided to the local union president or assigned union

office representative. Information detailing the maximum daily number of visitors allowed in HUD workspaces as part of the HUD Occupancy Limit planning shall be regularly provided to the local union president or assigned union office representative. HUD shall not allow any office to go above the Occupancy Limit of 25%.

- 16. Provided the employee is available for work and if Management determines that there is insufficient portable work available for five days of telework per week, employees shall receive paid administrative leave due to the insufficient availability of portable work, subject to supervisory approval.
- 17. The Department shall not unlawfully discriminate against or retaliate against any bargaining unit employee who has or suspect they have contracted or been exposed to the COVID-19 virus. The parties recognize the Department may take lawful and appropriate steps to limit or prevent transmission between employees.
- 18.At the maximum level, the Department will endeavor to reduce and reprioritize non-mission critical workloads to allow employees the capacity to perform mission critical work from their respective telework sites. The assignment of work and workload management remains a management right and will be responsible for workflow and work assignments during the use of the HUD COVID-19 Safe Federal Workplace Guide.
- 19. The Department will electronically provide notice to all bargaining unit employees that encourages staying home when sick, cough and sneeze etiquette, and hand hygiene. The Department will cancel all non-essential agency-sponsored travel for bargaining unit employees. Any deadlines for work relying on travel that is canceled by the Department will be extended and not adversely affect performance appraisals. Mission-critical trips are defined as being essential to continued operations and failure to attend or travel will have a significant impact on business operations—this will vary for each program office due to diverse functions and missions. Mission-critical trips include local, state, and international travel, with a special consideration for health, safety, and loss of life.
- 20. The Department will instruct employees to meet CDC guidelines regarding identifying symptoms, self-quarantine and isolation before 1) starting essential agency-sponsored travel and/or 2) upon returning from essential agency-sponsored travel if they are sick and/or exposed to COVID-19 prior

- to returning to a HUD workspace. Management will accept the employee's self-certification.
- 21. Management will be responsible for travel related expenses within per-diem and other quarantine related expenses while on approved official travel. Employees will not be required to use accrued leave for any quarantine situation while on official travel.
- 22. Management agrees that PIV card monitoring for occupancy limits will not be utilized for time and attendance tracking purposes. Management has no plan to utilize PIV cards to create occupancy reports. If Management decides to use PIV cards to create occupancy reports, Union representatives will be notified and provided copies upon request. For all HUD Offices, the occupancy limits shall incorporate visitors. If an employee reasonably believes that occupancy limits have been exceeded, that employee may choose to leave the workspace and telework immediately and shall notify their supervisor as soon as practical.
- 23. Management shall provide a mask or permit the employee to telework for initial incidents of not having a mask. Employees shall be granted administrative leave for periods traveling to their telework site.
- 24. Mandatory mask use signage <u>shall</u> be located at all public entrances to HUD facilities and/or space, as well as in common areas and shared workspace.
- 25. Disposable masks shall be available in reception areas in HUD Offices to HUD clients and members of the public who come to the HUD Office without a mask and interact with HUD employees.
- 26. There will be established a national Union/Management Coordination Committee to discuss the HUD COVID-19 Safe Workplace plan and related issues that will meet monthly or as needed. The committee will be comprised of representatives of Management that are involved in crafting the HUD COVID-19 response plans, including a representative of the Employee and Labor Relations Division, a representative of the Office of Administration, a representative of Field Policy and Management, a representative of Field Administration Support, and up to four (4) representatives of the Union as appointed by AFGE Council 222 President. The Union's participation in this committee shall be regular duty time and not counted against Union official time. AFGE Council 222 and AFGE Locals may reopen negotiations to consider problems or conditions that

have arisen after implementation that were unanticipated and not addressed in the HUD COVID-19 Safe Workplace guidance draft dated March 11, 2021 or this Supplement. Renegotiations will be limited to issues not already expressly covered by this Supplement.

Effective Date: This supplement shall become effective upon signature of the parties.

FOR MANAGEMENT:	FOR AFGE:
Mark Zaltman	Antonio Carraway Antonio Carraway, Chief Megotiator
Mark Zaltman, Chief Negotiator	Antonio Carraway, Chief Megotiator
KEVIN MCNEELY Digitally signed by KEVIN MCNEELY Date: 2021.03.31 14:48:10 -04'00'	Ricardo Miranda
Kevin McNeely, Team Member	Ricardo Miranda, Team Member
MICHELE PEREZ Disposit for MICHELE PEREZ Disc On + MIC	Salvatore Viela
Michele Perez, Team Member	Salvatore Viola, Team Member
Te con	Tracy 3 Varas
Tiffany Cobb, Team Member	Tracy Vargas, Team Member
LISA SURPLUS Dischally signed by: LISA SURPLUS Disc: CR = LISA SURPLUS C = US O = U.S. Boyerment OU = Department of Housing and Urban Development, Office of Administration Date: 2021.03.31 19.13.11 -0400*	Saird. Shahin
Lisa Surplus, Team Member	Sajid Shahriar, Team Member
Jd D	
Jodi Doran, Team Member	
Date Signed: April 8, 2021	Date Signed: April 8, 2021

SUPPLEMENT # 25

NATIONAL SUPPLEMENT BETWEEN THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES NATIONAL COUNCIL OF HUD LOCALS 222

The scope of this Supplement encompasses the impact and implementation of Phase I of the U.S. Department of Housing and Urban Development's (HUD or Department) planned return to normal operations as described in the "Resuming Normal Operations Guide—COVID-19 Response—Headquarters and Field Offices (Guide)" for bargaining unit employees, dated June 17, 2020 and related frequently asked questions (FAQs), dated June 22, 2020. The scope also includes some of the negotiable proposals submitted by the American Federation of Government Employees, National Council of HUD Locals 222 (AFGE or Union) on April 9, 2020. Should Phase II of the Return to Normalcy Plan require bargaining unit employees to return to the office, the Union and the Department (collectively, the Parties) agree that the Department will issue bargaining notice to the Union in accordance with the collective bargaining agreement and the Federal Service Labor-Management Relations Statute at the national level prior to implementing Phase II of the planned return to normal operations at any facility. Upon timely request by the Union, as applicable the Department shall engage in national negotiations over the impact and implementation of Phase II of the planned return to normal operations for bargaining unit employees, in accordance with the collective bargaining agreement and the Federal Service Labor-Management Relations Statute. The Union acknowledges that the Department under Article 41 may need to implement changes to working conditions prior to completing negotiations with the Union due to the emergency COVID-19 pandemic situation. To the extent that the Department determines it necessary to implement a transition out of Phase I in any capacity for any office prior to completion of bargaining with the Union regarding changes in working conditions due to the impact and implementation of future Phases, the Department may only do so if it determines at its discretion that is not practicable to bargain as per Article 41 Section 41.04 (C) of the HUD-AFGE Collective Bargaining Agreement, and the Department shall in such circumstances report specifically to the Union within ten (10) days the reasons for their determination of impracticability. If Phase II is applicable only to non-bargaining unit employees, the Department shall be free to implement without further notice or bargaining with the Union.

- 1) The parties agree that the implementation of this Supplemental Agreement, relative to planned return to normalcy as described in the "Resuming Normal Operations Guide—COVID-19 Response—Headquarters and Field Offices (Guide)" for bargaining unit employees, shall not diminish or waive any rights that the parties have under HUD-AFGE Collective Bargaining Agreement, law, government-wide rule or regulation, or agency policies. If this Supplemental Agreement is extinguished by issuance of a new collective bargaining agreement, the parties agree the terms of this agreement that are mandatory subjects of bargaining will continue, subject to the new collective bargaining agreement, to the extent necessary until lawfully changed.
- 2) The Union is at the national, regional, and local level entitled to attend formal discussions, including those related to implementation of the Resuming Normal Operations Guide and FAQs, as provided in Article 4, "Rights and Obligations of the Parties," Section 4.03, of the 2015 collective bargaining agreement. The parties understand that less than two days' advance notice may be provided when extenuating circumstances exist. Management's announcement of any facility transitioning from mandatory to maximum telework, in Phase I, shall be shared with the Union prior to delivery to employees.
- 3) The Department will provide notice to all bargaining unit employees of any new policies relating to the Resuming Normal Operations Guide including this Supplement. All such documents will be posted on the Department's intranet (HUD@Work) at the time of issuance.
- 4) Management shall encourage teleworking employees' use of TEAMS for meetings and continue to offer access to communication methods such as teleconferencing.
- 5) Under Phase I, employees who want to return to working in the office for one or more days, are allowed to do so after the facility has transitioned from mandatory to maximum telework. Once employees have been notified that their location is approved for voluntary re-entry in accordance with most up-to-date CDC guidance, the supervisor will notify the employee the days and hours the employee can voluntarily work in a HUD office to ensure appropriate social distancing is implemented.
- 6) In Phase I, it shall be voluntary for employees to return to the worksite instead of teleworking.

- 7) In Phase I, the Department will postpone or hold virtually any conference or meeting unless adequate social distance can be accomplished. Employees with concerns related to attending non-HUD sponsored conferences or meetings in person must timely notify their supervisor. Management shall not require employee attendance of any non-HUD sponsored in-person conference or meetings in Phase I.
- 8) Supervisors shall be strongly encouraged to use existing work schedule flexibilities, such as alternative work schedules, under the HUD-AFGE Agreement and agency policies, to accommodate employees with increased dependent care or household member responsibilities resulting from the pandemic. If approved, employees must change their hours of record, as appropriate, even if it is a temporary change.
- 9) During Phase I, employees are on mandatory telework until their facility has been approved for re-entry. Upon notification by management, employees will transition from mandatory to maximum telework. Maximum telework is the maximum permitted by Department policy, which is normally up to three days per week with certain restrictions. Under Phase I, the Department has expanded its maximum telework policy to allow employees to telework up to five days per week with no restriction on the number of telework days, with the option of voluntary re-entry to the HUD workspace at the discretion of the employee, in accordance with paragraph 5, above.
- 10) During Phase I, including after transitioning from mandatory to maximum telework flexibilities, provided the employee is available for work and if Management determines that there is insufficient portable work available for five days of telework per week, employees shall receive paid administrative leave due to the insufficient availability of portable work, subject to supervisory approval.
- 11) The Department shall not unlawfully discriminate against or retaliate against any bargaining unit employee who has or suspect they have contracted or been exposed to the COVID-19 virus. The parties recognize the Department may take lawful and appropriate steps to limit or prevent transmission between employees.

- 12) In the event management becomes aware of a COVID-19 infection or suspected infection within HUD-controlled workspace, management may temporarily prohibit employees from voluntarily returning to the affected workspace and may reimplement mandatory telework during Phase I. Any employee may choose to return to five-day telework anytime during Phase I.
- 13) The Department will electronically provide notice to all bargaining unit employees that encourages staying home when sick, cough and sneeze etiquette, and hand hygiene. The Department will cancel all non-essential agency-sponsored travel for bargaining unit employees. Any deadlines for work relying on travel that is canceled by the Department will be extended and not adversely affect performance appraisals.
- 14) The Department will provide employees with a link or web address for up-to-date guidance issued by the Centers for Disease Control and Prevention (CDC) identifying symptoms of COVID-19 1) before starting essential agency-sponsored travel and 2) upon returning from essential agency-sponsored travel. Employees should contact their own medical provider(s) for medical advice and notify their supervisor if they are sick.
- 15) The Department will post an up-to-date list of the designated Office Coordinators on HUD@Work. The Office Coordinators may receive questions for COVID-19-related questions regarding Agency operations for each office or program area.
- 16) The Department will provide increased cleaning of common areas, shared use, and high-touch areas, in accordance with up-to-date CDC guidelines. In addition, the Department will respond to communications from the Union or employees about cleaning requests related to the COVID-19 pandemic within no more than three working days.
- 17) During Phase I, bargaining unit employees shall not be required to interact with visitors less than six feet away unless a physical barrier exists to block transmission of respiratory droplets. Bargaining unit employees should work with their supervisors to ensure customers are serviced through phone, email, or other virtual communications. The Department will only allow visitors essential to carrying out the agency's mission, provided they are scheduled in advance. The Department will request visitors to self-screen before entering the building. To encourage social distancing between employees, workspaces will be marked to adhere to social distancing guidelines, where applicable. Upon request, non-employee union officials will be permitted to enter HUD

- workspace as visitors, provided they meet all applicable entry criteria (e.g. screening criteria applicable to all visitors, agree to maintain appropriate physical distancing, etc.).
- 18) In Phase I, the Parties understand that the Department is planning for full capacity before transitioning any facility from mandatory to maximum telework with regard to physical distancing protocols, cleaning, and sanitary supplies. Upon request, after a facility has transitioned from mandatory to maximum telework, the Department will provide the Union with information on physical distancing protocols within the HUD space, provided such information already exists. Changes to employee-specific seating assignments necessitated in Phase I or planned for Phase II will be handled in accordance with the collective bargaining agreement.
- 19) The Parties understand that employees voluntarily returning to a HUD facility during Phase I may choose to drive a personal vehicle rather than using mass transit or vanpools. The Department will offer available parking spaces in HUD-controlled parking areas to bargaining unit employees required to return to the office during Phase I, on a first-come, first-served basis; provided that Facilities (for Headquarters) or the appropriate local administration contact (for field locations where parking may be available) receives a minimum of two business days' notice.
- 20) Face-coverings shall be required for all employees and visitors in the HUD workspace, including HUD-controlled common areas except when the employees are in their assigned workstation, (cubicle, desk, office, etc.), provided that such workstations are adequately socially-distanced from others. Face-coverings are not required when away from an assigned workstation provided the individual is not within six feet of any other individual or is separated by a barrier. HUD will provide reusable face coverings to employees upon their initial return to the office to avoid any health and safety issue. Care and maintenance of HUD-provided face coverings are the employee's responsibility.

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