

MEMORANDUM OF UNDERSTANDING BETWEEN THE NATIONAL COUNCIL OF EEOC LOCALS, NO. 216 (THE COUNCIL) AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (THE AGENCY) CONCERNING REOPENING EEOC'S OFFICES CLOSED BECAUSE OF THE COVID-19 PANDEMIC

WHEREAS, the Agency intends to implement EEOC's Guidelines for Reopening EEOC's Offices during the COVID-19 Pandemic;

THE PARTIES HEREBY agree as follows:

1. The Agency will adhere to the Agency's reopening plan and the CDC Gating criteria and will apply all relevant criteria for reopening to include Federal, State and Local municipality guidelines as applicable.
2. In accordance with the Federal Service Labor-Management Relations Statute (" Statute"), EEOC Guidelines for Re-Opening EEOC's Offices and prior to implementation, HQ and District Directors will provide their Local Union representative or designee and Council President with two weeks' notice when HQ and District Directors draft plans and updates to any proposed local return to office or re-entry plan and simultaneously provide their Local Union representative and Council President with a copy for review as and when they are made.
 - a. The EEOC Re-Opening Guidelines, dated June 24, 2020 are the Agency's governing Re-Entry plan regarding employees' re-entry in the Agency workplace at all levels (HQ, District, Field, Area, and Local). As a result of the EEOC Re-Opening Guidelines, the Agency engaged in impact bargaining with the Union and agreed to this MOU.
 - b. The EEOC Re-Opening Guidelines require specific actions take place during each phase of reopening. District Directors are responsible for operational planning and execution of reopening offices within their Districts. District Directors are responsible for identifying resources needed to reopen and provide weekly reports to the Agency. The Re-Entry MOU has been bargained with the Union to the extent required by the Statute and will be construed as the Agency's controlling Re-Entry plan and any subsequent plans developed at any lower level shall comport with the controlling plan and will be shared with the Union within 14 days of implementation for comment from the Union. If there are any disputes between the Union and Management on the HQ, District, Local, Field or Area level, then those matters should be raised to the Director of Employee and Labor Relations and the National Council President or designee. If the dispute cannot be resolved, the issue will then be raised for resolution to the respective Program Directors **and the Union**. It is not the intent of this Re-Entry MOU to generate additional MOUs when plans are developed, and this MOU is the Agency's controlling Re-Entry plan as stated. After following the procedure(s) for

resolving disputes listed above, in instances where the Union believes a dispute remains, then it may seek appropriate arrangements. The Agency may respond accordingly under 5 CFR 7106.

- c. Governing criteria for the subsequent District reopening reports or plans may include but are not limited to:
 - i. Gating criteria;
 - ii. Continued or phased use of telework;
 - iii. Building requirements or restrictions and
 - iv. Staffing and scheduling of each office.
3. Agency Directors will contact their Local Union representative during the two-week notice for each phase to discuss any proposed local re-opening plan for the next phase and address any concerns regarding the health and safety of staff.
4. In accordance with the Statute, the Agency, when appropriate, will provide the Union notice when the Agency finalizes any proposed “incident reporting system” and provide the Union a copy for review. The Agency and the Union (Council President and Local President or Designee) will provide notice to each other via other appropriate officials such as HQ and District Directors when they are made aware of any Covid-19 incidents relevant to the workplace.
5. In accordance with the Statute, the Agency, when appropriate will provide the Union notice when any contact tracing procedure is established and provide the Union a copy for review.
6. The Agency will honor all pandemic related requests for individuals who have already been approved a pandemic related accommodation. Directors will be empowered to approve all pandemic related accommodations at the local level in order to expedite the process during this pandemic. Employees who are members of a vulnerable population, who care for a dependent family member that is a member of a vulnerable population, and/or have childcare or transportation needs are all eligible for pandemic related accommodations.
7. Face coverings are recommended by CDC guidelines and staff are strongly encouraged to use them. Staff will not be required to wear face coverings while sitting in their office space, as long as there is at least six feet of distance between them and any other individual. Staff should wear masks when moving throughout the building and during any in-person meetings where social distancing cannot be exercised. Employees are required to follow all building rules.
8. Meetings during Phase 1, Phase 2 and Phase 3 are outlined below. If in-person meetings with members of the public take place, steps will be taken to ensure all parties’ safety

(such as social distancing, GSA compliant ventilation and other safety measures taken on a case-by-case basis that adhere to the Agency's reopening plan and the CDC Gating criteria.)

Phase 1: EEOC offices will not be open to the public. To the extent practical, all internal Agency meetings will continue to be held virtually. Any in-person meetings will utilize recommended social distancing and will only include a limited number of attendees. For purposes contact tracing, in-person meetings should be scheduled in Outlook. During this phase, offices will be staffed depending upon the mission critical tasks that need to be accomplished on-site, the ability of reporting staff to socially distance within the office, and the availability of PPE.

- **Phase 2:** During Phase 2, the requirements of Phase 1 will remain in effect and the Agency will continue to encourage telework where possible and feasible with business operations. In-person staffing will increase, consistent with office configurations allowing appropriate social distancing. Telework and staggered or alternating week schedules will be used to limit staff to office. Limited public contact will be considered on an office-by-office basis. The Agency will use visual cues such as floor decals, colored tape, and signs to remind employees and member of the public to maintain distance of 6 feet from others. In the event of public contact when six feet of social distancing cannot be maintained, the Agency will set up alternative measures such as physical barriers between employees, and between employees and customers (i.e., Use strip curtains, plastic barriers, or similar materials to create impermeable dividers or partitions) pursuant to CDC guidelines. Members of the public who elect not to wear masks may meet virtually. Travel for tasks that cannot be accomplished remotely (not involving large group meetings) will be approved at the discretion of the COO or General Counsel, as appropriate.

Phase 3: During Phase 3, the Agency will resume normal staffing patterns. Vulnerable populations will be encouraged to practice physical distancing and minimize exposure to settings where distancing may not be practical. Employee requests for special accommodations will be reviewed on a case-by-case basis. Upon re-opening offices to the public, the Agency will consider limiting the number of people allowed in an office at a given time or make other adjustments to reduce risk of transmission. Normal travel will resume.

As the circumstances informing movement from one phase to another change, the Chair, in consultation with the COVID-19 Taskforce and OCH, will consider reverting to a previous phase, including telework, should gating criteria indicators erode in the community surrounding a particular office.

9. During Phase 1 and pursuant to 7106(a)(1) of the Statute, the District Directors and Regional Attorneys will be responsible for ensuring mission critical tasks are performed including, but not limited to:
 - a. Analyzing physical office structure and layout to assess changes needed to bring the office fully back online; communicate those needs to the COVID-19

Leadership Taskforce and Facilities; oversee office modifications, office moves, and other actions necessary to prepare the offices for the next Phases and ultimately for a full reopening. This analysis should consider any building requirements or restrictions, such as elevator restrictions (e.g., 2 to 4 people depending on the size of the elevator), stairwell flow, or options to safely address where restrooms utilized by staff are accessible to the public

10. Any EEOC employee who has returned to the office or visited the workplace/workspace for any reason must notify their supervisor upon being diagnosed with COVID-19 as soon as practicable. Employees who have been diagnosed as positive must go home and not enter EEOC space until a quarantine period is completed and symptoms have resolved under applicable CDC guidelines. Employees who have been diagnosed as positive will be asked to provide information about EEOC employees they have interacted with so the Agency can inform those employees of their potential exposure.

Potentially exposed EEOC employees who have symptoms of COVID-19 must go home, self-isolate and follow CDC recommended steps. Potentially exposed employees who do not have symptoms should remain at home or in a comparable setting and practice social distancing for 14 days. The Agency will notify all potentially exposed employees via telephone and email. All EEOC employees and supervisors should refer to most recent CDC guidelines regarding close contact with someone who may be infected and may refer to information found at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>.

Employees who have been diagnosed with COVID-19 or who may have been exposed to COVID-19 may elect to work via telework while in isolation (pursuant to CDC Guidelines) with supervisory approval. Additionally, employees should discuss available work schedule flexibilities with their supervisor and receive approval.

11. The Agency will post information concerning the worker's comp process on inSite. <http://insite.eeoc.gov/OHR/workerscompensation.cfm>
12. During Phase 2, Telework, staggered or alternating week schedules and any other existing flexibilities may be used in order to limit office capacity based on local gating criteria conditions. This can mean in phase 2 that the core day may occur virtually.
13. Employees should be aware that landlords in some buildings where EEOC has offices may require and expect tenants to adhere to specific self-assessments or temperature readings before an individual is allowed to enter the building.
14. Any disputes concerning the application or interpretation of this agreement shall be resolved through the grievance or other appropriate third-party process.

15. This MOU shall be posted on inSite for reference within 5 work days of signing/ approval.

FOR THE AGENCY:

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