

MEMORANDUM OF UNDERSTANDING  
between  
National Archives and Records Administration  
and  
American Federation of Government Employees Council 260

On March 11, 2020 the World Health Organization declared a pandemic caused by a coronavirus and in the following weeks led to operational changes of NARA facilities nationwide. This coronavirus disease is known as COVID-19 and is the term used in this MOU. The terms and conditions of this agreement only apply during COVID-19 facility closures or while NARA is operating in a “maximum telework” status.

#### FACILITIES

At any facilities that are operational during the COVID-19 pandemic, the Agency will use signage (including electronic) to provide guidance on proper hygiene such as hand washing, and cough and sneeze etiquette. The Agency will encourage employees to stay home when they feel sick. The Agency will provide adequate supplies of hand sanitizer, disinfectant wipes, and will avoid holding meetings in close quarters.

#### TELEWORK

Expanded telework is a new and necessary response to the COVID-19 pandemic. The parties jointly commit to make sure the mission of the Agency is achieved. The Agency agrees to allow employees to work in flexible work schedules, conditions, and environments which may include family care, illness, and adaptive workloads without fear of penalty or harm.

When conditions permit, the Agency will provide employees with necessary resources, which for employees on enforced telework may include computer equipment with internet connectivity. The Agency will also consider employee requests for additional resources.

Employees who do not have access to the full range of usual work related resources while on telework will not be penalized in any way (i.e. lower performance rating) for that inability. Production requirements will be appropriately adjusted for the period of time the employee is required to be on telework.

The assignment of work and workload management remains a management right, and management will be responsible for workflow and work assignments during the period of COVID-19 telework. Employees are encouraged to be proactive in proposing tasks and training activities.

COVID-19 telework may involve new assignments appropriate for telework. When assessing an employee's performance, supervisors will take into account factors outside of the employee's control that may have an adverse impact on their ability to perform their assigned duties, which may include access to resources, availability of training, and the extent to which the work assigned differs from the employee's regular duties.

Employees on enforced telework, per 5 CFR § 550.409 Evacuation payments during a pandemic health crisis, will not be subject to performance-based adverse actions that are based exclusively on performance while on enforced telework.

Employees recognize that they may be responsible for completing new types of assignments while teleworking, and that may require flexibility and creativity. An employee on enforced telework will be granted weather and safety leave for periods when the Agency is unable to provide the employee with an appropriate workload. Employees on enforced telework will not be required to use personal leave (e.g. annual leave, sick leave, earned compensatory time off, earned credit hours, or leave without pay) for periods when the Agency has failed to provide sufficient work.

## LEAVE

While taking into account legitimate mission-critical business needs, the Agency will take a liberal approach to authorizing leave requests, including requests for advanced leave, in light of specific circumstances of COVID-19. Supervisors will grant weather and safety related leave to those employees who are eligible. During the COVID-19 pandemic, the parties agree that medical documentation for sick leave in excess of 3 days may not be available, and will not be required.

## WORK SCHEDULES

During the COVID-19 pandemic, employees may schedule start and end times at any time between 6 a.m. and 6 p.m. local time, according to their work schedules. An employee may request a change in start and end times with 24 hours' notice. Any change is subject to supervisory approval.

During the COVID-19 pandemic, a General Schedule (GS) employee may request to temporarily change to a Maxiflex work schedule, regardless of the employee's GS-grade. Employees may request a change to a Maxiflex work schedule immediately and without regard to the requirement that requests ordinarily must be submitted every three months. Changes may be requested at any time but will be made effective at the start of the following pay period. Employees who are approved for Maxiflex under this authority may work at any time, 12:00 AM through 11:59 PM,

Monday through Saturday. Maxiflex employees will not be authorized to work or earn credit hours on Sundays.

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