

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Human Capital & Training
Labor and Employee Relations
633 3rd Street NW
Washington, DC 20529-2070



U.S. Citizenship
and Immigration
Services

March 25, 2020

Danielle M. Spooner
President
National Citizenship and Immigration Services Council
American Federation of Government Employees
C/O AFGE Local 0235
P.O. Box 4091
Sunnyside, NY 11104

**RE: Notice to Suspend Bargaining Over Agency Decisions to Address COVID-19
Pandemic Emergency**

Dear Ms. Spooner:

Consistent with the provisions of Article 9A of the 2016 Master Agreement Between U.S. Citizenship and Immigration Services and American Federation of Government Employees-National Citizenship and Immigration Services Council (2016 CBA), this letter is to formally serve notice that as part of USCIS's continued commitment to protect the workforce and prevent the possible transmission and/or spread of COVID-19, the Agency proposes to suspend all notice and bargaining over any actions the Agency has taken or may take in response to the COVID-19 pandemic emergency.

Nature and Scope of Change

Like the rest of the country the Agency is faced with an unprecedented emergency requiring decisive action to ensure continuity of mission-critical services and protection of the USCIS workforce. To address workforce needs and Agency operations, all available measures are being pursued. Although it is expected that the measures employed may be temporary, no definitive timeframes are available at this time for when these measures will end. One such measure being proposed is to suspend all notice and bargaining over any temporary actions the Agency has taken or may take in response to the pandemic.

Reason for Change

The Agency has acted swiftly in response to a voluminous amount of information often subject change by the hour. The Agency made several recent national-scope decisions—suspension of

face-to-face applicant services, closure of USCIS field offices, and mandatory telework—that simply could not have been accomplished within the negotiated timeframes associated with traditional notice and bargaining.

Implementation Plan

Pursuant to Article 9(h) of the 2016 CBA, the parties have agreed to post-implementation bargaining in cases deemed by the Agency to be an emergency. The Agency proposes to suspend this CBA provision for COVID-19. As an alternative to bargaining, the Agency will commit to providing a weekly briefing and feedback session with the Union’s leadership until such time as the Agency has determined an emergency no longer exists.

The Agency is prepared to provide the Union a briefing of the Agency’s intended implementation at your request.

Please direct any questions regarding this proposal to the Agency’s Chief Negotiator:

Jonathan C. Theodule
USCIS Labor and Employee Relations
633 3rd Street, NW
Washington, DC 20529
(202) 680-0556
jonathan.c.theodule@uscis.dhs.gov

In accordance with the provisions of the 2016 CBA, the Union has fifteen calendar days to respond with a demand to bargain and to provide initial negotiable proposals. Any response to this notice should be submitted in writing in accordance with Article 16, to Mr. Theodule.

Sincerely,



Judy S. McLaughlin
Chief, Labor and Employee Relations