[Date]

[Name]

[Title]

[Address]

[Address]

**Re: Request for Information— COVID-19 Return Plan**

Dear [Name]:

In accordance with 5 U.S.C. §7114(b)(4), which obligates the [Name of Agency] (“the Agency”) “to furnish to the exclusive representative involved, AFGE [Local/Council #] (the “Union”), or its authorized representative, upon request…data which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining,” the Union furnishes this request.

The Union, in its representational responsibilities under the Statute, is seeking to bargain the terms and conditions of employment flowing from the return of bargaining unit employees to the facility in the wake of COVID-19, an amendment to the terms and conditions of the Collective Bargaining Agreement (CBA) between the Parties covering the bargaining unit as certified by the Federal Labor Relations Authority (FLRA). The Union must have the specific information requested in this correspondence to ensure that AFGE bargaining unit employees are treated fairly and equitably and their rights under the Agreement, law, rule and/or regulation are not diminished because of the negotiation and implementation of any memorandum of agreement regarding their return to work in the wake of COVID-19.

In respect to the current term bargaining negotiations, the Union believes our bargaining establishes our right to the requested information. This request is consistent with the guidance established by FLRA General Counsel guidelines. The Council has shown the necessity for this

information and has established the right to such information to fulfill its representational duties towards bargaining unit employees.

This information is specifically necessary for the Union to be able to formulate proposals in impacted bargaining. Further, this information is necessary for the Union to evaluate the legitimacy of the constraints asserted by the Agency. The Union will use this information to furnish proposals which respond to those limitations balanced with the Union’s obligation to adequately and aggressively represent the interest of its members.

1. Whereas OPM proposed liberalization of schedules, promoting “flexible work schedules (FWS) to maintain the productivity, health and safety of the workforce (e.g. by facilitating maintenance of social distance in the workplace)” including but not limited to “Maxiflex,” the Union seeks the following:
   1. Any and all data (including but not limited to correspondence, directives, schedules, and guidance) regarding the expansion of FWS or scheduling taken in the wake of COVID-19; and
   2. Any and all data (including but not limited to studies, reports, productivity logs) relating to the impact, if any, to productivity during the expansion of FWS or scheduling taken in the wake of COVID-19; and
   3. Any and all data (including but not limited to studies, reports, records of rating) relating to the impact, if any, to performance during the expansion of FWS or scheduling taken in the wake of COVID-19; and
   4. Any and all data (including but not limited to studies, reports, reviews) relating to the impact, if any, to health and safety during the expansion of FWS or scheduling taken in the wake of COVID-19; and

Whereas OPM proposed liberalization of telework, promoting “Maximum Telework Period due to Coronavirus COVID-19,” the Union seeks the following:

1. Any and all data (including but not limited to correspondence, directives, new or revised telework agreements, changed/modified telework criteria and guidance) regarding the expansion of telework taken in the wake of COVID-19; and
2. Any and all data (including but not limited to studies, reports, productivity logs) relating to the impact, if any, to productivity during the expansion of telework taken in the wake of COVID-19; and
3. Any and all data (including but not limited to studies, reports, records of rating) relating to the impact, if any, to performance during the expansion of telework taken in the wake of COVID-19; and
4. Any and all data (including but not limited to studies, reports, reviews) relating to the impact, if any, to health and safety during the expansion of telework taken in the wake of COVID-19; and
5. Whereas fifteen of the nations’s20 largest school districts are expected to be teaching fully online in the fall[[1]](#footnote-1), the Union seeks the following:
   1. Any and all data (including but not limited to correspondence, directives, reports or studies) regarding the number of employees who will have school aged children at home; and
   2. Any and all data (including but not limited to correspondence, directives, reports or studies) regarding the number of employees who will have school aged children who cannot go to in-person classes; and
   3. Any and all data (including but not limited to correspondence, directives, reports or studies) regarding the number of employees who would be forced to choose between providing childcare for their children or going to work, if in-person work is mandated; and
   4. Any and all data (including but not limited to correspondence, directives, reports, studies or plans) regarding the number of employees who would/might quit, retire or leave the Agency because of childcare needs if forced to choose between childcare and in-person work; and
   5. Any and all data (including but not limited to correspondence, directives, reports or studies) regarding the Agency’s plans or efforts to maintain continuity of operations if the anticipated number of employees quit, retire or leave the Agency because of childcare needs if forced to choose between childcare and in-person work; and
6. Whereas OSHA requires workplaces “maintain strict social distancing practices,” the Union requests the following:
   1. Any and all data (including but not limited to studies, reports, and schematics) relating to how facilities can be/have been/will be retrofitted to allow strict social distancing practices; and
   2. Any and all data (including but not limited to studies, reports, and schematics) relating to how many fewer employees can safely be accommodated in the workplace to allow for strict social distancing practices; and
   3. Any and all data (including but not limited to studies, reports, and schematics) relating to changes to employees’ workspaces to allow for strict social distancing practices; and
   4. Any and all data (including but not limited to studies, reports, and schematics) relating to changes to employees’ break spaces and bathroom facilities; and
   5. Any and all data (including but not limited to studies, reports, and schematics) relating to changes to entrances and exits to allow for strict social distancing practices; and
   6. Any and all data (including but not limited to studies, reports, and schematics) relating to changes to entrances and exits to allow for strict social distancing practices; and
   7. Any and all data (including but not limited to studies, reports, and schematics) relating to barriers/signage/walk-stand instructions to allow for strict social distancing practices; and
   8. Any and all data (including but not limited to studies, reports, and schematics) relating to changes to elevators, stairwells and hallways to allow for strict social distancing practices; and
   9. Any and all data (including but not limited to studies, reports, and schematics) relating to additional worksites needed to allow employees required to engage in in-person work to report to while allowing for strict social distancing practices; and
7. Whereas OSHA calls for all employers to engage in a “Hazard assessment, including practices to determine when, where, how, and to what sources of SARS-CoV-2 workers are likely to be exposed in the course of their job duties,” the Union requests the following:
   1. Any and all data (including but not limited to studies, reports, and assessments) reflecting Agency hazard assessments; and
   2. Any and all assessments of job tasks performed by or job categories held by employees to determine which job tasks or job categories involve occupational exposure;
   3. Any and all assessments of exposures to/from members of the public (e.g., customers, visitors) with whom workers interact, as well as exposures from close contact with coworkers in the workplace; and
   4. Any and all assessments of current outbreak conditions in the communities the bargaining unit members live and work in; and
   5. Any and all mitigation plans developed as a result of the assessments (including but not limited to plans for protecting bargaining unit employees who interact with the public); and
8. Whereas OSHA has established clear guidelines regarding hygiene practices for the workplace, the Union requests the following:
   1. Any and all data (including but not limited to studies, reports, and assessments) suggesting the amount of, locations of, use of, and plans for increased hygienic supplies; and
   2. Any and all data (including but not limited to studies, reports, and assessments) suggesting the amount of, locations of, use of, and plans for increased workplace cleaning; and
9. Whereas OSHA calls upon workplaces to be conscious of the COVID-19 risks for frequently shared equipment, the Union seeks the following:
   1. Any and all data (including but not limited to studies, reports, and assessments) identifying shared equipment utilized by bargaining unit employees; and
   2. Any and all data (including but not limited to studies, reports, and assessments) establishing plans to minimize use of shared equipment utilized by bargaining unit employees; and
   3. Any and all data (including but not limited to studies, reports, and assessments) establishing plans for enhanced cleaning and disinfection using EPA registered disinfectants and adherence to CDC guidance for controlling the spread of COVID-19 in the use of shared equipment utilized by bargaining unit employees; and
10. Whereas OSHA lays out the requirements for engaging in health screening and temperature checks at the workplace, the Union seeks the following information:
    1. Any and all data (including but not limited to correspondence, studies, reports, plans, and assessments) relating to screening and temperature checks at the worksites for employees and/or visitors; and
    2. Any and all data (including but not limited to correspondence, studies, reports, plans, and assessments) relating to training for employees tasked with screening and temperature checks at the worksites; and
    3. Any and all data (including but not limited to correspondence, studies, reports, plans, and assessments) relating to personal protective equipment furnished for employees tasked with screening and temperature checks at the worksites; and
    4. Any and all data (including but not limited to correspondence, studies, reports, plans, and assessments) relating to screening and temperature checks at the worksites for those who park in building garages; and
    5. Any and all data (including but not limited to correspondence, studies, reports, plans, draft questionnaires and assessments) relating to policies and usage of questionnaires for screening and temperature checks at the worksites; and
    6. Any and all data (including but not limited to correspondence, studies, reports, plans, draft questionnaires assessments) relating to policies, plans and requirements when discovering positive indicators for COVID-19 infection found during screening and temperature checks at the worksites; and
11. Whereas the CDC lists requirements for reopening relating to building heating, ventilation, and air conditioning (HVAC) systems, then Union requests the following:
    1. Any and all data (including but not limited to studies, reports, and assessments) relating to the review of the HVAC system, pursuant to startup guidance provided in ASHRAE Standard 180-2018, Standard Practice for the Inspection and Maintenance of Commercial Building HVAC Systems; and
    2. Any and all data (including but not limited to studies, reports, and assessments) relating to Agency actions taken to
       1. minimize the risk of [Legionnaires’ disease](https://www.cdc.gov/legionella/about/index.html) and other diseases associated with water,
       2. to ensure that all water systems and features (e.g., sink faucets, drinking fountains, decorative fountains) and water-using devices (e.g., ice machines, cooling towers) are safe to use after a prolonged facility shutdown; and
    3. Any and all data (including but not limited to studies, reports, and assessments) relating to Agency actions taken to provide air exchanges or provide portable HEPA (High Efficiency Particulate Air/Arrestance) air filtration units; and
12. Whereas OSHA calls upon workplaces to identify and isolate sick employees, including practices for worker self-monitoring or screening, and isolating and excluding from the workplace any employees with signs or symptoms of COVID-19, the Union seeks the following:
    1. Any and all data (including but not limited to correspondence, directives, reports, studies, assessments or plans) regarding the Agency’s plans for engaging identification of, and contracting tracing for exposed or sick employees; and
    2. Any and all data (including but not limited to correspondence, directives, reports, studies, assessments or plans) regarding the Agency’s plans for engaging isolation for exposed or sick employees; and
    3. Any and all data (including but not limited to correspondence, directives, reports, studies, assessments or plans) regarding the Agency’s proposed protocol for managing people who become ill in the workplace, including but not limited to details about how and where a sick person will be isolated (in the event they are unable to leave immediately) while awaiting transportation from the workplace, to their home or to a health care facility, and cleaning and disinfecting spaces the ill person has occupied to prevent exposure to other workers, customers, or visitors. Employers may need to collaborate with SLTT health officials to facilitate contact tracing and notification related to COVID-19 cases or possible exposures; and
13. Whereas employees who have been exposed to and/or contracted COVID-19 will return to work, the Union seeks the following:
    1. Any and all data (including but not limited to correspondence, directives, reports, studies, assessments or plans) regarding the return to work protocols for quarantined employees who were exposed to and/or contracted COVID-19 including but not limited to continuity of work, designation of workspace, use and preservation of leave, documentation requirements, and continued monitoring; and
    2. Any and all data (including but not limited to correspondence, directives, reports, studies, assessments or plans) regarding the notice to coworkers regarding the quarantine and eventual return to work protocols of quarantined employees who were exposed to and/or contracted COVID-19; and
14. Whereas OSHA calls for COVID-19 training for all workplaces, the Union seeks the following:
    1. Any and all data (including but not limited to curriculum, teaching objectives, resources, manuals, materials, correspondence, directives, reports, studies, assessments or plans) ensuring employees receive training on the signs, symptoms, and risk factors associated with COVID-19; and
    2. Any and all data (including but not limited to curriculum, teaching objectives, resources, manuals, materials, correspondence, directives, reports, studies, assessments or plans) ensuring employees receive training on where, how, and to what sources of COVID-19 employees might be exposed in the workplace; and
    3. Any and all data (including but not limited to curriculum, teaching objectives, resources, manuals, materials, correspondence, directives, reports, studies, assessments or plans) ensuring employees receive training on how to prevent the spread of COVID-19 at work; and
    4. Any and all data (including but not limited to curriculum, teaching objectives, resources, manuals, materials, correspondence, directives, reports, studies, assessments or plans) ensuring employees receive training on new COVID-19 policies; and
15. Whereas the risk of transmission of COVID-19 on public transportation may be as high as 10%,[[2]](#footnote-2) the Union seeks the following:
    1. Any and all data (including but not limited to correspondence, directives, reports or studies) regarding the number of employees who use public transportation to get to work; and
    2. Any and all data (including but not limited to correspondence, directives, reports, studies or plans) regarding potential alternatives for employees who rely on public transportation; and
    3. Any and all data (including but not limited to correspondence, directives, reports, studies or plans) regarding the number of employees who would/might quit, retire or leave the Agency because of the reliance on unsafe public transportation if forced to return to in-person work; and
    4. Any and all data (including but not limited to correspondence, directives, reports or studies) regarding the Agency’s plans or efforts to maintain continuity of operations if the anticipated number of employees quit, retire or leave the Agency due to personal safety if forced to choose between unsafe public transportation and in-person work.Please respond no later than [one week from date of submission]. If this request is denied, in whole or in part, please provide the specific reason(s) for the denial, countervailing interests, and authority relied upon no later than [one week from date of submission]. If you have any questions or concerns about this request, please contact me.

Sincerely,

[Name]

[Title]

AFGE [Local/Council #]

1. # Susan Dynarski, *The United States Is Reopening Many of the Wrong Schools,* The New York Times*,* August 3, 2020.

   [↑](#footnote-ref-1)
2. Maogui Hu, Hui Lin, Jinfeng Wang, Chengdong Xu, Andrew J Tatem, Bin Meng, Xin Zhang, Yifeng Liu, Pengda Wang, Guizhen Wu, Haiyong Xie, Shengjie Lai, The risk of COVID-19 transmission in train passengers: an epidemiological and modelling study, Clinical Infectious Diseases, , ciaa1057, <https://doi.org/10.1093/cid/ciaa1057> (last visited August 10, 2020). [↑](#footnote-ref-2)