

United States Senate

WASHINGTON, DC 20510

July 9, 2020

Michael J. Rigas
Acting Director
Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

Russell T. Vought
Acting Director
Office of Management and Budget
725 17th St. NW
Washington, DC 20503

Dear Mr. Rigas and Mr. Vought:

We write to express our opposition to plans to require many federal employees in the National Capital Region to return to their worksites. The current guidance from the Office of Management and Budget (OMB) and the Office of Personnel Management (OPM) is encouraging these unsafe actions, and we urge you to issue new guidance to better protect the federal workforce and surrounding communities from the increasing spread of COVID-19.

As we are seeing around the nation, premature reopenings are leading to new waves of COVID-19 cases. It is especially important for federal agencies to have clear guidance that sets a positive example. As of July 8th, more than 3,000,000 Americans have been infected with the coronavirus and at least 131,700 Americans have died.¹

Federal employees and contractors have been teleworking successfully throughout the COVID-19 public health emergency, keeping vital services running and implementing economic relief programs and measures to stop the spread of COVID-19. Many workers in our area still lack access to regular child care due to COVID-19, and ordering these workers back into the office makes it needlessly harder for them to balance work and family obligations during the pandemic.

The current guidance is encouraging agencies to end maximum telework prematurely.² COVID-19 is a deadly threat to anyone – and anyone can carry the virus and transmit it to others – but the current OPM/OMB guidance only supports sustained maximum telework throughout the pandemic for certain workers deemed to be high risk. Further, the guidance sometimes conflicts with direction from other members of the Trump Administration, the Centers for Disease Control and Prevention, and state and local governments. Reopening too quickly by ending maximum telework threatens to erase the progress made against the virus and endanger the health and safety of federal employees and everyone else in an agency's region through increased community spread.³

In the National Capital Region, many federal agencies are bringing employees back to the office instead of teleworking, even though the reopening guidelines for Maryland, Virginia, and the

¹ "Coronavirus in the U.S.: Latest Map and Case Count." The New York Times, <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.

² Russell T. Vought and Michael J. Rigas. "Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again." April 20, 2020. <https://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf>.

³ Zach Montague. "As Coronavirus Cases Rise, the Federal Work Force Heads Back to the Office." The New York Times, July 7, 2020. <https://www.nytimes.com/2020/07/06/us/politics/coronavirus-federal-government.html>.

District of Columbia all urge employers to continue telework as much as possible.⁴ Unlike these federal agencies, governments in Maryland, Virginia, and the District continue to utilize liberal telework policies and limited office capacity for public sector workers.

Prior to the pandemic, 40 percent of Metro commuters during rush hour in the National Capitol Region were federal employees.⁵ Any increased crowding on trains and buses in the National Capital Region will only further increase the risk of spreading COVID-19.

Your current guidance is endangering the health and safety of federal workers and everyone in our region. And since 85 percent of federal employees work outside of our region, it endangers the entire country. We urge you to issue clearer guidance directing agencies to continue maximizing telework throughout the COVID-19 pandemic.

Sincerely,



Chris Van Hollen
United States Senator



Benjamin L. Cardin
United States Senator



Mark R. Warner
United States Senator



Tim Kaine
United States Senator

⁴ The Office of Governor Larry Hogan. “Governor Hogan Announces Beginning of Stage Two of Maryland’s COVID-19 Recovery, Safe and Gradual Reopening of Workplaces and Businesses.” June 3, 2020.

<https://governor.maryland.gov/2020/06/03/governor-hogan-announces-beginning-of-stage-two-of-marylands-covid-19-recovery-safe-and-gradual-reopening-of-workplaces-and-businesses/>; Commonwealth of Virginia, Office of the Governor. “Safer at Home: Phase Three Guidelines For All Business Sectors.”

<https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/Forward-Virginia-Phase-Three-Guidelines.pdf>; and Government of the District of Columbia. “Phase Two Guidance Coronavirus 2019 (COVID-19): Guidance for Office Buildings.” June 23, 2020.

https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/06152020_COVID-19_DC_Health_Guidance_for_Office_Building_Reopening.pdf.

⁵ Faiz Siddiqui. “Metro to Offer Free Rides for Federal Workers Impacted by Shutdown, Pending Board Approval.” The Washington Post, January 24, 2019. https://www.washingtonpost.com/local/metro-to-offer-free-rides-for-federal-workers-impacted-by-shutdown-pending-board-approval/2019/01/24/c64325ca-2046-11e9-9145-3f74070bbdb9_story.html.