

**NATIONAL COUNCIL OF EEOC LOCALS NO. 216  
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
AFL-CIO**

May 27, 2022

Dear Chair Burrows,

The Union is writing you this letter to urge you to prioritize safety by pausing the Agency's plan to double the required days for employees to report to the office starting on June 20, 2022.<sup>1</sup> You have said you would follow the science. Each week since you required bargaining unit staff to begin reporting to offices, according to the CDC, more and more EEOC offices are moving into worsening COVID Community Transmission levels. It is not safe for EEOC to bring employees into the office more often at a time when COVID is surging. This foreseeably will lead to more employees at the agency, which you lead, contracting COVID and exposing the public and others.

When EEOC first required the bargaining unit to report to offices the week of May 16<sup>th</sup>, without an MOU, there were **three (3) EEOC offices in the HIGH** COVID Community Transmission level (Buffalo, Boston, and Detroit). In the week of May 23<sup>rd</sup>, the number of **EEOC offices in the HIGH level rose to eight (8)** (Buffalo, Boston, Detroit, Miami, San Juan, New York, Honolulu and Milwaukee). Now according to today's EEOC "COVID-19 Update," as we enter week three of reentry **it is up to fourteen (14) EEOC offices in the HIGH** level (Baltimore, Boston, Buffalo, Chicago, Cleveland, Detroit, Honolulu, Miami, Milwaukee, New Orleans, New York, Pittsburgh, Richmond, and Tampa).

Additionally, **there are twenty (20) EEOC offices now up to the MEDIUM COVID level**. This means **thirty-four (34) of EEOC's fifty-three offices, i.e., 64%, are in HIGH or MEDIUM**. It is predictable that many of the MEDIUM offices will move into HIGH next week.

In fact, EEOC staff are being exposed to COVID and are contracting COVID. In the first week (5/16/22) of BUE reentry, three COVID cases were reported in EEOC Headquarters. In the second week of BUE reentry (5/23/22), one COVID cases was reported in EEOC's New York District Office, one case was reported in EEOC's Newark Office, and one case in EEOC's Charlotte District Office. The Union is also aware of recent reports of COVID cases in office buildings in which EEOC offices share space and elevators: St. Louis (four cases), San Francisco (nine cases), Detroit (six cases), and Pittsburgh. These are just the cases that the Union has learned about, there are likely more cases of which EEOC is aware.

EEOC's upcoming plan to double in-office days, leads to more employees sharing space on elevators and restrooms, crossing paths in the halls, and negatively impacting the ventilation.<sup>2</sup> The Union regularly speaks to the bargaining unit, who consistent with the results of your agency survey, are anxious about public transportation during COVID. But since May 16<sup>th</sup>, many EEOC employees who do not have other options, due to budget, distance, or parking, are back on buses and trains. Their risks may soon increase, if you require them to double their commuting days, even as COVID is by all accounts spiking.

EEOC staff are dedicated to our mission and continue to safely serve the public, including via telephone charge intake. It is more unsafe than ever for EEOC staff and the public to contemplate conducting

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<sup>1</sup> To be clear the Union does not agree to the Agency's unilateral implementation of its Reentry Plan, without completing an MOU, which is why to date we have filed three national Unfair Labor Practices (ULPs) and do not waive any of our rights.

<sup>2</sup> "Note that by reducing the number of people in a space, occupancy limits also increase the heating, ventilation, and air conditioning delivery of outdoor air per person." [www.saferfederalworkforce.gov](http://www.saferfederalworkforce.gov)

charge intake in our telephone booth sized intake rooms. The Union's MOU has a safe plan to offer the public contactless in-office intake. However, EEOC's intentions are disturbingly unclear, as intake rooms have not been set up for contactless intake. Some offices have installed short plexiglass sneeze-guards on intake desks, with the implication intake could occur in these rooms that do not allow for social distancing. This would be patently unsafe, especially as COVID levels worsen. We urge you again to stop violating the statute and bargain an MOU, including to address safe customer service measures.

EEOC employees are in a state of anxiety and panic that in two weeks the Agency's Reentry Plan adds more risks to their current situation. They see the lack of planning for safety, the haphazard rush into offices and the blatant disregard for their Union rights. They know other agencies are expanding telework and remote programs, while EEOC stubbornly refuses, even on days employees have no public facing office duties.

The employee exodus has begun. Since the unilateral reentry announcement, EEOC employees are transferring to agencies with more telework and remote programs, retiring, and even resigning without new positions. This exacerbates EEOC's short-staffing, which is the real driver of the agency's customer service issues, e.g., booked appointment calendars for charge intake, due to lack of staff.

Please demonstrate your concern for safety for EEOC's employees by not increasing in-office days. This added requirement is unnecessary, as well as needlessly risky during this COVID surge. Putting out an announcement this week is needed to alleviate the profound concerns of the EEOC workforce.

The Union looks forward to your prompt response on this critical matter.

Sincerely,

*/s/ Rachel Shonfield*

President, National Council of EEOC Locals, No. 216 AFGE/ AFL-CIO

*Telework Works!*