

MEMORANDUM OF UNDERSTANDING

The following constitutes an agreement between the Department of Education (“agency”) and the American Federation of Government Employees, AFL-CIO (“AFGE”) on the agency’s Return to Workplace Plan (RWP)

1. The Parties are committed to a phased return to the workplace that will include new and more generous 2021 Telework/Remote Work Policy, approved work schedules, and the exigent circumstances provision in the RWP. The Agency will also consider implementation of building capacity limits for ED facilities in high COVID-19 transmission rate areas as identified in the CDC transmission rate map. The agency will provide AFGE with the GSA protective measures report if/when they are available for ED occupied facilities. The Department is committed to providing a safe work environment at all ED occupied facilities in accordance to the Safer Federal Workforce guidance. The Department will take steps, including working with GSA, to ensure CDC guidelines are met at all ED occupied facilities.
2. The agency will provide employees with the safeguards it utilizes in its employee medical file system. The agency will communicate, in writing, to employees that its employee medical file system is not subject to the Freedom of Information Act (FOIA). The agency will communicate, in writing, to employees its record schedule for retaining short-term medical records. The agency will communicate, in writing, to employees that it will maintain any COVID-19 related certification or vaccination information separately from employees’ Official Personnel Folders. The agency will communicate, in writing, to employees that it will comply with the Rehabilitation Act, which requires that the agency keep test results confidential and limit who may have access to such information. The agency will communicate, in writing, with employees which of its officials may have access to such records. The agency will take steps to promote privacy and IT security, while also providing the relevant information to its officials who need to know in order to implement the safety protocols.
3. Non-employees that visit cafeteria will be asked vaccination status or required to present a negative COVID-19 test taken within three days prior to entering a federal building.
4. The Agency will not substantively alter or change any other documents referenced in the RWP without giving notice to AFGE and completing bargaining obligations as required by law or the governing agreement with AFGE.



Ken Giacalone – Agency Chief Negotiator

Date: 11/4/21



Cathie McQuiston – AFGE Chief Negotiator

Date: 11/4/21