

Social Security Administration's Reentry Plan

Overview

Consistent with Office of Management and Budget Memorandum on [Integrating Planning for A Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-Reentry Personnel Policies and Work Environment](#) (M-21-25), the Social Security Administration (SSA) began its reentry on December 01, 2021. Most employees will reenter on March 30, 2022, followed by a 6-month evaluation period. We will use the evaluation period to develop, assess and, if necessary, adjust any personnel or operational policies to provide public service and accomplish our mission as well as, or better than, prior to the pandemic. Also, consistent with M-21-25, we have updated our COVID-19 Workplace Safety Plan (WSP) pursuant to current Center for Disease Control and Prevention (CDC) guidelines. (See Appendix 1)

Ample Notice

Consistent with M-21-25 and applicable memoranda of understanding (MOU) with labor organizations and prior to implementing reentry plans, SSA will provide at least 30-days of advance notice to any employee returning to the physical workplace or who will have altered work schedules during reentry or the evaluation period.

Work at Home by Quarantine Policy (WAHQ)

We will discontinue WAHQ policy on March 30, 2022.

Reentry

- On December 1, 2021, senior leadership began reentry.
- On March 30, 2022, we plan the safe return of most employees onsite, after ample notice, in compliance with SSA's WSP, and in consideration of the lessons learned during the pandemic.
- SSA's agency-wide evacuation order will expire on March 29, 2022. With the expiration of the evacuation order, all policies and Collective Bargaining Agreement (CBA) provisions in effect on March 13, 2020 are reinstated, except where a provision expressly conflicts with the respective reentry MOU and safety measures in the WSP.
- Each Deputy Commissioner has determined the number of scheduled telework days, if any, eligible positions, and percentage of employees permitted to telework, consistent with applicable CBA provisions and relevant agency policies, as described in the chart below.
- Any employee who teleworked during the pandemic (between March 16, 2020-March 30, 2022) will be eligible for, at a minimum, episodic telework if the employee meets the eligibility criteria in the applicable CBA provisions or agency policy.

- Employees ineligible for telework, or who choose not to participate in the voluntary telework program, will return to onsite work for all scheduled work hours beginning March 30, 2022, unless a local evacuation order necessitates remote work.
- Managers and executives may telework. Line managers will telework consistent with the work unit they manage.
- Individual employee telework schedules will be determined by telework agreements in accordance with the following Deputy Commissioner (DC)-approved plans.

SUMMARY OF COMPONENT TELEWORK FOR REENTRY & EVALUATION PERIOD		
Office of:	Exceptions¹	Number of Days Per Week through 6-month Evaluation Period²
The Actuary	No	5 days for all staff
General Counsel	No	5 days for all staff
Analytics, Review, and Oversight	Yes	5 days for most staff ³
Budget, Finance, and Management	Yes	5 days for most staff ³
Communications	Yes	5 days for most staff ³
Hearings Operations	Yes	Varies 3-5 days ³
Human Resources	Yes	5 days for all staff
Legislation and Congressional Affairs	No	5 days for all staff
Operations	Yes	Varies 2-5 days ³
Retirement and Disability Policy	No	5 days for all staff
Systems	Yes	5 days for most staff ³
The Commissioner	Yes	5 days for most staff ³
Civil Rights and Equal Opportunity	No	5 days for all staff

¹ Appendix 2 provides a list of positions by component that will be eligible for less than five days of telework per week based on regular onsite work requirements.

² Employees may be subject to recall based on periodic onsite work requirements consistent with applicable CBAs and agency policy.

³ Unless depicted in Appendix 2, employees in this component are eligible for five days per week telework.

Evaluation Period

During the evaluation period, we will expand access to our services consistent with the safety measures in the WSP.

We will use the evaluation period to develop, assess and, if necessary, adjust any personnel or operational policies to provide public service and accomplish our mission as well as, or better than, before the pandemic. Each DC will evaluate their operations to identify ways to improve service, hire and retain the best employees, and to operate efficiently including the consideration of potential space savings resulting from increased telework and information technology improvements.

As we reenter our offices, we will measure and monitor several areas, including: customer satisfaction, service availability, workload management, employee experience, stewardship, and environmental considerations.

We will consult with the unions on prospective metrics in the evaluation of these areas.

Based on our evaluation, we intend to finalize longer-term plans to implement in fiscal year 2023.

Appendix 1: Workplace Safety Plan 2.0



Social Security Administration (SSA)

COVID-19 Workplace Safety Plan 2.0

March 30, 2022

Contents

- Introduction.....7**
- Workplace Safety Plan7**
- Health and Safety.....7*
 - Vaccination8
 - Telework and Remote Work..... 10
 - COVID-19 Coordination Teams 10
 - Face Masks and Physical Distancing 10
 - Testing..... 11
 - Contact Tracing..... 11
 - Travel..... 12
 - Meetings, Events, and Conferences..... 12
 - Symptom Monitoring and Screening 13
 - Quarantine, Isolation and Steps Following Exposure to Someone Suspected or Confirmed COVID-19 13
 - Confidentiality and Privacy..... 13
- Workplace Operations..... 13*
 - Occupancy 14
 - Environmental Cleaning..... 14
 - Hygiene 14
 - Ventilation and Air Filtration 14
- Appendix 2: Telework eligibility for certain specific positions15**
- Appendix 3: List of Operations employees ineligible for telework.....18**

Introduction

We are updating the October 26, 2021 Workplace Safety Plan (WSP) to incorporate the latest guidance from the [Centers for Disease Control and Prevention \(CDC\)](#) and the Occupational Safety and Health Administration (OSHA) on [protecting workers](#). This update—WSP 2.0—complies with the Office of Management and Budget (OMB) Memorandum M-21-15, [Safer Federal Workplace: Agency Model Safety Principles \(last updated September 13, 2021\)](#) as modified by OMB Memorandum M-21-25, [Integrating Planning for A Safe Increased Return of Federal Employees and Work Environment](#), and the President’s Executive Order (EO) 13991, [Protecting the Federal Workforce and Requiring Mask-Wearing](#). We will comply with all applicable court orders, including by following relevant OMB and Safer Federal Workforce Task Force [guidance](#) on EO 14042 Ensuring Adequate COVID Safety Protocols for Federal Contractors and [guidance](#) on EO 14043, Requiring Coronavirus Disease 2019 Vaccination for Federal Employees.

As noted in the October 26, 2021 WSP, this plan is a living document, which we update to align with the most current CDC and OMB updates and mission needs. Additionally, we will continue to communicate updates to our employees via Commissioner Broadcasts or our Human Resources Internal Communications (HRIC) and to the public [on our website](#). This update is being implemented upon satisfaction of applicable labor obligations with labor unions representing our employees. We respect the important role of our labor unions and are committed to communicating regularly with employee representatives on workplace safety matters. We will also continue to consult with our stakeholders including Congress, and advocates, as appropriate.

For additional details on our COVID-19 pandemic policies, employees and managers may visit our [internal COVID-19 website](#), which includes Frequently Asked Questions (FAQ) for managers and employees. The public can find detailed information about how we are operating during the pandemic by [visiting our COVID-19 webpage](#).

Workplace Safety Plan

Health and Safety

We communicate all safety policies to employees via email, and managers remind employees of these policies during regularly scheduled staff meetings. We maintain a COVID-19 intranet site with Frequently Asked Questions (FAQ) for managers and employees. Signage explaining our safety measures are prominently displayed in all buildings used by our employees, visitors and onsite contractor staff. We explain our safety policies when we arrange appointments with members of the public. Our plan is available to the public on [our website](#). Security guards will ensure the public complies with posted safety measures. We have communicated our safety measures to contractors via email and in updated contract language.

Vaccination

To ensure compliance with a preliminary nationwide injunction prohibiting implementation and enforcement of the vaccination requirement for the Federal workforce, see Human Resources Internal Communication (HRIC) issued January 24, 2022: Federal Employee COVID-19 Vaccination Mandate - Update | Employee Dashboard (ssa.gov), the agency will take no action to implement or enforce COVID-19 vaccination at this time. However, employees may be asked for their vaccination status documentation and should follow all the safety protocols for the unvaccinated if they do not provide documentation of being vaccinated.

Employees

Safety protocol guidance issued by the [Safer Federal Workforce Task Force](#) applies to all employees. Employees must provide documentation of being [fully vaccinated](#) or will be considered unvaccinated for the purposes of agency safety protocols. In the [Human Resources Internal Communications](#) and the agency's [Vaccination Status Portal](#), employees receive detailed information about how to document their vaccination status, including the Privacy Act requirements and the requirement to certify under penalty of perjury that the information they submit is true and correct.

The agency grants leave-eligible employees up to 4 hours of administrative leave per dose, including for a booster, or to accompany a family member (as defined in OPM's leave regulations, see 5 CFR 630.201) who is receiving any COVID-19 vaccination dose.

- The agency grants leave-eligible employees up to four hours of administrative leave per dose—for example, up to a total of twelve hours of leave for a family member receiving three doses—for each family member the employee accompanies.
- If an employee needs to spend less time accompanying a family member who is receiving the COVID-19 vaccine, the agency grants only the needed amount of administrative leave.
- Employees should obtain advance approval from their supervisor before being permitted to use administrative leave for COVID-19 vaccination purposes.
- Employees are not credited with administrative leave or overtime work for time spent outside their tour of duty helping a family member get vaccinated.
- This policy applies to covered vaccinations received after July 29, 2021.

The agency grants up to 2 workdays of administrative leave if an employee has an adverse reaction to any COVID-19 vaccination dose that prevents the employee from working (i.e., no more than 2 workdays for reactions associated with a single dose). The employee may take other appropriate leave (e.g., sick leave) to cover any additional absence.

IMPORTANT: All previously submitted exceptions to the COVID-19 vaccination requirement will be held in abeyance. Managers should notify employees with pending exception requests that implementation or enforcement of the COVID-19 vaccination requirement pursuant to EO 14043 is currently enjoined and that an exception request therefore is not necessary so long as the nationwide injunction is in place.

Vaccination for New Employees

New employees should be prepared to provide vaccination documentation as soon as their first day of employment. Employees who do not provide documentation will be considered unvaccinated for the purpose of safety protocols.

Contractors

Given the different safety protocols for individuals who are fully vaccinated and those who are not fully vaccinated, SSA will ask about the vaccination status of onsite contractor employees who are not yet contractually required to be vaccinated. These contractor employees must attest to the truthfulness of the response they provide. For contractor employees not yet subject to a contractual requirement to be vaccinated, SSA has provided contractors with electronic access to complete the [Certification of Vaccination form](#) prior to arrival at an SSA facility. When a contractor employee discloses that they are not fully vaccinated or declines to provide information on their vaccination status, SSA will treat that individual as not fully vaccinated for purposes of implementing safety measures, including with respect to mask wearing and physical distancing.

Onsite contractor employees who are not fully vaccinated, or who decline to provide information about their vaccination status, must provide proof of a negative COVID-19 result from an FDA-approved test within the 3 days prior to entering an SSA facility. Contractor employees who do not attest to being fully vaccinated (or who decline to respond to an attestation request), and who lack the required negative test result, will not be permitted into the facility. Contractor employees who are not fully vaccinated, and who are admitted to an SSA facility, must follow the safety protocols described in the “Face Mask and Physical Distancing” section listed below.

Visitors

Given the different safety protocols for individuals who are fully vaccinated and those who are not fully vaccinated, SSA will ask about the vaccination status of visitors to SSA facilities who are not seeking a public service or benefit. Individuals must attest to the truthfulness of the response they provide. SSA provides visitors with the [Certification of Vaccination form](#) when they enter an SSA facility.

Visitors to SSA facilities who are not fully vaccinated or who decline to provide information about their vaccination status must provide proof of a negative COVID-19 test within the 3 days prior to entering an SSA facility. Visitors who do not attest to being fully vaccinated or who decline to respond, and who lack the required negative test result, will not be permitted into the facility. Visitors who are not fully vaccinated, and who are admitted to an SSA facility, must follow the safety protocols described in the “Face Mask and Physical Distancing” section listed below.

Individuals seeking a public service or benefit (and their companions)

Requirements related to vaccination status, and COVID-19 testing and results, do not apply to

members of the public entering an SSA facility to obtain a public service or benefit, including Social Security field offices and hearings offices. If they are not fully vaccinated, these individuals must comply with all relevant CDC guidance, including wearing a mask and physically distancing from other people.

Telework and Remote Work

SSA will utilize telework consistent with agency policies as articulated in the [Personnel Policy Manual](#), and applicable collective bargaining agreements. Onsite work includes both portable and non-portable workloads.

COVID-19 Coordination Teams

The Office of the Commissioner will continue to provide oversight and coordination in accordance with OMB [M-21-15](#) and OMB [M-21-25](#) guidance. The COVID-19 Coordination Team is a cross-agency team consisting of executives and staff from human resources, medical, legal, program operations, facilities, and health and safety experts. The team will meet regularly as necessary to review compliance with agency COVID-19 workplace safety plans and protocols, consider potential revisions to agency COVID-19 workplace safety plans and protocols pursuant to guidance from the Safer Federal Workforce Task Force and the most up-to-date CDC guidelines, and evaluate any other operational needs related to COVID-19 workplace safety. The Team consults regularly with the Senior Procurement Executive and considers input from Facility Security Committees. We will continue to consult with experts in other agencies including the CDC and General Services Administration (GSA).

Face Masks and Physical Distancing

All SSA employees, contractors, visitors and members of the public will be required to wear masks, regardless of their asserted vaccination status, except where contrary to law or addressed under the relevant reentry MOU.

SSA will notify individuals of the following safety measures through signage in SSA facilities and on the SSA webpage.

Vaccinated Individuals

Fully vaccinated employees generally do not need to physically distance, except where required by Federal, State, local, Tribal, or territorial laws, rules, or regulations.

Not Fully Vaccinated Individuals (or who decline to disclose vaccination status)

Employees, contractor employees, and visitors, who are not fully vaccinated (or who decline to provide vaccination status) and all individuals seeking a public benefit or service who are admitted to an SSA facility must maintain a distance of at least six feet from others at all times and wear a mask, except where prohibited by Federal, State, local, Tribal, or territorial

laws, rules, or regulations.

Mask Guidelines

For individuals who are required to wear a mask:

- Appropriate masks will be worn consistently and correctly (over mouth and nose). [CDC recommends](#) the following: disposable masks, masks that fit properly (snugly around the nose and chin with no large gaps around the sides of the face), masks made with breathable fabric (such as cotton), masks made with tightly woven fabric (i.e., fabrics that do not let light pass through when held up to a light source), masks with two or three layers, and masks with inner filter pockets. SSA will not allow novelty or non-protective masks, masks with ventilation valves, or face shields as a substitute for masks.
- SSA will provide exceptions consistent with CDC guidelines, including, but not limited to, when an individual is alone in an office with floor to ceiling walls and a closed door, or for a limited time when eating or drinking and maintaining distancing in accordance with CDC guidelines.

Exceptions to the Face Mask Policy

Exceptions to the face mask policy include visitors or individuals seeking a public benefit or service under 2 years old. When scheduling the appointment, if the visitor or individual seeking a public benefit or service is required to wear a face mask pursuant to agency protocols but reports being unable to wear a face mask, management will make alternative service plans (e.g., telephone service, contactless document drop off) and consult with the Medical Office (MO) for guidance, as necessary.

Masked individuals may be asked to lower their masks briefly for identification purposes in compliance with safety and security requirements.

If an employee reports being unable to wear a face mask due to a medical or religious reason, the manager will review the instructions in the management COVID-19 FAQ and engage in the reasonable accommodation process.

Testing

After a workplace exposure, SSA will refer employees to [Community-based Testing Sites for COVID-19](#) for testing. Employees will be tested on duty time at no cost to the employee. Employees and contractor employees who are fully vaccinated and have had close contact with someone with suspected or confirmed COVID-19 will get tested 5-7 days after exposure, even if they do not have symptoms.

Contact Tracing

In coordination with the COVID-19 Coordination Team, our MO receives reports of possible in-office exposures and directs management about next steps including enhanced cleaning and notifications, when applicable. The MO will continue to work with public health departments concerning contact tracing and will work with management to issue notifications, when appropriate. With any notification, we protect the confidentiality of personal medical information consistent with Federal, State, and local privacy and confidentiality laws and regulations.

Travel

SSA employees will adhere strictly to [CDC guidelines](#) before, during, and after travel.

The agency has made employees aware through a FAQ that official or personal travel may result in a mandatory quarantine before they are allowed to return to the workplace. Employees may be allowed to telework, provided with weather and safety leave if they traveled for official reasons and portable work is not available, or request personal leave if they traveled for personal reasons and portable work is not available. If an employee refuses to quarantine or refuses to take personal leave while under mandatory quarantine after personal travel, SSA may elect to bar the employee from the workplace for the safety of others.

For employees who are fully vaccinated, there are no Government-wide restrictions on travel (although internal [SSA travel policies](#) still apply).

For employees who are not fully vaccinated or decline to provide information on their vaccination status, SSA will observe the following guidance, unless it is contrary to an accommodation to which an employee is legally entitled. Official domestic travel for such employees should be limited to only necessary mission-critical trips, and must be approved by the employee's Deputy Commissioner. This authority is further delegable to Associate Commissioners and Regional Commissioners. International travel should also be avoided, if at all possible, unless it is mission critical, and must be approved by the Chief of Staff. The cost of testing required for official travel can be claimed in a travel voucher as a Miscellaneous Expense under agency travel policies.

Meetings, Events, and Conferences

SSA will avoid hosting in-person meetings, conferences, or events that will be attended by more than 50 participants, unless the event is mission-critical for the public benefit (e.g., enumeration, disaster relief). When unavoidable, regardless of whether participants include members of the public, the Commissioner, in consultation with the COVID-19 Coordination Team, must approve the event. The Chief of Staff or designee must approve an SSA employee's attendance at a conference attended by more than 50 individuals.

In-person attendees at any meetings, conferences, and events hosted by SSA, regardless of size, must be asked to provide information about vaccination status. In requesting this information, SSA will comply with any applicable Federal laws, including requirements under the Privacy Act and the Paperwork Reduction Act. In-person attendees who are not fully vaccinated or decline to provide information about their vaccination status must provide proof of a negative COVID-19 test completed no later than the previous 3 days and comply with masking and

physical distancing requirements for individuals who are not fully vaccinated consistent with the requirements for visitors in the Face Masks and Physical Distancing section above.

Individuals who fail to comply with these requirements may not be permitted to attend. In-person attendees must wear a mask in public indoor settings regardless of vaccination status.

Symptom Monitoring and Screening

If SSA employees, contractor employees, visitors, or individuals seeking a public service or benefit have [symptoms consistent with COVID-19](#), they will not enter an SSA facility. They will also be required to screen for exposures and comply with any CDC guidance related to quarantines or testing after travel.

SSA employees and contractor employees working onsite will regularly complete self-screening. Visitors and individuals seeking a public service or benefit will be asked to follow posted signage to complete symptom screening before entering an SSA facility.

Any individual, regardless of vaccination status, who develops any symptoms consistent with COVID-19 during the workday must immediately isolate, notify a supervisor, and promptly leave the workplace. Supervisors may contact the MO for advice.

Quarantine, Isolation and Steps Following Exposure to Someone Suspected or Confirmed COVID-19

Any individual with a suspected or confirmed case of COVID-19 will be advised to isolate, pursuant to CDC guidelines.

Employees and contractor employees who have had a close contact with someone who has tested positive for COVID-19 will follow [CDC](#) and State, local, and Tribal guidance for quarantine.

If an employee is subject to isolation due to being infected with COVID-19 and is unable to telework, the employee may request personal leave (e.g., sick leave, annual leave, credit hours).

Confidentiality and Privacy

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing and symptom monitoring, will be treated in accordance with applicable laws and policies on confidentiality, privacy, and the security of information technology. Positive tests will be recorded for the OSHA Illness and Injury Log when appropriate. Managers may consult the MO on questions about medical information or concerns. Questions about legal authority to share medical information internally or externally may be directed to Office of the General Counsel (OGC), Office of General Law. When submitting questions to the MO or OGC, managers must exclude identifying information about individuals unless the MO or OGC requests it.

Workplace Operations

Occupancy

SSA may establish occupancy limits for specific offices as a means of facilitating physical distancing, depending on factors like vaccination status, public access, and mission requirements.

Environmental Cleaning

SSA will ensure regular cleaning of common use, high-touch, and high-density spaces, such as lobbies, restrooms, elevators, and stairwells. Office space that is in regular use will be cleaned regularly, and in accordance with CDC guidelines. Wipes and other Environmental Protection Agency-approved disinfectants will be made available for use by individuals to wipe down workstations and related personal property. Physical barriers, such as plexiglass shields, may be installed, where appropriate.

In the event of a suspected or confirmed case of COVID-19 in the workplace, SSA will ensure enhanced environmental cleaning of the spaces that the individual occupied or accessed in accordance with [CDC](#) and, where applicable, GSA guidance.

The Office of Budget, Finance, and Management or Office of Operations, in coordination with the COVID-19 Coordination Team and the MO, will determine the appropriate scope of workplace closures needed—in some cases, it may be a suite or individual offices or part of a floor, in other cases, it may include an entire building.

Hygiene

Hand sanitizer will be readily available throughout workspaces. Hand sanitizers will contain at least 60 percent alcohol and be manufactured in accordance with the requirements of the U.S. Food and Drug Administration (FDA). Ingredients will be listed on a “Drug Facts” label. SSA will ensure the hand sanitizer is not on the FDA’s do not use list.

Ventilation and Air Filtration

SSA will consider modifications to ventilation systems in accordance with [CDC guidance](#), especially as facility population density increases. To the extent feasible, indoor ventilation will be optimized to increase the proportion of outdoor air and improve filtration. SSA will consider deploying portable high-efficiency particulate air (HEPA) purifiers for closed areas with public traffic like hearing rooms and higher-risk spaces.

Appendix 2: Telework eligibility for certain specific positions

	Position	Position Description Number	Number of Telework Days During Evaluation – Weekly (unless otherwise specified)
OARO/AO	Mail/file clerks		3 days
OARO/AO	Reprographics staff		2 days
OBFM	HQ Network Support Team		4 days
OBFM/OSEP	Watch Staff		0
	Locksmiths		0
	Fire Techs		0
	Parking and Credentialing		2 days
OBFM/OFLM/ OBM	Electricians and Supervisors/Leaders		0
	Construction and Maintenance Foreman		0
	Maintenance and Repair Supervisor		0
	Custodial Worker		0
	Heavy Mobile Equipment Mechanic		0
	Carpenters		0
	Lead AV Specialist		0
	Maintenance Mechanic		0
	Pipefitters		0
	Utility Systems Repair Operators and Supervisors		0
OBFM/OFLM/OMLM	Freight Rate Specialists		0
	Materials Handlers		0
	Auto Workers		0
	Motor Vehicle Operators		0
	Transportation Specialist		0
	Reader Assistant ⁴		0
	Control Clerk (duplicating)		0
	Printing Tech (duplicating)		0
	Lithographic Worker (duplicating)		0
	Management Analysts (see exceptions below)		4 days
	Distribution Facilities Specialist		4 days
	Supervisory Distribution Facilities Specialist (Division Director)		4 days
	Inventory Management Specialist		4 days

⁴ Depends on telework schedule of the Employee with Disability

	Lead Inventory Management Specialist		4 days
	Team Leader (Personal Property)		3 days
	Management Analysts (Personal Property)		3 days
	General Supply Specialists		3 days
	Supervisory Management Analyst (Braille Supervisor)		3 days
	Transportation Officer		2 days
	Deputy Transportation Officer		2 days
	Braille Technician		2 days
	Management Analyst (Duplicating)		2 days
	Supervisory Distribution Facilities Specialist (Warehouse and Loading Dock Supervisors)		1 day
	Mail and Duplicating Operations Specialist (Duplicating Supervisor)		1 day
OCOMM	Correspondence Policy and Procedures Analyst	1F0610 1F1320	4 days
	Electronic Support Staff	07C101S 01D2330	4 days
OHO	Hearing Office Management		3-4 ⁵ days
	Hearing Office Support Staff		3-4 ⁴ days
	Hearing Office Systems Administrators		3-4 ⁴ days
	Administrative Law Judges		3-4 ⁴ days
	Decision Writers		5 days
OHR	Readers ⁶		
	Assistants ⁶		
Operations	Some Employees Ineligible for Telework ⁷		0
	Field Office – All Eligible Employees		2 days
	TSC – All Eligible Employees		4 days
	WSU – All Eligible Employees		4 days
	DPB/DPU – All Eligible Employees		4 days

⁵ Based on in-office service needs, to include in-person hearings.

⁶ Depends on telework schedule of the Employee with Disability

⁷ See list of Operations employees ineligible for telework in Appendix 3.

	PC		4 days
Systems	Computer Assistant	6D0540	0
	Data Centers (eVault, SSC, NSC)	08C1680 00E1250 07C2020	1-2 days
	Print Mail Facility	02D1400 07D0810 00C3310 01D1100	3 days

Appendix 3: List of Operations employees ineligible for telework

Position Title	Grade	Position Number	Region	Component	Incumbents
Accounting Technician	07	95S49	New York	04 MOS	1
Admin Asst (OA)	06	39B87	Kansas City	05 PSC	1
Air Condn Equip Mech	10	39T14	San Francisco	04 MOS	1
Cash Clerk	04	3C341	OCO	05 PSC	1
Claims Assistant	05	94L36	San Francisco	02 TSC	7
Claims Assistant (OA)	05	95U19	New York	05 PSC	2
Claims Assistant (OA)	05	98K95	Dallas	02 TSC	2
Comp Oper Team Leader	09	28A28	OCO	05 PSC	3
Control Clerk	04	38A46	Atlanta	05 PSC	1
Control Clerk	03	39930	San Francisco	05 PSC	2
Custodial Work Inspec	08	92B05	Chicago	04 MOS	1
Dvpmt & Suprt Exmnr	05	5C546	OCO	05 PSC	45
Electrician	10	39T13	San Francisco	04 MOS	1
Enum&Fin Supervisor	07	9E148	OCO	05 PSC	2
Erngs Dvpmt&Rtv1 Clk	05	7B015	OCO	05 PSC	3
Erngs, Fin&Enum Clk	05	7B205	OCO	05 PSC	8
File Clerk	03	37253	New York	05 PSC	1

MEMORANDUM OF UNDERSTANDING

This is a Memorandum of Understanding (MOU) by and between the Social Security Administration (SSA), Office of Hearings Operations (OHO), (hereinafter referred to as the "Agency," "OHO," or "Management"), and the Association of Administrative Law Judges, International Federation of Professional and Technical Engineers, AFL-CIO (hereinafter referred to as "AALJ" or "Union") and collectively referred to as the "Parties."

The purpose of this MOU is to address substantial changes in the bargaining unit judges' conditions of employment concerning Administrative Law Judges (ALJs) reentry to the workplace and Workplace Safety Plan 2.0 (WSP 2.0). Since March of 2020, ALJs have worked remotely under the Agency's Work at Home by Quarantine policy and have only conducted telephonic or online video hearings (OVH).

Section A. Reporting to the Worksite

1. During the reentry period associated with this MOU, ALJs will be required to report to their Permanent Duty Site ("worksite") only on days when the ALJ is scheduled to hold in-person hearings. In-person hearing days will not be mixed with hearings that can be conducted remotely without the prior approval of the ALJ.
2. ALJs may voluntarily report to the worksite to conduct other hearings, including Online Video Hearings (OVH) and telephonic hearings, at their own discretion. An ALJ will typically hold such hearings from the ALJ's office so long as the office is fully equipped for such hearings. If the ALJ's office is not suitable for holding remote hearings, or the ALJ wishes to use other space, the ALJ may coordinate with management on the use of an available hearing room or other suitable space for conducting a remote hearing. Unless a manager will be present and serving as Officer-In-Charge (OIC), the ALJ will serve as OIC and comply with OIC policy and procedures.
3. ALJs may voluntarily report to the worksite on non-hearing days at their own discretion, unless a local evacuation order necessitates remote work, enhanced restrictions are in place due to a confirmed COVID-19 infection in the hearing office, or the office is closed for other reasons. Unless a manager will be present and serving as OIC, the ALJ will serve as OIC and comply with OIC policy and procedures.
4. ALJs who report to the worksite to conduct hearings can, at their own discretion, work the entire day at the worksite or choose to complete the remainder of their workday at their Alternative Duty Station ("ADS"). Travel time between the worksite and ADS is non-duty time.
5. During the reentry period, an ALJ's ADS is not restricted by its distance from the worksite. The Agency is not responsible for any per diem or travel costs between an ALJ's ADS and the worksite. ALJs will hold in-person hearings at the ALJ's assigned

worksite as part of their normal hearing schedule.

6. ALJs will report to the worksite to resolve ID badge/credential or technology issues that cannot be resolved remotely. The ALJ and local management team will arrange a specific date and time for the ALJ to come to the worksite, including allowing the ALJ sufficient time to make travel arrangements if needed. To the extent practicable, any credential issues will be addressed on days when the ALJ is scheduled to be in the office to conduct hearings.
7. All ALJs will be allowed to telework under the terms of this MOU so long as the ALJ is not subject to a limiting condition under the Telework Enhancement Act of 2010, 5 U.S.C. § 6502(a)(2).
8. ALJs who use Agency equipment at the ALJ's ADS will be allowed to keep this Agency equipment at the ADS during the time period covered by this MOU.

Section B. Health and Safety for Hearings

1. OHO will make hand sanitizer and disposable masks available to all claimants prior to entering the local hearing office. With the exception of an adult accompanying a child to a hearing for the purpose of obtaining child disability benefits or individuals requiring special assistance or accommodations, no one other than a claimant scheduled for an in-person hearing and the claimant's representative will be allowed to enter the hearing room. Any claimant, contractor, or other visitor who enters the hearing office will be required to wear a mask as described by the CDC (currently available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>).
2. OHO will ensure that all contractors and visitors to a hearing office are properly screened as follows before entering the hearing office:
 - a. They have been advised of the need to self-screen that they have not experienced any possible COVID-19 symptoms;
 - b. They will be advised to self-screen for fever and other symptoms and about the safety protocols applicable to their vaccination status during the hearing scheduling process and upon arrival via signage.
3. Signage will be posted at the hearing office entrance, by the check-in windows, and in the waiting room reminding all visitors to a hearing office that they are required to wear a mask at all times. Office staff working the check-in windows will remind all visitors to the office that they must wear a mask at all times. Signage will be posted at the entrance to every hearing room about the need to properly wear a mask (i.e. over the mouth and nose).

4. Consistent with 20 CFR 404.936 and 20 CFR 416.1436, an ALJ may adjourn a hearing that is in progress and continue it at a later date. Nothing in this MOU will be construed to restrict an ALJ's right to postpone or adjourn a hearing. If a claimant in a hearing room continues to refuse to properly wear a mask while in a hearing room after reasonable warning from staff and/or the ALJ, the ALJ has the right to postpone the remainder of the hearing and direct the claimant to leave the hearing office immediately. If a contractor or other hearing participant such as a representative refuses to properly wear a required mask in a hearing room after reasonable warning, the ALJ may stop the hearing and reschedule it.
5. Any individual, regardless of vaccination status, who displays any symptoms consistent with COVID-19 while in a hearing room must promptly leave the hearing office. If the individual is a claimant or other essential party to the hearing, the ALJ shall adjourn and/or postpone the hearing.
6. Visitors and contractors will be advised to refrain from eating or drinking while in the hearing rooms, unless they have a medical need to do so.
7. In each hearing room where there is more than one person, protective barriers such as splash screens made of plexiglass will be installed at the ALJ bench and at each participant area.
8. While in the hearing room, all participants to a hearing will be placed at a distance from one another as recommended by the CDC, currently no less than six feet apart, or whatever distance the CDC recommends in the future. Appropriate distancing markings shall be placed by the Agency to clearly identify appropriate spacing.
9. CDC suggested cleaning supplies (e.g., hand sanitizer, disinfectant cloths, protective gloves, and individual tissue boxes) will be available in each hearing room.
10. Upon request, each ALJ will be given a protective plastic face shield that is intended for use by the ALJ during in-person hearings. Wearing the protective plastic face shield is at the election of the judge during the hearings and does not substitute for the requirement to wear a face mask when unvaccinated or when CDC guidance or local conditions require it.
11. The Agency will include a COVID-19 Procedures Notice when giving claimants notice of an in-person hearing. As soon as practicable, the COVID-19 Procedures Notice will be revised to be consistent with this MOU and the WSP 2.0. Prior to in-person hearings being scheduled for bargaining unit ALJs, the Agency will revise the webpage hyperlinked in the Notice to include the requirement that all hearing participants wear appropriate face coverings.
12. Prior to reentry to the workplace by any bargaining unit ALJ, a representative of the

AALJ will be given access to the hearing office so that the AALJ representative can conduct a walk-through of the hearing office to ensure compliance with this MOU and the WSP 2.0.

13. The Agency will continue to have security guards remind visitors of self-screening requirements and to wear face coverings prior to entering the office. If the visitors indicate they do not meet these criteria for entry, they will be instructed to leave and contact the Agency.

Section C. Reasonable Accommodations and COVID-19 Infections

1. The Agency recognizes that employees may need accommodation during and after the re-entry process. The Agency will expedite processing of reasonable accommodation (RA) requests related to re-entry and WSP 2.0 (including new telework schedules). The RA process will not be curtailed at any step (e.g., interactive process), nor will RA requests be denied, to meet arbitrary deadlines or reentry dates. Employees with pending RA requests related to re-entry and WSP 2.0 (including new telework schedules) will not be required to return to the official duty station until the request is resolved.
2. If an ALJ develops COVID-19 following exposure at the worksite, the ALJ's leave request will be approved consistent with Agency policy or the ALJ shall be allowed to work from the ALJ's ADS until it is safe for the ALJ to resume in-person hearings. Nothing in this MOU limits an ALJ's ability to submit a workers compensation claim under the Federal Employee's Compensation Act.
3. If an ALJ has a known exposure to COVID-19 outside of the worksite, or an ALJ is required to quarantine as a result of travel, the ALJ shall work from the ALJ's ADS for the quarantine time required by CDC guidelines and/or local and state health orders, whichever is longer. During this time period, all in-person hearings will be rescheduled or converted to a type of hearing that the ALJ can conduct from the ALJ's ADS.
4. If an ALJ is diagnosed with COVID-19, the ALJ shall work from the ALJ's ADS for up to the isolation time required by CDC guidelines and/or local and state health orders, whichever is longer. During this time period, all in-person hearings will be rescheduled or converted to a type of hearing that the ALJ can conduct from the ALJ's ADS.
5. If an ALJ has a dependent subject to COVID-19 restrictions, to include but not limited to a school closure or quarantine due to a known exposure, the ALJ will be permitted to telework until the dependent's restrictions are no longer required. During this time period, all in-person hearings will be rescheduled or converted to a type of hearing that the ALJ can conduct from the ALJ's ADS. The ALJ will also be offered maximum flexibility to complete

the ALJ's work duties while also caring for the ALJ's dependent, and the ALJ's leave request will be approved consistent with Agency policy to meet the ALJ's dependent care requirements.

6. On a biweekly basis, the Agency will provide the AALJ President or designee a report of the number of all known COVID-19 cases and exposures at all hearing offices that are open to the public, nationwide. This report will include the date of the case or exposure, the hearing office where it occurred, and the number of hearings impacted by the case or exposure. This report will not include any personally identifiable information (PII) such as the name of the employee, manager, or claimant. To ensure PII is not included, this report may be redacted when the Agency determines that information could lead to identification of or jeopardize the privacy of any individual.
7. The Agency will continue to work with public health departments concerning contact tracing and will work with management to issue notifications when appropriate and consistent with guidance from OSHA (currently found at <https://www.osha.gov/sites/default/files/publications/OSHA4131.pdf>). With any notification, the Agency will protect the confidentiality of personal medical information consistent with Federal, State, and local privacy and confidentiality laws and regulations. Any individual with a suspected or confirmed case of COVID-19 will be advised to isolate, pursuant to CDC guidelines. ALJs who have had a close contact with someone who has tested positive for COVID-19 will follow CDC and State, local, and Tribal guidance for quarantine.

Section D. Environmental Cleaning

1. Cleaning of high touch areas, including shared equipment, shall be consistent with CDC and GSA cleaning protocols and shall be the responsibility of the Agency.
2. Hand sanitizer, cleaning supplies, and protective gloves will be available at each common equipment site.
3. The Agency is responsible for the cleaning of the common areas, hearing rooms, and the high touch areas consistent with CDC and GSA guidance (currently available at <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>). In addition, cleaning supplies will be provided to users (including claimants) to wipe down high touch and common areas.
4. The Agency will follow the GSA and CDC guidance for spaces occupied by an individual with a suspected or known COVID-19 case within the hearing office (currently available at <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>).

Section E. Ventilation and Filtration

1. The Agency will request that GSA verify that building ventilation systems for hearing offices are cleaned and operating in compliance with the lease.
2. The Agency is responsible for ensuring ventilation systems operate properly and provide acceptable indoor air quality in accordance with the lease. The Agency shall provide all test results to the designated Union officials and conduct investigations and inspections when required consistent with Article 23, Section 6 of the parties' collective bargaining agreement.
3. Each hearing room and reception area used during the reentry period shall be equipped with a portable high-efficiency particulate air (HEPA) fan/filtration system.
4. Management will make arrangements for proper cleaning and maintenance of the HEPA systems in accordance with the manufacturer's recommendations and specifications. The Agency shall provide evidence of this cleaning and maintenance to AALJ representatives upon request.

Section F. Scheduling

1. For the first 30 days of the reentry period, initial scheduling of in-person hearings shall be done on a strictly voluntary basis. No bargaining unit ALJ shall be required to go into a hearing office for in-person hearings unless there is an insufficient number of ALJs who volunteer to hear the in-person cases. During these first 30 days, an ALJ who does not volunteer to hear in-person cases will agree to a reassignment of any cases in which a claimant is requesting an in-person hearing.
2. After this initial 30 days of the reentry period, all ALJs will cover in-person hearings consistent with the provisions of this MOU.
3. Consistent with 20 CFR 404.938 and 416.1438, all in-person hearings contemplated under this MOU will be scheduled with at least 75 days' notice to the claimant and the ALJ. No in-person hearing will be scheduled with less than 75 days' notice without prior approval of the ALJ assigned to the case.
4. No in-person hearing contemplated under this MOU will be backfilled into an ALJ's existing hearing calendar without the written approval of the ALJ. No previously scheduled telephonic or online video hearing will be changed to an in-person hearing without the written approval of the ALJ.

Section G. Duration

1. Consistent with OPM guidance, ALJs will be given a minimum of 30 days' notice before the Agency implements its reentry plans. This required 30 days' notice shall not be given prior to

the execution by all parties of this MOU. The reentry period covered by this agreement will last no fewer than six months from the date of reentry given to the ALJs.

2. If warranted, the Agency may choose to extend the reentry period covered by this MOU. If the Agency takes such action, the Agency will provide the Union with at least 30 days' notice of this decision. This notice will include the amount of time by which the Agency will extend the reentry period. Any extensions of the reentry period will be for a minimum of 60 days.
3. If the Agency does not wish to extend the reentry period, the Agency will provide the Union with at least 45 days' notice of its intent to terminate the reentry conditions covered by this MOU. The Agency agrees to bargain this change as required by 5 U.S.C. Ch. 71 and further agrees not to terminate the reentry period until such time as the parties comply with their bargaining obligations, to include resolution by the Federal Service Impasses Panel if required.
4. In order to assist the parties in forming future plans for the hearing process, on a monthly basis, the Agency will provide to the AALJ President or designee a report with the number of in-person hearings scheduled, the number of virtual hearings scheduled, and the percentage of in-person and virtual hearings that were conducted for the relevant time period. This report should include information on the national, regional, and individual hearing office levels.

Section H. Implementation of this MOU

1. This MOU will be effective upon completion of Agency Head Review (AHR) as set forth in 5 USC 7114(c). If upon AHR, any portion of this MOU is disapproved, the parties will renegotiate the entire MOU in accordance with 5 USC Ch. 71 and the National Agreement.
2. The Agency will provide a copy of this MOU to the AALJ President within 10 days of approval by the Agency Head and will post a copy of this MOU to the OLMER website within ten (10) days after Agency Head Approval.
3. This MOU does not, and is not intended to, limit the scope of any reasonable accommodation an ALJ may be entitled to under the ADA and the Rehabilitation Act.
4. This MOU concerns pre-implementation bargaining. Accordingly, the Agency will ensure that this MOU is fully implemented prior to any bargaining unit member ALJs returning to the office to hold in-person hearings.

FINAL
1/14/22

For the Agency:

Eddie Taylor

/s/ Eddie Taylor

John Kuhn

/s/ John Kuhn

Brian Saame

/s/ Brian Saame

For the Union:

Som Ramrup

/s/ Som Ramrup

Nathaniel Plucker

/s/ Nathaniel Plucker

Kenton Fulton

/s/ Kenton Fulton

From: (b) (2)
Subject: Scheduling In-Office Hearings--INFORMATION
Date: Thursday, March 24, 2022 3:00:30 PM
Attachments: [image001.png](#)



SOCIAL SECURITY

MEMORANDUM

Date: March 24, 2022
To: All Hearings Operations Managers

From: Patrick Nagle /s/
Chief Administrative Law Judge

Subject: Scheduling In-Office Hearings--INFORMATION

The Acting Commissioner set the agency's reentry date for March 30, 2022. The Office of Hearings Operations (OHO) will offer limited in-person hearings throughout the remainder of fiscal year 2022. Management administrative law judges (ALJ) began conducting limited in-person hearings in March.

To ensure that we remain flexible enough to adjust to evolving COVID-19 conditions and maximize available hearing rooms for all service-delivery channels [e.g., telephone, online video hearing (OVH), video teleconference (VTC), and in-person] this information provides a framework and necessary steps for the resumption of in-person hearings. The agency will continue to monitor COVID-19 conditions and will determine if evolving conditions warrant any changes to this scheduling plan. We will provide additional details as we work through this transition.

Resumption of Limited In-Person Hearings Framework

May, June, July: Hearing offices may utilize a maximum of 50% of available hearing rooms in a hearing office per day. This calculation includes individuals participating in a VTC hearing. ALJs may be scheduled for a maximum of six (6) in-person hearings per day, being mindful of keeping enough time between hearings to allow for cleaning and to allow for appropriate distancing in the reception area.

August, September: Hearing offices may utilize 66% (two-thirds) of available hearing rooms per day for in-person hearings and there will be no limitation on the number of in-person-hearings held per day.

In-Person Hearings: Guidelines

- Hearing Offices are only required to be open to the public on days/times in-person hearings are conducted. Hearing offices should be prepared to assist members of the public (e.g. dropping off medical evidence or other paperwork) on days/times when the office is open for in-person hearings. A guard must be on-site during these days/times.
- All visitors to the Hearing Office are subject to the COVID-19 protocols and screening questions posted on the Hearing Office door and provided in the COVID-19 protocols notice insert.

- Consistent with Memoranda of Understanding between the agency and AFGE/IFPTE/NTEU, employees may choose to work in the hearing office on days when no in-person hearings are scheduled. An officer-in-charge or manager must be onsite whenever employees are working in the office.

In-Person Hearings: Scheduling Factors and Considerations

Hearing Office Chief Administrative Law Judges (HOCALJs) and hearing office management teams need to take extra steps to ensure proper planning and scheduling during our resumption of in-person hearings:

1. The Offices of the Chief Administrative Law Judge and Budget, Facilities and Security will provide each Region with a list of priority cases to schedule for in-person hearings. Hearing offices and centralized scheduling units (CSUs) will only schedule in-person hearings from the priority lists provided to the Regions.
2. ALJs will provide hearing availability calendars consistent with normal office procedures. ALJs may not specify certain days as “in-person,” “remote,” or “mixed” on their availability calendars. Ultimately, HOCALJs will determine “in-person” days in consultation with ALJs and balance the various factors addressed herein.
3. **HOCALJs should ensure that ALJs are available for *at least one (1) day of in-person hearings per week* (or monthly equivalent, *i.e.*, two (2) days of in-person hearings every other week, etc.).^[1]**
 - a. HOCALJs should ensure that all ALJs in the hearing office are equally sharing the workload of in-person hearings to ensure proper rotation of cases and avoid issues such as forum shopping.
 - b. In-person hearings will not take any priority over other hearing modalities such as telephone, OVH, or VTC. The goal is to serve claimants via all available modalities.
 - c. ALJs must provide sufficient availability during the month to address all hearing modalities.
 - d. **IMPORTANT:** If an ALJ conducts 4 or 5 days of in-person hearings during a single week and will be working in their alternate duty station (ADS) the balance of that month, there may be locality pay implications if the ALJ is residing or working in an ADS outside of the locality-pay area of the hearing office. If residing outside of the locality pay area or working in an ADS outside of the locality pay area, an employee must be scheduled to report to the Hearing Office (permanent duty station) at least twice per pay period in order to retain locality pay. Contact your Regional Attorney if you have questions regarding this issue.
4. HOCALJs should follow the normal process of applying ALJ seniority to determine which ALJ will utilize hearing rooms on a given day *if* there are conflicts for available hearing rooms, based upon the schedules submitted. HOCALJs will advise ALJs, as necessary, if they need to provide alternate hearing days, to ensure effective utilization of hearing rooms in accordance with the limitations noted above.
5. HOCALJs should determine if ALJs are willing to hear a mix of “in-person” and “remote” (*i.e.*, telephone, OVH, VTC) hearings on submitted hearing days—which will facilitate greater flexibility in filling dockets. This choice is up to the ALJ under [Section A. 1. of the MOU](#) between the Association of Administrative Law Judges and OHO, so management cannot mandate this or in any way pressure ALJs to do so.

- a. If an ALJ agrees to “mixed hearing days,” then available hearing days could be utilized for a combination of remote hearings and in-person hearings on a given day.
 - b. If an ALJ does not agree to “mixed hearing days,” then available hearing days will be utilized only for one hearing modality (e.g., all in-person or all remote hearings) on a given day.
6. **For in-person hearings taking place 6/23/22 forward, the CSUs will be responsible for scheduling all hearing modalities.**
- a. Management (to include Hearing Office Coordinator) will communicate ALJ “in- person” days to the CSU for hearings to be scheduled beginning 6/23/22.
 - b. Management (to include Hearing Office Coordinator) should provide the Hearing Room number for each ALJ in-person day, as well as indicating if the ALJ is available for “mixed” hearings, to the CSU.
7. Consistent with [Section A.2 of the MOU between the agency and IFPTE](#), ALJs may choose to work from the hearing office on days when they are conducting remote hearings, or no hearings at all. If management authorizes an ALJ or video hearing reporter to use a hearing room to conduct remote hearings (i.e., telephone, OVH, VTC), they will not count as occupying a hearing room for purposes of the 50% or 66% in-person utilization limitation for the time-period noted above.
8. Unused hearing rooms can be utilized by claimants for OVH or traditional VTC hearings. If a claimant is scheduled to use a hearing room to participate in a remote hearing (i.e., OVH or VTC), this **will** count as a utilized hearing room for purposes of the 50% or 66% hearing room utilization limitation for the time-period noted above. **If a claimant is scheduled to use a hearing room for OVH, VTC, or a folder review, on a day when the office is not conducting in-person hearings, management must ensure a guard and appropriate staff are on-site.**
- a. OESSI is exploring solutions to allow claimants to utilize agency equipment for OVH hearings at the hearing office. Though this will likely be a rare occurrence, please reach out to your Regional ITS for assistance on a case-by-case basis.

Your support and patience are appreciated as we return to in-person hearings. These precautions will provide for social distancing and avoid crowding in hearing office spaces, safety of employees and the public, and provide multiple service modalities for claimants.

Please forward questions through your local management chain. Regional office staff may direct questions to (b) (2)

cc: Regional Office Management Team

(b) (2)

[\[1\]](#) As a reminder, HOCALJs should timely process any reasonable accommodation requests, including those which would delay an ALJ's ability to return to in-office hearings. HOCALJs should work with their local Reasonable Accommodation Coordinators to process those requests.

From: (b) (2)
Subject: Scheduling In-Office Hearings--INFORMATION
Date: Thursday, March 24, 2022 11:59:05 AM
Attachments: [image001.png](#)

To all ROMTs - This message will be sent to all Hearings Operations Managers later today.



SOCIAL SECURITY

MEMORANDUM

Date: March 24, 2022
To: All Hearings Operations Managers

From: Patrick Nagle /s/
Chief Administrative Law Judge

Subject: Scheduling In-Office Hearings--INFORMATION

The Acting Commissioner set the agency's reentry date for March 30, 2022. The Office of Hearings Operations (OHO) will offer limited in-person hearings throughout the remainder of fiscal year 2022. Management administrative law judges (ALJ) began conducting limited in-person hearings in March.

To ensure that we remain flexible enough to adjust to evolving COVID-19 conditions and maximize available hearing rooms for all service-delivery channels [e.g., telephone, online video hearing (OVH), video teleconference (VTC), and in-person] this information provides a framework and necessary steps for the resumption of in-person hearings. The agency will continue to monitor COVID-19 conditions and will determine if evolving conditions warrant any changes to this scheduling plan. We will provide additional details as we work through this transition.

Resumption of Limited In-Person Hearings Framework

May, June, July: Hearing offices may utilize a maximum of 50% of available hearing rooms in a hearing office per day. This calculation includes individuals participating in a VTC hearing. ALJs may be scheduled for a maximum of six (6) in-person hearings per day, being mindful of keeping enough time between hearings to allow for cleaning and to allow for appropriate distancing in the reception area.

August, September: Hearing offices may utilize 66% (two-thirds) of available hearing rooms per day for in-person hearings and there will be no limitation on the number of in-person-hearings held per day.

In-Person Hearings: Guidelines

- Hearing Offices are only required to be open to the public on days/times in-person hearings are conducted. Hearing offices should be prepared to assist members of the public (e.g. dropping off medical evidence or other paperwork) on days/times when the office is open for in-person hearings. A guard must be on-site during these days/times.
- All visitors to the Hearing Office are subject to the COVID-19 protocols and

screening questions posted on the Hearing Office door and provided in the COVID-19 protocols notice insert.

- Consistent with Memoranda of Understanding between the agency and AFGE/IFPTE/NTEU, employees may choose to work in the hearing office on days when no in-person hearings are scheduled. An officer-in-charge or manager must be onsite whenever employees are working in the office.

In-Person Hearings: Scheduling Factors and Considerations

Hearing Office Chief Administrative Law Judges (HOCALJs) and hearing office management teams need to take extra steps to ensure proper planning and scheduling during our resumption of in-person hearings:

1. The Offices of the Chief Administrative Law Judge and Budget, Facilities and Security will provide each Region with a list of priority cases to schedule for in-person hearings. Hearing offices and centralized scheduling units (CSUs) will only schedule in-person hearings from the priority lists provided to the Regions.
2. ALJs will provide hearing availability calendars consistent with normal office procedures. ALJs may not specify certain days as “in-person,” “remote,” or “mixed” on their availability calendars. Ultimately, HOCALJs will determine “in-person” days in consultation with ALJs and balance the various factors addressed herein.
3. **HOCALJs should ensure that ALJs are available for *at least one (1) day of in-person hearings per week*** (or monthly equivalent, *i.e.*, two (2) days of in-person hearings every other week, etc.).^[1]
 - a. HOCALJs should ensure that all ALJs in the hearing office are equally sharing the workload of in-person hearings to ensure proper rotation of cases and avoid issues such as forum shopping.
 - b. In-person hearings will not take any priority over other hearing modalities such as telephone, OVH, or VTC. The goal is to serve claimants via all available modalities.
 - c. ALJs must provide sufficient availability during the month to address all hearing modalities.
 - d. **IMPORTANT:** If an ALJ conducts 4 or 5 days of in-person hearings during a single week and will be working in their alternate duty station (ADS) the balance of that month, there may be locality pay implications if the ALJ is residing or working in an ADS outside of the locality-pay area of the hearing office. If residing outside of the locality pay area or working in an ADS outside of the locality pay area, an employee must be scheduled to report to the Hearing Office (permanent duty station) at least twice per pay period in order to retain locality pay. Contact your Regional Attorney if you have questions regarding this issue.
4. HOCALJs should follow the normal process of applying ALJ seniority to determine which ALJ will utilize hearing rooms on a given day *if* there are conflicts for available hearing rooms, based upon the schedules submitted. HOCALJs will advise ALJs, as necessary, if they need to provide alternate hearing days, to ensure effective utilization of hearing rooms in accordance with the limitations noted above.
5. HOCALJs should determine if ALJs are willing to hear a mix of “in-person” and “remote” (*i.e.*, telephone, OVH, VTC) hearings on submitted hearing days—which will facilitate greater flexibility in filling dockets. This choice is up to the ALJ under [Section A. 1. of the MOU](#) between the Association of

Administrative Law Judges and OHO, so management cannot mandate this or in any way pressure ALJs to do so.

- a. If an ALJ agrees to “mixed hearing days,” then available hearing days could be utilized for a combination of remote hearings and in-person hearings on a given day.
- b. If an ALJ does not agree to “mixed hearing days,” then available hearing days will be utilized only for one hearing modality (e.g., all in-person or all remote hearings) on a given day.

6. For in-person hearings taking place 6/23/22 forward, the CSUs will be responsible for scheduling all hearing modalities.

- a. Management (to include Hearing Office Coordinator) will communicate ALJ “in- person” days to the CSU for hearings to be scheduled beginning 6/23/22.
- b. Management (to include Hearing Office Coordinator) should provide the Hearing Room number for each ALJ in-person day, as well as indicating if the ALJ is available for “mixed” hearings, to the CSU.

7. Consistent with [Section A.2 of the MOU between the agency and IFPTE](#), ALJs may choose to work from the hearing office on days when they are conducting remote hearings, or no hearings at all. If management authorizes an ALJ or video hearing reporter to use a hearing room to conduct remote hearings (i.e., telephone, OVH, VTC), they will not count as occupying a hearing room for purposes of the 50% or 66% in-person utilization limitation for the time-period noted above.

8. Unused hearing rooms can be utilized by claimants for OVH or traditional VTC hearings. If a claimant is scheduled to use a hearing room to participate in a remote hearing (i.e., OVH or VTC), this **will** count as a utilized hearing room for purposes of the 50% or 66% hearing room utilization limitation for the time-period noted above. **If a claimant is scheduled to use a hearing room for OVH, VTC, or a folder review, on a day when the office is not conducting in-person hearings, management must ensure a guard and appropriate staff are on-site.**

- a. OESSI is exploring solutions to allow claimants to utilize agency equipment for OVH hearings at the hearing office. Though this will likely be a rare occurrence, please reach out to your Regional ITS for assistance on a case-by-case basis.

Your support and patience are appreciated as we return to in-person hearings. These precautions will provide for social distancing and avoid crowding in hearing office spaces, safety of employees and the public, and provide multiple service modalities for claimants.

Please forward questions through your local management chain. Regional office staff may direct questions to (b) (2)

cc: Regional Office Management Team

(b) (2)

[1] As a reminder, HOCALJs should timely process any reasonable accommodation requests, including those which

would delay an ALJ's ability to return to in-office hearings. HOCALJs should work with their local Reasonable Accommodation Coordinators to process those requests.