

COMMITTEE ON THE BUDGET  
COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON  
IMMIGRATION AND BORDER SECURITY  
SUBCOMMITTEE ON REGULATORY REFORM,  
COMMERCIAL, AND ANTITRUST LAW

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4707**

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March 13, 2020

Dear Attorney General Barr, Commissioner Saul, Secretaries Azar, Bernhardt, Brouillette, Carson, DeVos, Esper, Mnuchin, Perdue, Pompeo, Ross, Scalia, Wilkie and Acting Secretary Wolf:

We are writing to request that you take immediate steps to finalize and disseminate official guidance to all employees and contractors on how to best protect federal employees from COVID-19. While many workers in the private sector have already been given permission to telework and take other appropriate measures to protect their health, we continue to hear disturbing reports from federal employees who are being given inadequate guidance and not being permitted to telework or take other provisions to stay safe – even when they are members of high-risk populations.

On March 11, 2020, the World Health Organization officially declared COVID-19 a pandemic and on March 13, 2020, President Trump declared a National Emergency. As of today, there have been over 1,200 confirmed cases of COVID-19, including 33 deaths. More than half of the states in the U.S. have declared a state of emergency. Governors of many states have imposed social distancing restrictions and banned gatherings of 50 or more people.

However, federal workers across the country report that their agencies have provided them inadequate guidance on travel, telework, and safety measures. Even more disturbing, we continue to receive reports that multiple federal agencies are forcing workers to continue to come to their offices and refusing telework requests even when those workers perform jobs that can and have been done through telework. We have received reports that this is happening even when those workers are in vulnerable populations such as seniors, immune-compromised, or pregnant.

In sworn testimony this week, the American Federation of Government Employees stated that they were “extremely concerned that safety protocols have not been sufficiently communicated to the front-line workforce.”<sup>1</sup>

We therefore request that you take the following steps:

- Immediately issue guidance that does the following:
  - Allows telework for all employees and federal contractors who do not need to be physically present in order to do their jobs.

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<sup>1</sup> American Federation of Government Employees, AFL-CIO, “Statement for the Record – House Committee on Oversight, Hearing on Coronavirus Preparedness and Response” (March 11, 2020)

- Provides information about measures that may be taken to provide additional safety protections to federal workers and contractors who are in high-risk categories such as seniors, immune-compromised, or pregnant.
  - Curtails non-essential meetings, gatherings and travel until such time as the CDC has issued notice that the pandemic has been contained.
- For all workers who have not yet been set up to telework but whose jobs could be done via telework, supply those employees with necessary equipment and remote work training.
- Where telework is not possible due to the nature of the job, do the following:
  - Utilize a presumption that any employee who becomes sick with COVID-19 contracted that illness at work in order to ensure that the Federal Employees Compensation Act is triggered.
  - Provide all employees with rapid, no-cost COVID-19 testing.
  - Provide clearly tailored guidance to employees.
  - Ensure that all employees in positions of increased exposure have access to preventative equipment and gear.
- All guidance issued by your agency to federal employees must be issued publicly on the websites of both agencies and disseminated immediately to all employees.
- Your agencies must immediately, as part of this guidance, make it clear that no federal employee shall be subject to retaliation for requesting telework, sick leave, personal protective equipment, or for raising safety and health concerns.

Given the urgency of this crisis, we ask that you provide our office with a full response within 24 hours.

As public servants, federal workers perform work in service of the public good. There are more than 700,000 federal workers who serve the public in 70 agencies across the country. It is vitally important that these workers be given clear and appropriate guidance on how to stay safe so that they may continue to serve our nation.

Thank you for your attention to this matter.

Sincerely,



Congresswoman Pramila Jayapal



Congressman Jamie Raskin



Congresswoman Rashida Tlaib