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Description of document:	Commission on Fine Arts (CFA) Return to Office Implementation Plan 2025
Requested date:	March 2025
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Source of document:	Commission on Fine Arts FOIA Request 401 F St., NW, Suite 312 Washington, DC 20001 Email: foia@cfa.gov FOIA.gov

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From: CFA FOIA Requests <foia@cfa.gov>
Cc: CFA FOIA Requests <foia@cfa.gov>
Sent: Tuesday, March 11, 2025 at 02:20:45 PM EDT
Subject: RE: New FOIA request received for Commission of Fine Arts

Pursuant to your Freedom of Information Act request (5 U.S.C. § 552) for, "A copy of all communications (such as emails or letters or directives) at the Commission of Fine Arts to or from the Office of Management and Budget (OMB) or OPM (Office of Personnel Management) between February 1, 2025 and February 16, 2025, limited to the CFA office or offices most likely to have such communication," and assigned reference number CFA 2025-12.

Per your request, for the requested time period, we are attaching a copy of the "Return to Office Implementation Plan," forwarded to the Office of Personnel Management (OPM).

The Commission of Fine Arts is an independent small agency of twelve full-time employees. It utilizes a managed Microsoft 365 service, hosted in a FedRAMP-compliant Government Community Cloud (GCC) environment. Commission staff utilizes this GCC environment and its office automation software to conduct business related to its mission of design review of public art, municipal architecture, national monuments, coins and medals and private properties located in the District of Columbia as mandated under the Shipstead-Luce and Old Georgetown Acts. Official records of agency actions may be obtained at the agency's website at <https://www.cfa.gov/records-research>. The website is hosted in a FedRAMP compliant Drupal 10 Cloud environment.

Due to the nature of the mission of the agency, these systems contain no information that may be deemed classified or sensitive.

Thank you for your interest in the Commission of Fine Arts and its activities. The foregoing determination may be appealed administratively within thirty days of the date of this letter by writing to:

The Department of the Interior
Office of the Solicitor
1849 C Street, N.W., MS-6556 MIB
Washington, DC 20240
Attn: FOIA Appeals Office;

or via email at FOIA.Appeals@sol.doi.gov. You should clearly mark your communication: "Freedom of Information Appeal."

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting

access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

The National Archives and Records Administration
Office of Government Information Services
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1 (877) 684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Agency's FOIA & Privacy Act Appeals Officer.

If you need any further assistance, you can reach us at (202) 504-2200 or foia@cfa.gov.

Sincerely,

Zakiya N. Walters
Administrative Officer
U.S. Commission of Fine Arts (CFA)
401 F Street NW, Suite 312
Washington, DC 20001
Email: zwalters@cfa.gov
Office: (202) 504-2199
Mobile: (771) 233-1249

U.S. COMMISSION OF FINE ARTS

RETURN TO OFFICE IMPLEMENTATION PLAN, February 7, 2025

Presidential Memorandum *Return to In-Person Work*, dated January 20, 2025, and OPM *Guidance on Presidential Memorandum Return to In-Person Work*, dated January 22, 2025, require that employees work full-time at their respective duty stations, unless excused due to a disability, qualifying medical condition, or other compelling reason certified by the agency head and the employee's supervisor. OPM memorandum, *Agency Return to Office Implementation Plans*, dated January 27, 2025, requires agencies to prepare implementation plans to comply with the presidential memorandum.

As directed, on January 24, 2025, the U.S. Commission of Fine Arts (CFA) notified its employees of its intent to comply with the presidential memorandum directing federal agencies to return all eligible employees to full-time in-person work. Employees were notified that all eligible employees are required to return to full-time in-person work by February 24, 2025.

AGENCY DESCRIPTION:

The Commission of Fine Arts was established in 1910 (40 U.S.C. 9101) to create a permanent agency whose members would be qualified to make available to the government expert opinion on questions of art and architecture. The Commission's mission is to safeguard and improve the appearance and symbolic significance of Washington, D.C., as the national capital city, for the benefit of the citizens of the United States and foreign visitors. Specifically, the Commission provides knowledgeable advice, as design proposals are brought before it, on matters pertaining to architecture, landscape architecture, sculpture, painting, and the decorative arts to all branches and departments of the Federal and District of Columbia governments when such matters affect the National Capital. The Commission also must approve of the site and design of all commemorative works and memorials erected in the District of Columbia.

REVISION OF TELEWORK AGREEMENTS:

CFA has reviewed its Telework Policy and revised it based on guidance provided in Presidential Memorandum *Return to In-Person Work* and OPM guidance on the presidential memorandum. CFA has reviewed the current telework agreements of all employees and has notified them to complete new telework agreements by February 24, 2025.

TIMELINES FOR RETURN TO IN-PERSON WORK:

As CFA notified OPM on January 24, 2025, the agency will be in full compliance with Presidential Memorandum *Return to In-Person Work* by February 24, 2025.

COLLECTIVE BARGAINING AGREEMENTS:

CFA does not have any Collective Bargaining Agreements and has no further action to take on this item.

**PERMANENT WORKSITES FOR ELIGIBLE EMPLOYEES CURRENTLY
TELEWORKING FULL-TIME:**

CFA has only one office, located at 401 F Street, NW, Suite 312, Washington, D.C., which is the official duty station for all employees. The agency does not currently have any employees working remotely (i.e. teleworking full-time) and has no further action to take on this item.

RISKS, BARRIERS, OR RESOURCE CONSTRAINTS:

CFA does not foresee any risks, barriers, or resource constraints that would prevent all eligible employees from returning to in-person work by February 24, 2025. As a small agency whose mission is to safeguard and improve the appearance and symbolic significance of Washington, D.C., as the national capital city, CFA does not have a reasonable justification, nor the budget resources, to establish or enter into a rental agreement for a remote office outside of Washington, D.C.

**PROCESS FOR DETERMINING EXCEPTIONS BASED ON DISABILITY, QUALIFYING
MEDICAL CONDITION, AND/OR OTHER COMPELLING REASON:**

CFA will determine exceptions for disabilities and qualifying medical conditions based on the criteria and procedures established in Personnel Bulletin 21-03, *Processing Requests for Reasonable Accommodation for Individuals with Disabilities*, of the U.S. Department of the Interior (CFA's shared provider for Human Resources services). A copy of this document is attached.

CFA will determine exemptions for "other compelling reasons" both categorically and situationally according to criteria outlined in the section below. Upon written request by an employee, the agency head and the employee's supervisor will determine, certify, and document the applicability of these "other compelling reasons" to the employee, and the agency's Telework Managing Officer will be responsible for maintaining this documentation, along with a telework agreement signed by the employee, the supervisor, and the agency head that outlines the conditions for telework or remote work, if approved. Situational telework must be approved by the employee's supervisor prior to each instance. Supervisors may require administratively acceptable proof that employees will still be able to perform official duties at the alternate worksite.

**CRITERIA FOR DETERMINING "OTHER COMPELLING REASONS" FOR
EXEMPTIONS FROM RETURN-TO-OFFICE:**

Criteria for categorical exemptions:

Military spouses: Employees working remotely based on the Military Spouse Employment Act, Pub. L. 118-31, div. A, title XI, §1112, codified at 5 USC §3330d, will be exempted from full-time in-person work.

Distance to duty station: Employees who live more than 50 miles from the CFA official duty station will be exempted from the requirement for full-time in-person work and may request to telework, until and unless they relocate to within 50 miles from the CFA official duty station. Consistent with OPM's statement in the guidance memo dated January 27, 2025, CFA acknowledges that returning to full-time in-person work at the CFA official duty station presents unique challenges for employees who currently live and work at a location more than 50 miles from the agency's office. Employees in

this category will be required to work in-person at the CFA official duty station a minimum of two days per pay period in their telework agreements.

Criteria for situational telework:

Emergencies and office closures: During emergencies, severe weather conditions, natural disasters, and other incidents that cause disruption of Government operations and/or the closure of the CFA official duty station, employees who would otherwise be ineligible for telework may be permitted to telework from their residences if approved by the supervisor. However, employees who are not categorically eligible to telework during normal conditions cannot be required to telework in these instances.

Travel: While on official travel, employees who would otherwise be ineligible for telework may be permitted to telework if approved by the supervisor. While on time-limited, previously approved personal travel away from the CFA official duty station and the employee's place of residence, employees who would otherwise be ineligible for telework may be permitted to telework for some portion of that time if approved by the supervisor; however, employees who are not categorically eligible to telework cannot be required to telework while on personal travel.

Medical appointments and dependent care emergencies: When an employee who would otherwise be ineligible for telework has requested and been approved for sick or annual leave for at least three hours in a given day due to medical appointments or the temporary unavailability of normal dependent care arrangements, the employee may be permitted to telework for the balance of that workday if specifically approved by the supervisor. When normal dependent care arrangements of an employee who would otherwise be ineligible for telework are temporarily entirely unavailable for a given workday, the employee may be permitted to telework for part or all of that workday if specifically approved by the supervisor.

Family and medical leave: Employees who have requested and been approved to take a period of leave under the Family and Medical Leave Act (FMLA) may request to telework instead of taking leave for some portion of that period. Supervisors have discretion to approve or decline a telework request during the FMLA period. Supervisors may request administratively acceptable proof that employees will still be able to perform official duties at an alternate worksite, despite the situation requiring the family and medical leave. The FMLA in no way entitles employees to telework. Employees cannot be required to telework instead of taking family and medical leave to which they are entitled.

Extreme personal hardship: An employee who would otherwise be ineligible for telework may be permitted to do so by the supervisor and agency head if necessary to avoid extreme personal hardship arising from a personal or family emergency. An employee must submit a written request, including an explanation of the emergency and potential hardship, and a telework request form to his or her supervisor. If the supervisor concurs with the request, the employee must submit the request package to the agency head. The agency head will render a written decision granting or denying the request. Supervisors have full discretion and sole authority to concur with or decline a request, and the agency head has full discretion and sole authority to grant or deny permission to telework due to extreme personal hardship.