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Description of document: Department of Labor (DOL) Return to Office Implementation Plan 2025

Requested date: 06-March-2025

Release date: 28-March-2025

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Source of document: Freedom of Information Request
U.S. Department of Labor
Office of the Solicitor
Division of Management and Administrative Legal Services
200 Constitution Ave NW
Room N-2420
Washington, DC 20210
Fax: 202-693-5389
Email: foiarequests@dol.gov
[DOL Public Access Portal](#)
[FOIA.gov](#)

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U.S. Department of Labor

**Office of the Assistant Secretary
for Administration and Management
Washington, D.C. 20210**



March 28, 2025

Re: Freedom of Information Act Request No. # 2025-F-08547

This letter responds to your Freedom of Information Act (FOIA) request of March 06, 2025 in which you requested “a copy of the Dept of Labor's Return to Office Implementation Plan provided to OMB and OPM in February 2025, as directed by the OMB Memo dated January 27, 2025 entitled: Joint OMB OPM Memorandum re Return to Office Implementation Plans.”

Your request was received in our office on March 06, 2025 and assigned FOIA tracking number 2025-F-08547.

We conducted a search of the records of the Department of Labor Office of the Assistant Secretary for Administration and Management and identified five (5) pages of responsive records which we are releasing in full.

If you have any questions regarding your request, please contact OASAM-FOIA@dol.gov. In addition, it would be helpful to include the tracking number on any submission or to have it available.

If you consider this an adverse determination, you have several options available to you. You may contact the Department's Acting FOIA Public Liaison, Ramona Oliver, at oliver.ramona@dol.gov for assistance resolving disputes. Alternatively, you may contact the Office of Government Information Services (OGIS), within the National Archives and Records Administration, to inquire about the mediation services they offer. The contact information for OGIS is as follows:

**Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740**

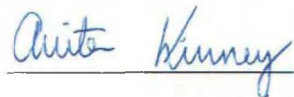
You can also reach that office by e-mail at ogis@nara.gov, by phone at 202-741-5770 or by calling toll-free 1-877-684-6448.

You have the right to file an administrative appeal. Your appeal must be received by the Solicitor of Labor within 90 calendar days of the date of this initial denial letter. Address your appeal to the following office:

**Attn: Freedom of Information Act Appeal
Solicitor of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Room N-2420
Washington, D.C. 20210**

Your appeal may also be sent by e-mail to FOIAAppeal@dol.gov or by fax to 202-693-5538. Appeals submitted to any other address will not be accepted. Your appeal must state in writing the grounds for the appeal. It should also include a copy of the original request, the response to your request, and any supporting statement or arguments. The appeal letter, the envelope, and the e-mail subject line, should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink that reads "Anita Kinney". The signature is written in a cursive style and is positioned above a horizontal line.

Anita Kinney
Disclosure Officer
Office of the Assistant Secretary for
Administration and Management



February 14, 2025

MEMORANDUM FOR U.S. OFFICE OF PERSONNEL MANAGEMENT AND OFFICE OF MANAGEMENT AND BUDGET

FROM: SYDNEY T. ROSE
Chief Human Capital Officer

SYDNEY ROSE Digitally signed by SYDNEY ROSE
Date: 2025.02.14 17:48:49 -05'00'

SUBJECT: Department of Labor's Updated Return to Office Implementation Plan

The purpose of this memorandum is to report the U.S. Department of Labor's (DOL) efforts to implement the directives outlined in the President's Return to In-Person Work Presidential Memorandum, issued on January 20, 2025.

This report presents the Department's Return to Office Implementation Plan, outlining the steps taken to ensure a smooth and effective transition back to in-person operations.

A. Revision of Telework Agreements

DOL has established a structured timeline to revise telework agreements for all eligible employees in compliance with the Presidential Memorandum:

- **February 9, 2025** – Employees who are not bargaining unit employees in the National Capital Region (NCR) return to in-person work.
- **February 23, 2025** – Employees who are outside the NCR return to in-person work.
- **February 23, 2025** – Employees who are bargaining unit employees, whether in the NCR or outside the NCR, return to in-person work.

All DOL supervisors and employees must access the Department's telework agreement tracking system and amend formal telework agreements by the designated return-to-office effective dates. Employees opting for situational telework, when authorized, will coordinate with their supervisors to establish an informal telework agreement. Any formal telework agreements not amended by the designated effective date will be canceled, and employees will no longer be eligible to telework, including situationally.

Employees are expected to begin reporting to work in-person at their official duty location of record on their designated effective date unless they are on approved leave, official travel, official detail away from the agency worksite, or in the field conducting mobile work.

B. Implementation Timeline

- **January 24, 2025:** All employees, except bargaining unit employees, were notified of the return-to-office requirement and the effective dates.
- **January 29, 2025:** The Department initiated a nationwide space assessment to evaluate office space availability.
- **February 4, 2025:** Union leadership and bargaining unit employees were notified of their return-to-office effective date.
- **February 6, 2025:** The Department provided employee notices on:
 - DOL’s reasonable accommodation process to review requests for exceptions necessitated by a disability or a qualifying medical condition; and
 - DOL’s efforts to prioritize the phased return of remote workers.
- **February 9, 2025:** Employees who are not bargaining unit employees in the NCR return to in-person work (excluding remote workers and employees on an approved reasonable accommodation).
- **February 23, 2025** – Employees who are outside the NCR (excluding remote workers and employees on an approved reasonable accommodation) return to in-person work.
- **February 23, 2025** – Employees who are bargaining unit employees (excluding remote workers and employees on an approved reasonable accommodation), whether in the NCR or outside the NCR, return to in-person work.

Consistent with the guidance from OMB and OPM, the Department is prioritizing the return to in-person work for eligible employees who can do so expeditiously, and the Department is phasing in the return of remote workers who are more than 50 miles from a current agency office, which may present unique challenges.

C. Collective Bargaining Agreement (CBA) Compliance

DOL is committed to adhering to all applicable CBAs while implementing the Presidential Memorandum. The Department has determined the following:

- DOL is required to notify unions of telework policy modifications but is not obligated to engage in formal bargaining unless required under law. DOL Unions were notified of the change to DOL telework policy on February 4, 2025.
- Existing CBAs define telework as a discretionary privilege contingent on mission accomplishment and operational efficiency.
- The Department is prepared to address grievances related to increased in-person work requirements and will comply with any legally binding arbitration rulings.

CBA Coverage and Specific Considerations

- **NCFL & Local 12:** Both agreements provide that telework is voluntary, contingent on mission accomplishment, and subject to agency discretion. The provisions cover both modifications and terminations of telework, ensuring negotiated agreements include advance notice and grievance procedures.
- **NULI (OLMS Investigators):** Chapter 3 of the National Union of Labor Investigators (NULI) - Office of Labor-Management Standards (OLMS) Appendix 2 Telework Guide explicitly states that GS-12 (or higher) investigators with at least Fully Successful performance ratings are eligible for formal telework. However, Article 5 of the CBA grants management the right to make telework determinations, creating a potential conflict with the Executive Order (EO). This presents a heightened ULP risk if the EO is applied without negotiations.

Recent CBA Negotiations and Implementation Process

- The Department acted promptly in compliance with the May 25, 2018, Executive Orders by notifying NCFL & Local 12 of its intent to renegotiate their CBAs in June 2018.
- NCFL & Local 12 negotiations concluded in September 2023, but finalization was delayed due to ongoing return-to-office negotiations. The contract was ratified in September 2024 and became effective November 7, 2024.

Pending Grievances and Arbitrations

- **NCFL & Local 12:** Filed an institutional grievance on September 21, 2024, regarding increased in-person work requirements in vacancy announcements. The grievance was denied on December 18, 2024, and arbitration was invoked on January 8, 2025.
- **Local 12:** Filed a grievance on September 25, 2024, which was denied on October 11, 2024.
- **NULI:** Arbitration proceedings are pending regarding increased in-person work requirements, with a panel of arbitrators convened on December 20, 2024.

Given the potential legal and procedural risks, the Department will continue monitoring these disputes and ensuring compliance with legally binding determinations.

D. Determination of Permanent Worksites

DOL has conducted a nationwide assessment to determine office capacity and seating availability. To facilitate worksite reassignments:

- Office space is being evaluated to identify available seating and locations with insufficient space.
- The Department is prioritizing the return to in-person work for eligible employees who can do so expeditiously, and the Department is phasing in the return of remote workers who are more than 50 miles from a current agency office, which may present unique challenges.
- To maintain mission related duties and job functions, remote workers within 50 miles from a current agency office will be assigned to locations under space currently occupied by their subcomponent agency. Remote workers in the National Capital Region within 50 miles of DOL headquarters are required to return to in-person work on March 9, 2025. The Department is targeting March 23, 2025, as the return date for remote workers in the National Capital Region located greater than 50 miles from the DOL headquarters.
- DOL is continuing to assess space availability and mission activities for remote workers outside the National Capital Region and employees working remotely as a Condition of Employment. This process will identify practical approaches to return a large majority of these employees to an office location within 90 days, including space currently occupied by their subcomponent agency and any related cost estimates. In determining new duty stations or reallocating internal office space DOL will consider grouping organizations and employees based on like duties and job functions, where possible, to promote effective collaboration and management. We anticipate further assessment will identify outliers where it may be necessary to consider broader cost implications and to develop an enhanced strategy considering those factors.
- DOL is collaborating with the General Services Administration (GSA) to explore potential colocation opportunities with other federal agencies where necessary.

E. Risks, Barriers, and Resource Constraints

DOL has identified key challenges and mitigation strategies, including:

- **Office Space Constraints:** Some field locations lack sufficient seating. DOL is prioritizing the maximization of existing spaces and identifying shared workspace opportunities with other agencies. DOL is assessing the impact caused by the BLS move into the Suitland Federal Center, which is still under construction.
- **Budgetary Considerations:** Relocation costs for remote employees may exceed available resources. The Department is continuing to assess.

F. Exception Process for Disability or Qualifying Medical Condition

DOL has established a streamlined process to review and approve requests for exceptions necessitated by a disability or a qualifying medical condition. DOL will review requests for reasonable accommodation based on disability, pregnancy, or medical conditions in accordance

with applicable laws. This process will identify that supervisors cannot grant telework exceptions in response to a request for a reasonable accommodation and must obtain approval from agency leadership.

G. Criteria for Other Compelling Reasons

Limited, case-by-case exemptions may be granted under the following circumstances:

- Required to support the relocation of a military spouse or to support a DOL employee placed on the official government orders of his or her spouse assigned to work in a foreign location (e.g., the Military Spouse Employment Act).
- Authorized as part of an official workers' compensation light-duty offer.
- Required to maintain continuity of operations due to an official change in operating status (e.g., weather or safety emergency).
- Necessary to mitigate employee relations matters where telework or remote work is deemed essential by the Chief Human Capital Officer in consultation with agency leadership as appropriate.
- Necessary to mitigate a building or space constraints that would otherwise impose undue expenses on the government.
- Determined as essential to maintaining critical agency functions that cannot otherwise be achieved in person.
- Any other compelling exemptions must be submitted in writing to the Chief Human Capital Officer for review and approval. The request must include:
 - The unique circumstances warranting the exemption.
 - A plan for accomplishing all responsibilities remotely.
 - A proposed telework schedule.

DOL remains committed to a seamless transition to in-person work while ensuring compliance with the Presidential Memorandum on Return to In-Person Work and relevant federal labor laws.

Should you require additional information or further clarification, please contact me at Rose.Sydney.T@dol.gov.