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Description of document: US International Trade Commission (USITC) Return to Office Implementation Plan, 2025

Requested date: 24-March-2025

Release date: 17-April-2025

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Source of document: Freedom of Information Act Request
US International Trade Commission
Chief FOIA Officer
500 E Street, SW
Washington, DC 20436
Fax: 202-205-2104
[Online FOIA Request Form](#)

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Office of the Secretary



UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C. 20436

April 17, 2025

VIA EMAIL

Re: Freedom of Information Act Request 25-46

This letter serves as the U.S. International Trade Commission's ("USITC") final response to your Freedom of Information Act ("FOIA") request, dated and received March 24, 2025, which contained the following request for information:

[A] copy of the USITC Return to Office Implementation Plan required by the OMB and OPM Memo dated January 27, 2025 which is posted here: <https://www.opm.gov/policy-data-oversight/latestmemos/agency-return-to-office-implementationplans.pdf> and which the USITC submitted by email to OMB and OPM.

We have found a document responsive to your request and we are attaching it to this letter. Therefore, the disposition of your request is "full grant."

You may contact our FOIA Public Liaison, Sharon Bellamy, for any further assistance or to discuss any aspect of your request at: sharon.bellamy@usitc.gov or (202) 205-3166. You may also contact me at lisa.barton@usitc.gov or (202) 205-2786.

The Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using the services of OGIS does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770; Fax: 202-741-5769; Toll-free: 1-877-684-6448.

If you are not satisfied with this response to your request, you may file an administrative appeal of

any adverse determination. We must receive your appeal within 90 calendar days of the date of this letter. You should clearly indicate both on the envelope and in the letter that it is a "Freedom of Information Act Appeal." Your appeal should clearly state the grounds on which you believe this denial of access is in error. For further information on appeal procedures, see 19 C.F.R. § 201.18, attached. Address your appeal to:

The Chair
U.S. International Trade Commission
500 E Street, SW
Washington, D.C. 20436

You may also send your FOIA appeal electronically to FOIA.Appeal@usitc.gov. You should put "FOIA Appeal" in the subject line, and the body of your email should contain a description of the appeal, as well as note the FOIA # you are appealing.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton", enclosed within a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission & Chief FOIA Officer

Attachments:

1. FOIA 25-46 Released Document
2. 19 C.F.R. § 201.18

Office of the Chair



UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, DC 20436

FROM: Amy A. Karpel, Chair

TO: U.S. Office of Personnel Management
U.S. Office of Management and Budget

DATE: February 7, 2025

SUBJECT: USITC Return to Office Implementation Plan

This memorandum sets forth the Return to Office Implementation Plan for the United States International Trade Commission (USITC) developed in accordance the Presidential Memorandum titled “Return to In-Person Work,” (January 20, 2025), and implementing guidance issued by the Office of Personnel Management and the Office of Management and Budget.

The USITC is a small independent agency with a staff of 440 employees focused on implementing its statutory responsibilities to (1) maintain and update the Harmonized Tariff Schedule (HTS) of the United States, which is critical to the accurate collection of duties for imported goods, (2) address unfair or injurious imports, and (3) provide statutorily required information and analysis at the request of USTR or Congress.

On January 24, 2025, the USITC Chair notified employees that effective March 10, 2025, the USITC’s telework policy is revised to state that all eligible employees must work full-time in person unless excused due to disability, qualifying medical condition, or other compelling reason certified by the Chair and the employee’s supervisor. Upon notice of the telework policy change, the USITC’s bargaining unit, Local 2211, American Federation of Government

Employees (the Union), requested to bargain over this policy change. The USITC will thus engage in negotiations with the Union.¹

A. Steps the USITC will take to Revise Telework Agreements for all Eligible Employees

- The USITC Chair has directed the Telework Managing Officer to develop a new Situational Telework Agreement form consistent with the language in the Presidential Memorandum, which will supersede the USITC's existing telework agreement form. The Situational Telework Agreement form will be released to all eligible employees by no later than February 14, 2025.
- All telework eligible employees will be required to execute a Situational Telework Agreement by February 28, 2025, if they want to continue participating in the Commission's telework program. All prior telework agreements for eligible employees will be cancelled effective March 9, 2025.

B. Timelines for the Return of all Eligible Employees to In-Person Work

- All employees not approved for remote work as of or before January 19, 2025, must begin working their regularly scheduled duty hours full-time in person by no later than March 10, 2025, unless approved for an exemption based on disability, qualifying medical condition, or other compelling reason certified by the Chair and the employee's supervisor.
- All employees approved for remote work as of or before January 19, 2025, will be required to begin working their regularly scheduled duty hours full-time in person by no later than April 30, 2025, unless approved for an exemption by the Chair and the employee's supervisor based on a compelling reason.
- The USITC anticipates being in full compliance with the Presidential Memorandum by April 30, 2025.

C. Steps the USITC will Take to Bring its Collective Bargaining Agreement into Compliance with the Presidential Memorandum

The USITC's current collective bargaining agreement (CBA) with the Union became effective on June 2, 2016, and was automatically renewed for a five-year term in June of 2021. Since its effective date in June 2016, the USITC has not renegotiated any parts of the CBA nor entered into any separate agreements with the Union regarding telework.

USITC Management has reviewed the telework provisions of the CBA, in consultation with the USITC's Office of General Counsel. The CBA provides that regular and situational telework shall be available for Bargaining Unit employees, but does not specify the amount or types of

¹ OPM, "Guidance on Collective Bargaining Obligations in Connection with Return to In Person Work" (February 3, 2025).

regular or situational telework that must be available. Under the CBA, USITC Management also retains the discretion to determine employee eligibility for telework.

As noted above, the USITC will be negotiating with the Union regarding the policy change.

D. Steps the USITC will Take to Determine Permanent Worksites for all Current Remote Workers

- All employees approved for remote work as of or before January 19, 2025, will be required to begin working full-time in person by no later than April 30, 2025, unless approved for an exemption by the Chair based on a compelling reason. The USITC has a strict remote work policy and as a result, the agency currently has only 5 remote workers, which constitutes less than 1.5 percent of the USITC's total workforce.
- Any employee approved for remote work as of or before January 19, 2025, who wants to continue on a remote work agreement after April 29, 2025, will be required to submit a new remote work request to the Chair for approval by no later than March 7, 2025, regardless of the date upon which their current remote agreement is scheduled to expire. The Chair will issue a determination on such requests by no later than March 30, 2025.
- Employees approved for remote work as of or before January 19, 2025, who are not reapproved by the Chair to continue working remotely will be provided advance notice to relocate back to the Washington, D.C. area and begin regularly scheduled duty hours full-time in person by no later than April 30, 2025.
- Under the terms of all USITC remote work agreements, employees expressly waive any relocation expense allowances permitted under federal regulations upon the USITC's termination of a remote work agreement. Therefore, any employee approved for remote work as of or before January 19, 2025, whose remote work agreement is terminated by the Chair must return to full-time work in person at no expense to the government.

E. Identification of Risks, Barriers, or Resource Constraints

The USITC has not identified any agency risks, barriers, or resource constraints that would prevent the expeditious return of all eligible employees to full-time in-person work, consistent with this Return to Office Implementation Plan. With more employees returning to full-time in-person work, the Commission will incur increased costs for the agency's transit subsidy program and other commuting-relating expenditures but has funds available for this purpose. The USITC also expects to incur additional costs related to purchasing office furniture as a consequence of the Implementation Plan, but these costs are not projected to be substantial at this time.

F. USITC's Process for Determining Exemptions based on Disability, Qualifying Medical Condition, and or Other Compelling Reasons

Consistent with the PM and related OPM guidance, the USITC will only grant exemptions to the full-time in-person work requirement for employees due to disability, qualifying medical

condition, or other compelling reason certified by the USITC Chair and the employee's supervisor. The general parameters and process for employees to seek an exemption under each category is described below. The criteria for each of these categories is set out below, in section G.

- Reasonable Accommodations (RA) – Requests for reasonable accommodation involving telework will continue to be processed in accordance with the USITC's normal procedures for RAs. Exemptions for RAs will be granted to employees for whom telework is an approved reasonable accommodation pursuant to applicable law and regulation.²
- Remote Work for Compelling Reasons – All remote work agreements in effect as of or before January 19, 2025, have been approved by the employee's supervisor; the USITC's Human Capital Committee, which is comprised of Senior Executives and other key senior management officials; and the Chair. These agreements are limited to an initial period of one year that may be renewed annually for a period of up to one year. As noted above, employees currently serving under remote work agreements in effect as of or before January 19, 2025, will be required to seek a new remote work agreement no later than March 7, 2025, if they want to continue on a remote work agreement after April 29, 2025. As noted, the USITC has a strict remote work policy and as a result, the agency currently has only 5 remote workers, which constitutes less than 1.5 percent of the USITC's total workforce.
- Domestic Employee Teleworking Overseas (DETO) – Under USITC Policy, DETO requests must be approved by the employee's supervisor and the Chair before the USITC will seek authorization from the Department of State (DOS). The USITC currently has one employee working overseas on an approved DETO arrangement.
- Situational Telework for Compelling Reasons (Individual Employee) – The Chair will grant exemptions to allow limited situational telework for compelling reasons. Under certain circumstances, the Chair may delegate to supervisors the authority to approve requests for situational telework.
 - Requests by employees to perform situational telework under this exemption must be submitted in writing to their supervisor and approved in advance by both their supervisor and the Chair, unless delegated. The request shall identify the compelling reason supporting the exemption.
 - Use of situational telework will be tracked.
- Situational Telework for a Compelling Reason (Group of Employees)

² The Rehabilitation Act of 1973 (Rehab Act); the Americans with Disabilities Act of 1990 (ADA); the Civil Rights Act of 1991; Executive Order (EO) 13164; the ADA Amendments Act of 2008 (ADAA); the Genetic Information Nondiscrimination Act of 2008 (GINA); EO 13548; and other relevant laws and regulations, including, but not limited to, EO 13583.

- The Chair may grant temporary exemptions to all employees or groups of employees based on circumstances that prevent employees from being able to safely work in-person. These exemptions will be announced by the Chair and do not require the employee to seek supervisor approval, unless otherwise specified in the announcement.
- Use of situational telework will be tracked.

G. USITC’s Criteria for Determining “Other Compelling Reasons” for Exemptions from return-to-office, including any limited, discrete categories (such as military spouses working remotely) where categorical or indefinite exemptions may be granted.

Generally, decisions by the Chair to grant exemptions based on “other compelling reasons” will meet the criteria that granting the exemption enables the agency to ensure that it continues to carry out its statutory mission efficiently and effectively. The USITC does not intend to grant any indefinite exemptions beyond those legally required for RAs. Requests for an exemption must fall within one of the following categories.

- Remote Work for a Compelling Reason – A request for remote work may be approved in limited situations where (1) the employee possesses unique knowledge, skills, abilities or expertise that are extremely difficult to replace through the recruitment process or the use of existing USITC staff; and (2) there is a circumstance that creates a significant risk to the agency that the employee will resign if the exemption is not granted, depriving the agency of knowledge, skills, abilities or expertise that enables the agency to fulfill its statutory mission efficiently and effectively.
- DETOs – The USITC, with advance authorization from the U.S. Department of State (DOS), will approve employees to temporarily perform their work requirements and duties from an approved foreign location, when the employee’s spouse or domestic partner is assigned to work in a foreign location on U.S. Government orders.
- Situational Telework for a Compelling Reason (Individual Employee) – An exemption for limited situational telework may be granted where it enables the agency to ensure that it continues to carry out its statutory mission efficiently and effectively.
- Situational Telework for a Compelling Reason (Group of Employees) – The Chair may grant temporary exemptions to all employees or groups of employees based on circumstances that prevent employees from being able to safely work in-person, such as continuity of operations, office closures, or other emergency situations.



Digitally signed by AMY KARPEL
Date: 2025.02.07 16:38:58 -05'00'

Amy A. Karpel, Chair
U.S. International Trade Commission