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U.S. Department of Justice  
Civil Rights Division

ADB  
FOI/PA No. 26-00012-F

*Freedom of Information/PA Unit -4C●N*  
950 Pennsylvania Ave., NW  
Washington, DC 20530

*Via Electronic Mail Only*

This is in further response to your March 7, 2025 Freedom of Information Act request seeking access to records pertaining to the Department of Justice Return to Work Implementation Plan, dated February 2025.

After reviewing the responsive Civil Rights Division documents, I have determined that the enclosed documents may be released to you in full.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." If possible, please provide a copy of your original request and this response letter with your appeal.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA medication services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Please reference the FOIA/PA No. above in any correspondence with OGIS.

I hope the Civil Rights Division has been of some assistance to you in this matter.

Sincerely,

*Andrea D. Banks*

Freedom of Information/Privacy Acts Unit  
Civil Rights Division

**Implementation Plan for Full Compliance  
with the Presidential Memorandum  
on Returning to In-Person Work  
Civil Rights Division  
February 4, 2025**

## **I. Introduction**

In response to the Office of Management and Budget and Office of Personnel Management memorandum on the implementation of the January 20, 2025, Presidential Memorandum (PM) Return to In-Person Work, JMD directed all components to prepare implementation plans that describe their approach to fully comply with the PM and the plan to overcome any barriers and constraints in achieving full compliance. JMD directed components to submit plans by February 4, 2025.

The Civil Rights Division plans full compliance with the Presidential Memorandum on Returning to In-Person Work by prioritizing those employees with Washington, DC, duty stations, and working to establish employees outside this area with workstations at other Federal facilities or recalling employees who cannot be accommodated at other facilities.

## **II. Plan Overview**

- Summary of agency steps for compliance:
  - Terminate existing telework agreements of employees with a Washington, DC, duty station to eliminate routine telework.
  - Require in-person compliance for employees with a Washington, DC, duty station consistent with telework agreements and collective bargaining agreements.
  - Explore alternative worksites for employees outside the Washington, DC, area. If unable to accommodate, terminate existing telework agreements to eliminate routine telework.
  - Honor reasonable accommodations and potentially seek exceptions for certain positions based on the needs of the Division.

## **III. Telework Agreement Revisions**

- The Division will terminate existing telework agreements for non-bargaining unit employees with an official Washington, DC, duty station with 60 days' notice, consistent with the terms of many agreements, and subject to limited exceptions for hard-to-fill positions and approved reasonable accommodations for employees with documented disabilities. The Division will prepare new telework agreements, which are necessary for continuity of operations, to ensure that employees can work remotely during inclement weather closures and to govern approved situational or ad hoc telework. New telework agreements will not provide for routine or regularly scheduled telework.

- Telework agreements for bargaining unit employees with an official Washington, DC, duty station will be terminated or modified to eliminate routine or regularly scheduled telework once labor obligations have been met. The Division will notify the relevant labor unions within 5 business days of the approval of this plan, and promptly engage with the unions as required the Federal Service Labor-Management Statute.
- Telework agreements for employees with alternate work sites (e.g., current official duty stations more than 50 miles from Washington, DC) will not be terminated at this time.

#### **IV. Return to In-Person Work**

- Non-bargaining unit employees with an official Washington, DC, duty station (who do not otherwise have a reasonable accommodation in place) are already working in-person at least two days per week. Within 60 days of implementation, all employees with an official Washington, DC, duty station (who do not otherwise have a reasonable accommodation) will be expected to be working on-site and in compliance with the PM.
- Consistent with our understanding of our collective bargaining agreement obligations, we will notify the relevant labor unions within 5 business days of the approval of this plan, and promptly engage with the unions as required by the Federal Service Labor-Management Statute. The Division's goal is to have its bargaining unit employees with a DC duty station on-site in compliance with the PM within 60 days of satisfying our collective bargaining obligations.

#### **V. Collective Bargaining Agreements (CBAs)**

- The Division is reviewing the March 2002 AFSCME CBA (which remains in effect, applies to multiple DOJ components and requires an individualized case-by-case determination regarding telework), the Division's Memoranda of Understanding with AFSCME regarding flexible work options, and the Division's current flexible work options policy which applies to all bargaining unit employees (AFSCME and NTEU).
- The Division will determine the notice and bargaining requirements to modify the existing CBA (in consultation with other affected DOJ components), Division/AFSCME MOUs, and Division flexible work options policy to comply with the new PM.
- The Division will start the process for bargaining where required (in coordination with other affected DOJ components).
- The NTEU was certified recently and does not have a CBA in place.
- The Division has not entered into any new CBAs in the preceding four years.

#### **VI. Determining New Duty Stations**

- Telework agreements for employees with alternate work sites (e.g., current official duty stations more than 50 miles from Washington, DC) will not be terminated at this time.
- The Division is expeditiously exploring whether any of these employees can be accommodated at another Department or Federal government facility. The Division will make this determination, based on availability and cost, no later than February 11, 2025.
- Telework agreements for non-bargaining unit employees who cannot be accommodated at another Department or Federal government facility and do not otherwise qualify for an exemption will be modified to change their duty station to Washington, DC, and eliminate routine or regularly scheduled telework, effective 60 days from issuance.
- For bargaining unit employees who cannot be accommodated at another Department or Federal government facility and do not otherwise qualify for an exemption, the Division will follow collective bargaining obligations to modify telework agreements.
- The Division has identified 69 100% telework employees (that is, employees with a duty station more than 50 miles from the Division's Washington, DC, office who do not regularly report to a Federal agency office). The 69 100% teleworkers have been informed that they may need to co-locate to a nearby DOJ or Federal office space in order to comply with applicable OPM, DOJ, and Division requirements. The Division is currently exploring availability of office space in USAO offices near the impacted workers' homes. The estimated cost for office space at a USAO for all these workers is approximately \$ 178,250 / month or \$2,139,000 / year.

## **VII. Identifying Risks and Barriers**

- Risks or resource constraints that could hinder full compliance:
  - Suitable and adequate office space. The Division is in the process of adjusting its use of office space to accommodate the increase in full-time staff.
  - The cost of relocating remote employees. To avoid relocation costs, the Division does not intend to recall remote employees (i.e., employees whose positions were advertised as remote, as opposed to employees on 100% telework agreements) at this time.
  - The cost of purchasing additional equipment.
  - The cost of workspace for employees who need to co-locate to nearby Federal office space. The Division is actively monitoring cost.
  - General budgetary constraints during a continuing resolution.

## **VIII. Exceptions Process**

- The agency's process for determining exceptions based on disability, qualifying medical condition, and or other compelling reason.

- The Division has an established process for assessing reasonable accommodation requests consistent with the Rehabilitation Act. All requests must comply with Department / Division guidance, be supported by medical documentation, and pass review by the Division's Office of Chief Counsel.
- The Division anticipates considering compelling reasons on a case-by-case basis guided by the operational needs of the Division. Any process would require approval from the Assistant Attorney General for Civil Rights or her designee.
- The agency'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.
  - The Division anticipates seeking exemptions to the in-office requirement for critical and hard-to-fill positions. These positions include employees performing non-discretionary cybersecurity, required human resources functions (e.g., payroll, staffing, etc.), and FOIA duties, and could encompass a few employees who play a critical role in significant litigation or projects until such projects can be transitioned to other employees without imposing an undue hardship on the United States' enforcement activities. These positions are difficult to fill even in the absence of a hiring freeze. We expect the total number of such exemptions to be less than 5% of the Division workforce but the loss of these employees will impose an undue hardship on the Division's operations and ability to meet its mission.
- Anticipated exceptions/exemptions:
  - Situational or ad hoc telework. Revised telework agreements for all employees will permit section chiefs to approve situational and ad hoc telework.
  - Remote employees. At this time, no changes will be made to the arrangements for employees who were hired under a remote position vacancy announcement. The Division has seven remote employees (i.e., employees whose positions were advertised as remote because they were critical or hard-to-fill positions, based on repeated attempts to find highly qualified candidates within the DC area). Because these positions are hard-to-fill and changing duty stations would impose relocation costs on the Division, the Division does not intend to modify these arrangements.
  - Reasonable accommodations. The Division is not disturbing telework agreements approved as a reasonable accommodation under the Rehabilitation Act. All reasonable accommodation requests are reviewed by the Division's Office of the Chief Counsel to ensure consistency with Rehabilitation Act requirements.

- Hard-to-fill positions. The Division anticipates seeking exemptions to the in-office requirement for critical and hard-to-fill positions. These positions include employees performing non-discretionary cybersecurity, some human resources, and FOIA duties. These positions have proven difficult to fill even in the absence of a hiring freeze. We expect the total number of such exemptions to be less than 5% of the Division workforce.
- Requests for exemptions or exceptions for compelling reasons not otherwise covered by this guidance must be submitted to the Assistant Attorney General for Civil Rights, or her designee, for decision.
- The Division may approve extensions of time necessary to comply with this policy on a case-by-case basis if, for instance, office space cannot be procured for an employee at an agency worksite. The Division will prepare a monthly report for all extensions of time granted and a justification for any such extensions.

## **IX. Conclusion**

The Division is committed to ensuring full compliance and timely implementation with the President's Memorandum.