



Message to all NFFE Bargaining Unit Employees from the NFFE Forest Service Council

March 13, 2020

With the COVID-19 virus spreading in the United States, we want you to know that your union, NFFE-IAM, and your Forest Service Council (FSC) are committed to doing everything we possibly can to keep your workplace safe and you out of harm's way. Our very first job as a union is to do all we can to keep you protected, and we take that responsibility very seriously.

Unfortunately, we are very concerned about the confusing and inadequate action that the Forest Service is taking to respond to this unprecedented (in our lifetimes) public health emergency, **especially in light of the epidemiological evidence that people can be infectious with COVID-19, even if they have no symptoms.** We have received many questions about various directions that people are receiving from management. We have tried to address the concerns below, and we are also interested in learning more about your concerns.

What is the Union doing?

In recognition that this was likely to be a serious issue, the Union submitted a proposal on Monday, March 2 to negotiate impacts. We are in discussions with the Agency about some of the issues discussed below. We have been told that we will not have a chance to speak at the Chief's Call today. A link to a survey was sent to all Forest Service bargaining unit employees. If you work for the Forest Service and did not receive the link, please send a message to NFFE.FSC@gmail.com, giving your name and your work unit.

Obey First, Grieve Later - But Stay Safe

Before we move on to talk about our concerns, we must include the caveat that despite the apparent lack of adequate measures and guidance from the Forest Service, **employees must obey first, and grieve later if they are ordered to do something.** If you believe that the order will jeopardize your health and safety, you are encouraged use your safety empowerment card to ensure that your manager(s) know that you are seriously concerned with the direction.

Telework Insanity

USDA's crusade against telework continues even in this emergency situation, and the Department is requiring that units get approval from the Department to allow more than 3 people to go into fulltime telework status. This direction is the same regardless of how large the office is, how many at risk individuals are in the office, or the prevalence of disease within the community. This is wrong.

In contrast, we have been informed that the Forest Service may ultimately require employees to work from home or another alternate worksite. So, although they will not allow employees currently to choose to work from home to keep themselves healthy, they are preparing to order employees to work from home in the future. Our Master Agreement Article 20.6.d(6) states, "Employees will not be required to complete ad hoc/situational telework agreements simply to avoid granting weather and safety leave during office closures." and the 2010 Telework Enhancement Act prohibits agencies from requiring that employees telework. A lot of FS managers are pushing people to get telework agreements in place. **For now, if you do not plan to telework for your own needs (i.e. personal decision to isolate due to health concerns or caring for children who are out of school), I do not recommend that you sign an ad hoc agreement.** They cannot have this both ways, refusing telework when you want it, but requiring it when it's convenient for the Agency.

"Evacuation" during a Pandemic

During the 2006 pandemic preparations, new regulations regarding closing work locations and were enacted that pertain specifically to pandemics. As provided in 5 CFR 550.409: Evacuation payments during a pandemic health crisis, the USDA may require that employees work from an alternate location (or home). Under these provisions, it is considered an "evacuation" and the Agency may order you to work at home (or another alternate site), they can do so whether or not you have an agreement. So although you may choose to "opt out" of a telework agreement, you may be required to evacuate your office and work elsewhere.

The evacuation procedures include requirements that employees be reimbursed for the costs associated with the “evacuation,” so if you do not have internet at home or incur other costs associated with working at an alternate location, you can be reimbursed under the “evacuation” procedures; you are generally not reimbursed under telework procedures. Questions remain as to what will happen for employees who do not have work that can be performed at an alternate location. The Union is fighting to ensure that these employees will not be required to use their personal sick or annual leave in this situation.

Office Closures

USDA is currently requiring units to request Department approval before closing an office. So far, the Forest Service has had one office approved to close in the Seattle area and another office was declined. Forest Service officials are best positioned to know the local situation and determine whether it makes sense to close an office and allow the work to be done elsewhere. We learned that on Thursday, a Forest Service office may have had someone with virus exposure in the office, so it is important that our line officers are able to make decisions based on what is happening there. This control by USDA is going to cost the health, and possibly even some lives, of Forest Service employees.

Special Situations

I have seen no planning or communication about the special situations that we face in the Forest Service:

- Fire season will be upon us in no time, but there is no plan for handling fire camps.
- Job Corps programs house students 24/7. What is the plan for ensuring the safety of both the students and staff?
- For a small number of employees, the Forest Service is both employer and landlord. What do we do if someone living in quarters becomes sick? What if they do not receive a paycheck and can't pay their quarters fees?

Communication and Leadership Vacuum

In the face of this potentially very serious emergency, the Union has been cut out of all planning and discussions, AND there is almost no national direction from the Chief's office. Throughout the Agency there are different messages coming from different Regions, Stations, Centers, Forests, Labs, etc. Information is changing so quickly, so this hodge-podge of communication has meant that some employees have good, current information, while employees on other units are only hearing about things from their friends and coworkers on other units. We are struggling to understand why in the face of such a serious emergency, we are hearing so very little from Agency leadership.

Melissa Baumann, PhD
President, NFFE Forest Service Council

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