

After Days of Anxiety and Confusion, Government Workers Told to Stay Home

The nation's 2.1 million federal employees have been left unsure of whether they are expected to report to work during the coronavirus outbreak.



Employees in the Justice Department and the F.B.I. have tested positive for the coronavirus or been presumptively diagnosed based on their symptoms. Credit...Erin Schaff/The New York Times



By Catie Edmondson and Katie Benner

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WASHINGTON — The federal government on Monday began directing its employees to work from home, after a week of confusion as some workers were told to report to the office even as public health officials implored employers to keep people at home.

Facing mounting criticism and anxiety from federal employees, the Trump administration on Sunday night issued new guidance that allowed some to voluntarily work from home. That memo replaced an earlier directive that said only people at high risk of health problems could telework, and it came days after waves of schools, libraries, restaurants, churches, arenas and other businesses had shuttered to prevent the spread of the novel coronavirus.

The latest directive was yet another moment when the Trump administration lagged behind the private sector — and some state and local governments — in moving to confront the pandemic and combat its rapid spread, contributing to a general sense of disarray in the government’s response. It is also emblematic of the tone projected by President Trump, who has worked to play down the threat from the virus even as his public health officials have issued increasingly urgent warnings.

The result has been that the nation’s 2.1 million federal workers — spread across law enforcement, diplomatic functions, education, the military and the country’s social safety nets — have received mixed messages about whether they can take the advice of public health officials to take aggressive action to distance themselves from others to slow the spread of the virus.

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“Overall our employees have not been impressed, and they see a lack of a centralized voice in the government saying, ‘OK, here’s what we’re going to do,’” said Steve Lenkart, the executive director of the National Federation of Federal Employees. “It’s been more like, ‘You’re encouraged, you’re authorized to do that if you want.’ It’s really soft language, and that’s been bothering everybody.”

The Office of Management and Budget said that workers in and around the nation’s capital were allowed to work from home when feasible, but that directive covered only about a tenth of the more than two million federal employees, one of the largest work forces in the country. Mr. Lenkart said the memo was “a step in the right direction” but should have gone out to the entire nation.

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Workers in the Washington area were offered “maximum telework flexibilities,” and agency leaders were authorized to use leave that is set aside for weather and safety issues in order to give people who cannot telework the flexibility to take time off, according to the Office of Management and Budget memorandum.

But the administration did not mandate that federal offices close.

The Office of Management and Budget memo issued on Sunday was a change of course from previous guidance, provided just days earlier, that only employees considered at high risk of serious health problems were allowed to telework.

Several government officials, speaking on condition of anonymity because they were not authorized to discuss the matter, said the office was planning to extend the new guidance for employees to the federal work force nationwide.

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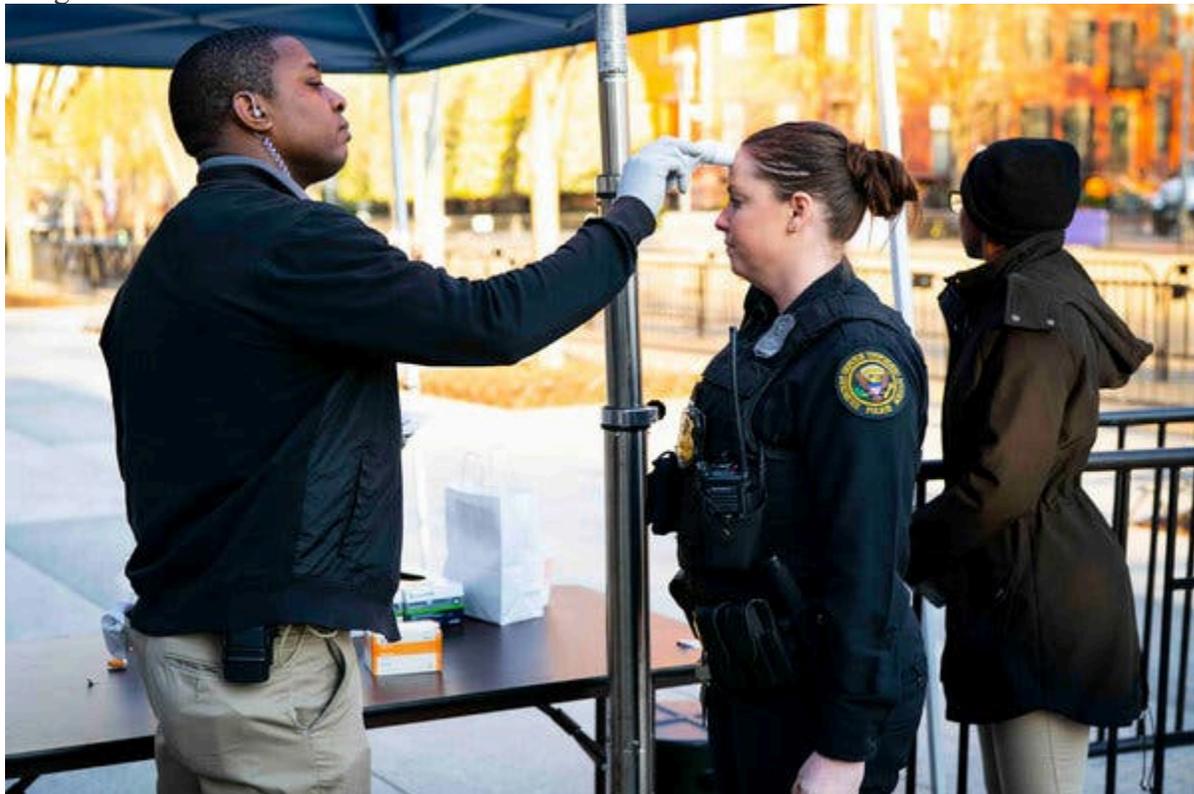
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But even those guidelines have been interpreted differently by each agency. The Education Department sent a letter to employees directing those who were “telework eligible” to begin working from home immediately, as did the Commerce Department.

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Attorney General William P. Barr directed U.S. attorneys to work with the chief judges in their districts to “continuity of operations” while taking “every appropriate precaution” to protect the health of those who must come before the court; but he gave no further details.

Image



A Secret Service agent had her temperature checked before entering the White House on Monday. Credit...Doug Mills/The New York Times

But some agencies, insisting it was impossible for their employees to carry out their responsibilities outside the office, were slower to encourage their staff to work from home.

“Federal offices in the Washington, D.C. area are OPEN,” the Office of Personnel Management wrote to workers. “If you are not telework eligible or do not have access to telework equipment, please contact your supervisor to discuss next steps.”

A memo circulated to Treasury Department employees gave the same guidance, saying supervisors could consider granting administrative leave in the form of “weather and safety leave” for a “condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location.”

For some federal workers, like those who routinely handle classified and sensitive information in secure facilities, working at home is simply not an option. That leaves large numbers of government employees at risk of being exposed to the virus or of exposing others.

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The Pentagon, a hive of activity on most days with more than 25,000 military and civilian employees, was decidedly quieter on Monday after the Defense Department’s request for thousands of “nonessential” employees to telework. Still, many thousands of other defense employees who needed to work on classified computer systems sat next to one another in cramped cubicles or secured offices to carry out their duties.

Many of the federal government’s health workers were left wondering who needed to report to the office. In the more than 80,000-person Department of Health and Human Services, Washington-based employees reported on Monday morning without any kind of uniform plan, unsure of how long they might be in the office or whether their colleagues had already decided to stay home.

In the Office of the Assistant Secretary for Health, which includes the surgeon general and a group of key health programs, some employees, faced with unclear directions, simply decided to stay home without waiting for an official directive.

The Social Security Administration has so far resisted allowing its employees to work from home, instead allowing only workers who have self-quarantined to do so, unnerving judges and employees across the country.

Attempts by the Association of Administrative Law Judges, a union that represents a majority of administrative law judges, to hold Social Security disability hearings via video conference and to screen claimants for possible symptoms have been rebuffed.

Video conference or hearings by telephone, a Social Security Administration official replied, are “generally limited to incarceration, institutionalization,” and natural disasters.

“We have called for the pause button to be hit because of the failure of leadership,” Judge Melissa McIntosh, the president of the association, said in an interview on Monday. “The agency has not taken precautions to ensure the safety of its public servants.”

Judges, lawyers and prosecutors with Immigration and Customs Enforcement have also pressed the office within the Justice Department responsible for adjudicating all immigration cases to suspend court. But so far, the office has only postponed detained docket cases.

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In a letter on Sunday night, the Department of Agriculture told employees that it was “working to maximize the use of telework” but that offices “should remain open and operational for the delivery of services.”

“Due to the diversity of USDA’s operations and the services we deliver, many employees will need to continue to report to work to perform services that cannot be performed remotely,” the letter said.

Image



The Department of Treasury building reflected in a window. Most businesses and local governments have already begun to encourage social distancing. Credit...Erin Schaff/The New York Times

Last week, cabinet officials waited for the Office of Management and Budget and the Office of Personnel Management to send out a memo that would allow for more telework and give more guidance about meetings, gatherings and travel, which would allow them to change their own official policies.

At the Justice Department, a sprawling bureaucracy with offices in several buildings, Mr. Barr sent an email last week to all staff saying that he was monitoring the fast-moving situation. He empowered managers to allow optional telework depending on immediate risk factors.

But a half dozen employees contacted The Times to say that they were not being encouraged to stay at home, even after people in their buildings had exhibited symptoms including fevers and coughs and were presumptively diagnosed with the novel coronavirus.

Employees from the State Department, the Justice Department and the Department of Education noted that most businesses and local governments had already begun to encourage social distancing regardless of whether someone at their particular workplace had tested positive. And they feared that the uneven response would fail to contain an outbreak, according to interviews with government workers who insisted on anonymity to discuss the situation.

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Supervisors in some divisions and offices quietly told their employees to avoid coming in, even though no formal directive had come through. Others were told to come in or they would have to use their personal leave time.

But as recently as last Thursday, the Justice Department hosted a public event to honor employees from across the federal government who work on processing government information requests via the Freedom of Information Act. The two-hour event included agency personnel, some of whom were honored at an awards ceremony, and members of the public.

Employees in the Justice Department and the F.B.I. have tested positive for the virus or been presumptively diagnosed based on their symptoms. A census employee who works at the Commerce Department has also tested positive. The department said the employee had not been in contact with the public.

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