



U.S. Department of Justice
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

June 24, 2021

MEMORANDUM FOR ALL DEPARTMENT EMPLOYEES AND CONTRACTORS

FROM: THE DEPUTY ATTORNEY GENERAL *W. M. M. M.*
SUBJECT: UPDATES ON WORKPLACE PLANNING

With COVID-19 cases falling and vaccination levels rising, we can now look ahead with optimism for the future, while reflecting on the past sixteen months of the COVID-19 pandemic. Many of you have experienced loss, faced significant challenges, and shouldered additional responsibilities with grace, dedication, and resilience. We are grateful for all of you and proud of what we have accomplished together, even when many of us remained physically separated.

I am writing to provide an update on our workplace planning process. Over the past few weeks, my office has met with component heads individually, and the Justice Management Division (JMD) has engaged with Executive Officers and other leaders from across the Department, to understand how we can best support you over the coming months and beyond. These discussions are shaping what will become a Department-wide plan for our “workplace of the future,” which we will submit to the Office of Management and Budget by July 19. Based on our work to date, we can make several commitments to you now.

Shift in Operating Status

For the time being, the Department is operating with maximum telework flexibilities, and we will not begin to shift our operating posture until after our plan is complete on July 19. After that time, you will receive at least 30 days’ notice prior to component-wide changes taking effect, and we expect several components may not fully shift their status until after Labor Day. You will hear more about your component’s plan from your leadership team.

Many of you have asked whether you can return to the office sooner if you would like. Effective immediately, in-person work is no longer restricted to that which is “necessary”; rather, component leadership may permit employees who wish to report to the office to do so, provided onsite employees do not exceed the building occupancy limitations contained in the Department’s [workplace safety plan](#) or otherwise approved by JMD.¹ Please review official

¹ Earlier this month, the Office of Management and Budget issued OMB Memorandum M-21-25, *Integrating Planning for A Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-*

communications and guidance from your component leadership before returning on a voluntary basis. In addition, any unvaccinated employees and contractors, and those working in correctional facilities, must wear a mask at all times when onsite.

We expect to further increase building occupancy limitations shortly after the completion of our post-pandemic plan on July 19. JMD will communicate those changes when they occur.

Fundamental Principles

Consistent with [OMB Memorandum M-21-25](#), *Integrating Planning for A Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-Reentry Personnel Policies and Work Environment*, the Department's plan will prioritize flexibility – both for component leadership to develop the workplace policies that most effectively achieve their missions and support their office culture, and for employees and contractors to do their jobs while balancing the other important aspects of their lives.

Accomplishing our mission, while protecting your safety, is and will always be our top priority. Your resilience and dedication during the pandemic have proven that telework, remote work, and flexible work schedules can fit into our strategy for doing that. In addition, flexibilities also further our efforts to promote employee engagement, increase retention, and support diversity, equity, and inclusion. Moreover, the data show that – in certain circumstances – flexible working arrangements can increase our productivity. There is no one-size-fits-all solution – and not every flexible offering will work for every component or position in all circumstances. The Department is committed to developing innovative plans that not only ensure we accomplish our mission and recapture opportunities for collaboration and community building, but also that we take new steps to support employee satisfaction and wellbeing. And as we move forward, leadership will closely collaborate to share best practices and policies.

Vaccines

All employees and contractors are encouraged to get vaccinated, and Department employees are eligible for paid time off to receive the vaccine and manage any side effects. If you are not yet vaccinated, please visit www.vaccines.gov to find a vaccination location near you.

At present, agencies are not prohibited from asking federal employees and contractors to share information about their vaccination status, and federal employees and contractors may voluntarily share such information. Although at this time you generally will not be required to disclose such information to the Department,² there may be circumstances where your official

Reentry Personnel Policies and Work Environment. While OMB M-21-25 removes occupancy limits for federal buildings, it requires that Departments and Agencies update their workplace safety plans, satisfy any applicable collective bargaining obligations, and provide ample notice to any affected employees before increasing building occupancy. The Department's limitation is currently at 25 percent, unless an office has received an exception from JMD for a higher limit.

² When an employee or contractor voluntarily discloses that they are unvaccinated or declines to provide vaccination information, the Department will protect that information, keep it confidential, and store it only where required and

duties involve engaging with third parties that require disclosure of your vaccination status. Component leadership will help you navigate those requirements consistent with mission responsibilities; however, the Department cannot exempt you from externally-imposed vaccine disclosure requirements. The Department's vaccine-related policies continue to evolve, and we expect there may also be instances in which vaccine status disclosure to the Department may be required. We will update you on developments to the Department's vaccine-related policies as they arise.

JMD will issue a set of Frequently Asked Questions, an updated Workplace Safety Plan, and additional guidance in the coming weeks, which we expect to evolve over the summer. These documents will cover, at a minimum, travel, vaccines, transportation safety, workplace safety, telework, and related matters. If you have a question related to workplace safety, please email JMDCOVID19@usdoj.gov.

We will continue to update you on developments. You are the Department's most valuable assets, and we are mindful of the many obligations you have been balancing, and those that you will continue to balance well beyond the pandemic's duration. Thank you for the work you do every day to fulfill the Department's critical mission.

consistent with the Privacy Act. The Department will also require anyone who voluntarily discloses they are unvaccinated or declines to provide vaccination information to comply with CDC-recommended mitigation measures for unvaccinated individuals, including mandatory masking and physical distancing requirements.