



**AALJ and Agency Reach Agreement  
on Judges' Re-Entry to Offices**

**January 17, 2022**

*History is a great teacher. Now, every one knows that the labor movement did not diminish the strength of the nation but enlarged it. By raising the living standards of millions, labor miraculously created a market for industry and lifted the whole nation to undreamed of levels of production. Those who today attack labor forget these simple truths, but history remembers them.*

**– Dr. Martin Luther King, Jr.**

1961 Speech at the AFL-CIO's Fourth Constitutional Convention

You can read the full speech here: [speech transcript.pdf \(weebly.com\)](#)

Colleagues,

I hope you have all enjoyed a wonderful MLK, Jr. weekend with your family and friends. The civil rights movement and the labor movement are inextricably linked. So, I

am happy to announce on this holiday celebrating Dr. King that the AALJ and the Agency have reached an agreement as to judges' re-entry to the physical worksite. You can find the full text of the MOU [here](#).

This agreement ensures both access to the judicial system and safety to judges and the public we serve. The agreement mandates masking for everyone, social distancing, plexiglass barriers and HEPA air filtration purifiers in each hearing room. The agreement affords maximum flexibilities to judges – judges can continue to telework on all days without in-person hearings. However, if you prefer to go into the office, you can do so. The MOU suspends the two-hour rule for the pendency of the MOU. The agreement also ensures that judges retain control over the conduct of their hearings – *e.g.*, if a claimant or representative is non-compliant with masking rules, the judge can adjourn the hearing. The Agency has agreed not to mix in-person hearings with online video hearings (OVH)/phone hearings (PH) without the prior consent of the judge. I encourage judges to allow Agency schedulers to add such hearings when their schedules permit. In this way, we will continue to optimally adjudicate cases in service to the claimants who appear before us and continue to demonstrate that the Agency's mission can be met in a maximum telework environment. Finally, the agreement ensures increased Agency transparency through regularly required reports to the Union on the number of confirmed COVID-19 cases in the offices and other data the Union needs to act in the best interests of the bargaining unit.

Here are the highlights of the agreement with reference to the relevant paragraph(s) of the MOU:

- **30 Day Initial Volunteer Period** – The first 30 days of the re-entry period will be on a strictly voluntary basis. (Paragraph F.1).
- **Earliest Date to Return to the Office** – **May 4, 2022** for the volunteer group; **June 3, 2022** for everyone else (assuming the Agency provides us with the required 30 days' notice on Tuesday, January 18, 2022). Please note that exact dates of re-entry may vary based on the date we receive the 30 days' notice and negotiations with other unions. Currently, NTEU has reached an agreement with the Agency, but AFGE has not. However, no judge will re-enter the worksite earlier than May 4, 2022. (Paragraphs F.3, F.4, G.1).
- **Safety Protocols** – masking and social distancing requirements consistent with CDC guidance at [Your Guide to Masks | CDC](#); contact tracing consistent with OSHA guidance

at [Employer Notification Tool \(osha.gov\)](https://www.osha.gov); and hearing rooms equipped with HEPA fan/filtration systems (Paragraphs B.1, B.8, C.7, E.3).

- **Max Telework or Discretion to Work at the Worksite** – the MOU allows judges to continue to telework on all days they do not have in-person hearings. However, judges may voluntarily report to the worksite to conduct OVH/PH hearings or on non-hearing days. (Paragraphs A.1-3).
- **No Bundling of In-Person and OVH/PH Hearings** – Absent the consent of the ALJ, the Agency will not schedule in-person and OVH/PH hearings on the same day. This means that the Agency has an incentive to ensure that judges have full dockets of in-person hearings; otherwise, the Agency will be unable to fully docket a judge’s calendar. (Paragraph A.1).
- **Split Days Permitted** – Judges may work the entire day at the worksite or return to their alternate duty station (ADS) to complete their workdays. (Paragraph A.4).
- **Suspension of the 2-Hour Rule** – A judge’s ADS is not restricted by distance from the worksite during the pendency of this MOU. (Paragraph A.5).
- **Reasonable Accommodation for Judges With Qualified Medical Conditions** – Judges may apply for a reasonable accommodation consistent with the MOU. (Paragraph C.1).

I want to thank Nate Plucker for the outstanding job he did in shepherding this MOU through the bargaining process and coming up with creative solutions to difficult problems. I also want to thank Kent Fulton (RVP, Region VI), who provided critical operational and implementation advice; National Grievance Chair Dan Benjamin, who provided exceptional litigation advice; and the AALJ’s Health and Safety Committee (Wanda Wright –RVP 4N (Chair), Maria Goldcamp-Hodges – RVP 3, and Jim Gillet – RVP 7) for their superb work on needed safety protocols. 0

The AALJ and the Agency have had a fraught relationship in the past few years. However, I would be remiss in not recognizing the hard work done by the Agency negotiators in getting this MOU across the finish line – they remained focused, were willing to work

through difficult issues and exhibited professionalism in the bargaining process. In appreciation of the hard work done by both AALJ and Agency negotiators, Chief Judge Patrick Nagle and I will be releasing a joint email on the re-entry MOU in the coming days.

In solidarity,

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**Association of Administrative Law Judges, Judicial Council No. 1, IFPTE, AFL-CIO**