



Memorandum

Date: January 15, 2021

Subject: INFORMATION: Challenges To Implementing DOT's Framework for Return to Normal Operations

From: Charles A. Ward 
Assistant Inspector General for Audit Operations and Special Reviews

To: Assistant Secretary for Administration

DOT released its "Framework for DOT's Return to Normal Operations" (Framework) in May 2020, with the purpose of focusing on the welfare of the Department's employees and contractors. The Framework provides instruction to DOT leadership for the planning and implementation of the Department's return to normal operations in the wake of the Coronavirus Disease 2019 (COVID-19) public health emergency. More specifically, it describes DOT's plans to transition in phases from its posture of maximum telework back to normal operations. Details on DOT's reopening status and related information are provided in the exhibits.

The Chairman of the Subcommittee on Government Operations of the House Committee on Oversight and Reform asked 24 Federal offices of inspector general, including our office, to examine agencies' plans for returning employees to Federal offices in the wake of the coronavirus pandemic. Accordingly, we assessed DOT's Framework to (1) determine the extent to which it is in accord with guidance for safe reopening from the Office of Management and Budget (OMB) and Office of Personnel Management (OPM) and incorporates advice from the Centers for Disease Control (CDC), General Services Administration (GSA), and Occupational Safety and Health Administration (OSHA) and (2) identify the initial actions DOT has taken to transition personnel safely back to their normal duty stations. To address our objectives, we used the reopening guidance available to the Department when the Framework was developed. We also collected documentation from the Office of the Secretary of Transportation (OST) regarding the initial actions the Department and its Operating Administrations (OA) took to operationalize the Framework through September 30, 2020.

Since March, to its credit, DOT has maintained operations while allowing the majority of its employees to telework. For example, a DOT official noted that on a pre-COVID Tuesday, an average of 3,585 employees were onsite at DOT Headquarters.¹ During the COVID-19 public health emergency, an average of 462 employees reported onsite. We recognize that COVID-19 conditions continue to change and the Department must remain flexible to address them. Because of this, we are not making recommendations based on our assessment to the Department or its OAs. However, we identified five challenges the Department faces in safely transitioning personnel back to their duty stations:

- Aligning COVID-19 Policies and Procedures With DOT's Framework
- Ensuring Operating Administrations Have Work Plans That Contain Required Elements and Cover All Duty Stations
- Tracking and Approving Office Phase Changes and Employee Work Status
- Making Detailed, Current COVID-19 Procedures Available to All Employees
- Communicating Fully With Employees on Reopening Procedures and Status

By focusing on these challenges, utilizing key internal controls, and providing detailed guidance, DOT can better support its employees and contractors in executing its mission as safely as possible.

Aligning COVID-19 Policies and Procedures With DOT's Framework

DOT's Framework was approved by OMB in May 2020 and is in accord with guidance for safe reopening in the *Guidelines for Opening Up America Again* from the White House and CDC (Guidelines) and the Memorandum from OMB and OPM, *Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again* (M-20-23). The Framework is DOT's policy for returning to normal operations from maximum telework and is available on both the Department's public website and its internal DOTnet coronavirus website. This Framework addresses the transition back to the workplace for those DOT employees and contractors who have been teleworking or otherwise away from their normal duty stations because of COVID-19. Roughly 67.5 percent of DOT employees are eligible to telework. The Federal Aviation Administration (FAA), Maritime Administration, and Saint

¹ The official specified that these averages are from June–November 2019 (pre-COVID 19) and June–November 2020, respectively.

Lawrence Seaway Development Corporation (SLSDC) have higher numbers of ineligible employees than the other DOT OAs. For example, the Framework identifies FAA air traffic controllers and SLSDC operational employees as performing safety-critical jobs that cannot be performed via telework.

The Framework provides overall direction to the Department and establishes broad requirements for its nine OAs,² OST, and OIG. Detailed policies and procedures for specific topics may be addressed in separate Departmental or agency documents, including OA work plans. For example, details on contact tracing, which is a specific topic from the Guidelines, are provided in a document on DOT's coronavirus webpage for employees, "What Is the Department's Contact Tracing Policy in Regard to COVID-19?" However, the Department will be challenged to ensure these separate policies and procedures, particularly the multitude of OA work plans, comply with all of the requirements in the Framework and are updated at the same time.

Ensuring Operating Administrations Have Work Plans That Contain Required Elements and Cover All Duty Stations

DOT's Framework requires OAs to prepare detailed work plans for the gradual return of personnel assigned to each of the OAs' separate duty stations and submit all plans to the Assistant Secretary for Administration in OST for approval. We requested the reopening work plans OAs submitted through September 30, 2020 and records of OST review or approval. For the 9 OAs, OST, and OIG, OST gave us 21 plans, 1 plan overview, and documentation of 5 approvals.

OST provided OAs with a template to develop their work plans. However, the template does not contain half of the 10 required work plan elements listed in the Framework, including a subplan for communicating with employees. Similarly, most OA work plans do not contain the elements missing from the template. Many OA work plans also lack another Framework requirement that is included in OST's template: following OSHA guidance to identify specific personnel roles and functions that may have a higher risk of exposure to COVID-19. OST's review of the plans did not identify the omissions of either the communication subplans or the identification of higher risk employees.

Furthermore, although some of the work plans cover OA regional offices, it is not clear whether there are work plans for personnel assigned to each of the OAs' separate duty stations, as required by the Framework. This factor is

² DOT's nine OAs are the Federal Aviation Administration, Federal Highway Administration, Federal Motor Carrier Safety Administration, Federal Railroad Administration, Federal Transit Administration, Maritime Administration, National Highway Traffic Safety Administration, Pipeline and Hazardous Materials Safety Administration, and Saint Lawrence Seaway Development Corporation.

significant because while OST gave us 2 duty-station-specific work plans for an OA, that OA also has 50 additional regional offices that are not mentioned in the work plans. In addition, OST provided data that show OA duty stations in phases of return to normal operations but did not give us work plans for all of them. Thus, although the Framework requires OST-approved work plans that address the Framework's requirements, OA regional employees may have returned to work without such plans in place.

Tracking and Approving Office Phase Changes and Employee Work Status

On July 20, 2020, DOT Headquarters moved to phase 2 of reopening as defined in the Framework, which states that any duty station can transition to the next phase of reopening if the Gating Criteria³ are satisfied. It also tasks the Assistant Secretary for Administration with approving phase changes at DOT and FAA headquarters. Based on our review of documentation to evaluate compliance with the Framework's phase change approval procedures, OST did not provide documentation showing that it had approved moves to phase 1 and phase 2 at the time of those changes. However, the documentation did show that DOT Headquarters moved to phases 1 and 2 after the District of Columbia, Maryland, and Virginia moved to those phases.

According to the list of office phase changes through September 30, 2020, the Department provided to us, at least 57 offices or regions, including DOT Headquarters, have moved to phase 1 from maximum telework. Fourteen offices or regions, including DOT Headquarters, have moved to phase 2. The Framework requires field offices with more than 50 employees or that have employees from multiple OAs to submit a request to the Assistant Secretary for Administration for approval and show the office meets the Gating Criteria, before changing phases. OST provided us with an example of documentation showing that an office with more than 50 employees requested approval to change phases. However, OST officials did not provide documentation that they approved these requests, as the Framework requires. For field offices with fewer than 50 employees, OAs approve phase changes, and an OST official confirmed for us that the office phase change list does include a number of field offices with fewer than 50 employees.

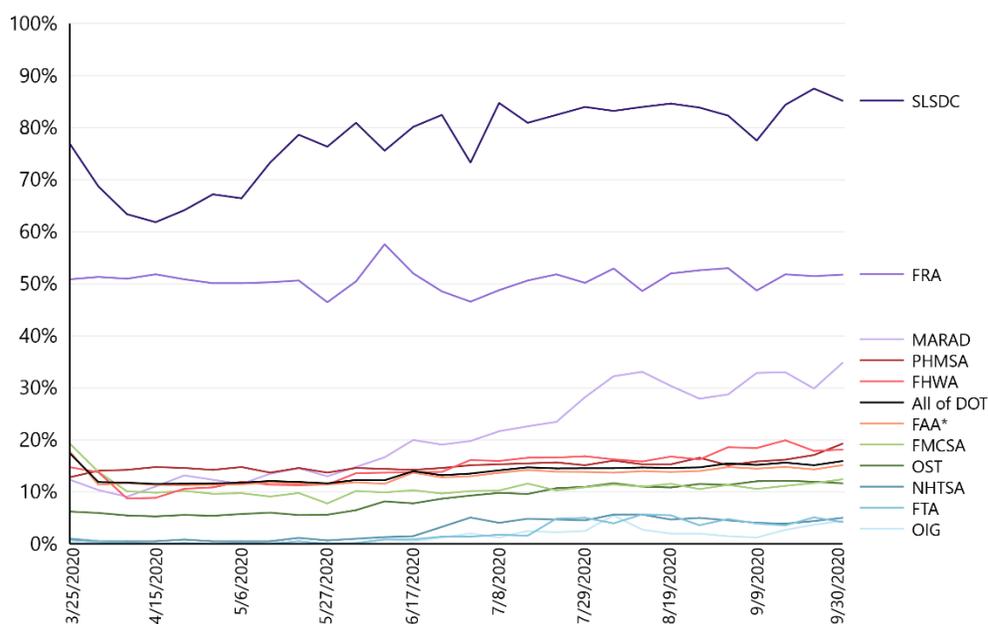
According to the Framework, DOT officials may decide to return an office to phase 1 or maximum telework if there is a resurgence of COVID-19 in that locality. In December 2020, OST told us no field offices had fallen back to a previous phase. An OST official told us that to track the operational status of its field offices, the Department relies on the OAs, which submit field office

³ For an explanation of Gating Criteria, see exhibit A.

phase changes on a weekly basis to the Office of Administration. OST provided an example of documentation from an office with fewer than 50 employees that had notified OST when it changed phases. However, the Department-provided list of office phase changes through September 30, 2020, may not be complete. For example, the list of office phase changes does not include a prior move to phase 1 for six offices that are listed as moving to phase 2. The list also does not differentiate between offices that are required to seek approval before making phase changes—such as those with more than 50 employees—and those that are not. Finally, an OST official told us they assume that offices that have not reported or requested phase changes remain in maximum telework status.

As required by the Framework, OAs monitor the numbers of employees working at duty stations or teleworking and send weekly reports with that information to OST (see figure 1). Based on these data, as of September 30, 2020, 15.92 percent of all DOT employees (including those not eligible to telework) were working at their regular duty stations. The lowest percentage of DOT employees working at their regular duty stations was 11.52 percent on April 15, 2020.

Figure 1. Percentage of All DOT Employees Reporting to Duty Stations by OA, March 25, 2020–September 30, 2020



* FAA's numbers are from 1 day before the dates listed.

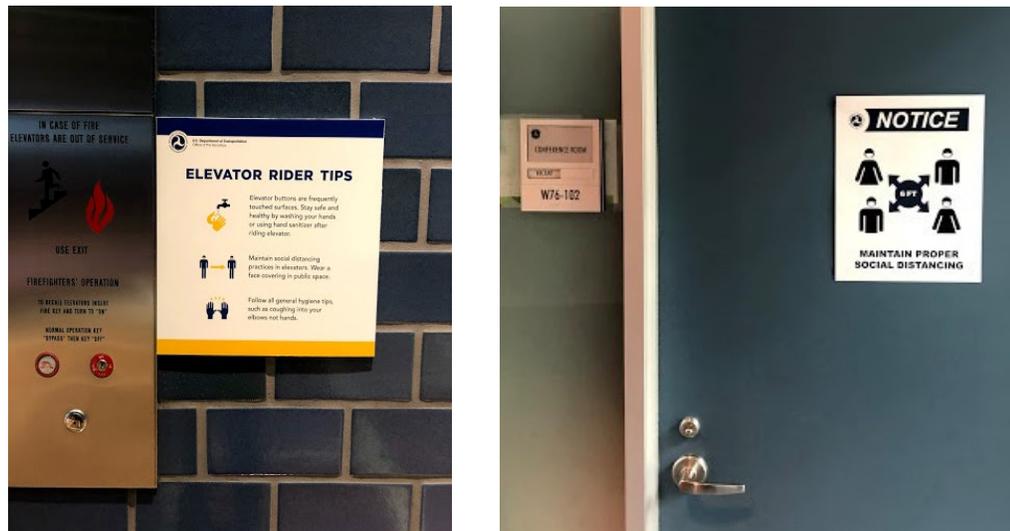
Source: DOT personnel data provided to us by OST

Making Detailed, Current COVID-19 Procedures Available to All Employees

In accordance with DOT's Framework, OST created a "DOT Human Resources Guide, A Framework for Return to Normal Operations, June 2020" (HR Guide) and a "Draft Facility Operations Guide in Response to COVID-19, Supplemental to Framework for DOT's Return to Normal Operations" (Draft Facility Guide). These guides are considered "working" versions, according to an OST official, because they will be updated as needed. The HR Guide contains guidelines to protect all employees in the workforce and others from infection. The HR Guide also has steps to take when an employee reports to work exhibiting COVID-19 symptoms, as well as a self-assessment questionnaire employees and visitors should complete before arriving at a DOT facility. The Draft Facility Guide contains detailed safety procedures for employees returning to work in the DOT Headquarters building. These procedures include an elevator occupancy protocol and guidelines for reopening Headquarters amenities, such as the cafeteria and fitness center.

However, OST has not updated the Draft Facility Guide to address employee face-covering protocols during phases 2 and 3, even though DOT Headquarters moved to phase 2 on July 20, 2020. Moreover, most OA work plans for Headquarters employees do not describe decisions regarding face coverings for phases 2 and 3. DOT does not have a standard written policy for face coverings that Headquarters employees can reference, although there is some ambiguous signage in the building. For instance, at DOT Headquarters during phase 2, we observed a sign by an elevator that said "wear a face covering in public space" and a sign on a conference room door that said "maintain proper social distancing" (see figure 2). A written policy could remove any ambiguity in the interpretation of whether the conference room is also considered to be a "public space."

Figure 2. Signage at DOT Headquarters During Phase 2



Source: OIG

While the information in these guides could enhance safety as employees return to work, OST told us the HR Guide and the Draft Facility Guide are used as reference for OA leadership and were not intended for employee distribution. As long as employees are not able to directly access the safety information the guides contain, their usefulness in communicating return to work procedures to the workforce is limited.

Communicating Fully With Employees On Reopening Procedures and Status

According to an official, OST communicates with OAs about reopening through regular monthly meetings with OA Assistant Administrators for Administration, biweekly meetings with OA Human Resources Directors, and meetings with OA Administrators. OST also said officials use DOT's intranet site, DOTnet; OA town halls; and virtual meetings with staff to provide updates from the Department. DOT did not provide documentation of these communications.

Based on our assessment, communication to DOT employees is fragmented and incomplete. There is no central source⁴ of COVID-related return-to-work guidance, procedures, or information. Communication comes from various sources in the Department, as well as the OAs. Based on documentation provided by OST, the Department emailed all DOT employees about the Framework when it was implemented in May 2020. It also sent employees at Headquarters major COVID-19-related announcements, some guidance, and a survey to identify their reopening-related concerns. An OST official also told us that OA managers and supervisors communicate details on the reopening status and other policies and

⁴ For a list of return to work policies, guidance, and tools we collected or identified during this assessment, see exhibit B.

procedures to their staff, including non-Headquarters employees. However, as noted on page 3, most OA work plans do not include a required subplan for communicating with employees.

The coronavirus page on DOTnet provides DOT employees with resources. However, the page was last updated in April 2020 before the Framework was issued, and it does not include policies and procedures related to employee safety issued since then. For example, it does not include the DOT FAQ document with a self-assessment symptoms checklist, Human Resources Guide, Draft Facility Guide, or links to OA work plans. When we asked about giving employees the detailed information in the OA work plans, an OST official told us while the Framework was intended for the entire DOT population, OAs are not required to share their work plans with staff. Without access to the OAs' work plans and related policies and procedures, employees may not be fully informed of the steps their agencies are taking to ensure their safe return to duty stations.

As described on the previous page, an OST official also said that the Draft Facility Guide and HR Guide were provided to OA leadership for reference and were not intended for employees. We identified another resource with detailed information and procedures, the American Federation of Government Employee's memorandum of understanding (MOU) with OST. We found this MOU on DOTnet. However, it is posted only on the union agreements webpage because the MOU only applies to bargaining unit employees at OST.

Finally, we note that the Department is communicating its COVID-19 measures via signage at DOT Headquarters. During phase 2, we visited the DOT Headquarters building and observed ample safety-related signage and sanitizer.

Conclusion

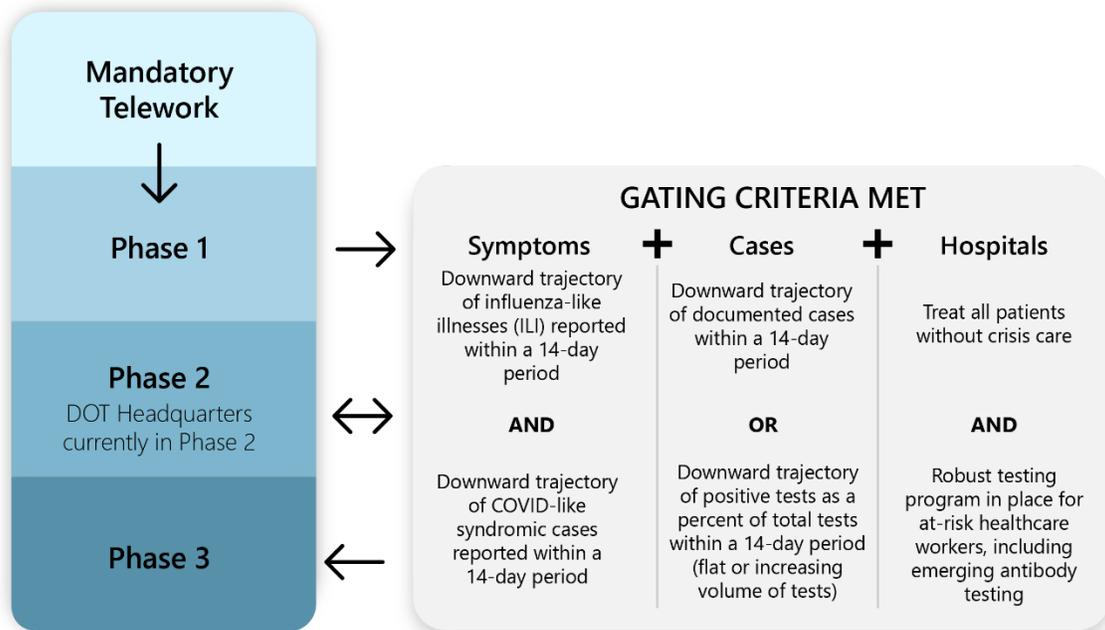
In response to the COVID-19 public health emergency, DOT promptly transitioned to maximum reliance on teleworking for the health and welfare of its employees, consistent with the fulfillment of the Department's critical safety mission. The Framework provides a useful roadmap to transition DOT personnel back to the workplace. However, the Department faces oversight and communication challenges as it takes action to safely return employees to their regular duty stations. We look forward to continuing to assist DOT by identifying challenges to its commitment to respond flexibly and effectively to the COVID-19 pandemic and minimize its impact on the safety and well-being of DOT employees.

If you have any questions or wish to speak to us further regarding this matter, please do not hesitate to contact me at (206) 462-0579.

cc: The Deputy Secretary
DOT Audit Liaison, M-1

Encl: DOT Management Response

Exhibit A. Gating Criteria for DOT's Return to Normal Operations



Note: OIG uses the phrase "mandatory" telework in the box preceding phase 1 to conform to the phase descriptions in the memorandum from OMB and OPM, *Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again* (M-20-23). DOT's Framework uses "maximum" telework to describe the period prior to phase 1.

Source: OIG generated from description of the phases and gating criteria in *Framework for DOT's Return to Normal Operations*

Exhibit B. Policies, Guides, and Tools for Return to Normal Operations at DOT

Applicable to All DOT Employees	March 2020 Contact Tracing Policy <i>Coronavirus page on DOT's internal website</i> Detailed contact tracing procedures if an infected individual is in the office	June 5, 2020 DOT Human Resources Guide, A Framework for Return to Normal Operations, June 2020 <i>Internal reference document for senior OA officials</i> Detailed operational procedures in each phase including a checklist to complete before going to the office
Applicable to All Telework-eligible DOT Employees	May 26, 2020 Framework for DOT Return to Normal Operations <i>DOT's public website</i> Broad return to normal operations requirements including description of the 3 phases and gating criteria	May 27, 2020 Work plan template <i>Emailed to OA Officials</i> Template for OA work plans
Applicable to Employees and/or Visitors at DOT Headquarters	June 5, 2020 Draft Facility Operations Guide in Response to COVID-19, Supplemental to Framework for DOT's Return to Normal Operations <i>Internal reference document for senior OA officials</i> Detailed facilities procedures for the Headquarters building	June 17, 2020 FAQs with Return to Work Checklist <i>Emailed to OA Officials</i> Detailed answers to return to normal operations questions and a checklist to complete before going to the office
Applicable to Telework-eligible Employees in Specific OAs	Due to OST June 2, 2020 Work plan for each OA Duty Station <i>Internal reference document for senior OA officials</i> Detailed return to normal operations plans for each OA duty station	
AFGE Bargaining Unit Employees at OST Headquarters	Sept. 2, 2020 AFGE MOU <i>Union page on DOT website</i> Agreement on employee safety procedures and preparations at DOT Headquarters	

Note: AFGE stands for American Federation of Government Employees. MOU is memorandum of understanding.

Source: OIG generated based on policies and guidance provided to us by OST or identified by us on DOT's website.



U.S. Department
of Transportation

Memorandum

Subject: INFORMATION: Management Response to the
Office of Inspector General (OIG) Draft Memo on
DOT's Framework for Return to Normal Operations

Date: January 13, 2021

From: Keith Washington *Keith Washington*
Deputy Assistant Secretary for Administration

To: Charles A. Ward
Assistant Inspector General for
Audit Operations and Special Reviews

The Office of the Secretary is committed to protecting the U.S. Department of Transportation (DOT or the Department) employees, who serve day-to-day to support the transportation infrastructure for the American people. DOT's statutory mission is the safety and efficiency of the Nation's transportation systems, and the fulfillment of that mission requires that we protect the safety and wellbeing of our dedicated workforce. The welfare of the Department's employees and contractors has been a top priority in responding to the coronavirus disease 2019 (COVID-19) public health emergency.

The COVID-19 public health emergency created an unprecedented challenge for employers across the world. The Department has approximately 54,000 employees spread out across the United States. Because the Department's workforce is geographically dispersed, DOT leadership have had to exercise discretion when providing guidance to local leadership based on current levels of transmission and healthcare capacity at the State or local level as we return to normal operations.

The transition for each DOT facility from maximum telework, consistent with the Framework for DOT's Return to Normal Operations, has proceeded in accordance with guidelines issued by the Office of Management and Budget (OMB) and the Office of Personnel Management (OPM), and was informed by the public health assessments of State and local authorities. At each step, our decisions incorporated the latest advice from the Centers for Disease Control and Prevention (CDC), the General Services Administration (GSA), and the Occupational Safety and Health Administration (OSHA).

In response to the unparalleled COVID-19 public health emergency, DOT's proactive posture ensured maximum reliance on teleworking for the health and welfare of our people, consistent with the fulfillment of our critical safety mission. By enhancing our network capacity and relying on the ability of our workforce to collaborate effectively on a virtual basis, the Department never faltered from fulfilling its responsibilities to oversee the safe and efficient operation of our Nation's transportation systems during this crisis.

At the same time, DOT's Operating Administrations (OA) and components within the Office of the Secretary of Transportation (OST) have worked tirelessly to give our Nation's transportation providers the regulatory flexibility they need, consistent with safety, to endure the crisis, to remain in operation, and to keep vital transportation networks running. These actions have helped America's transportation operators continue to carry the workers, food, medicine and medical equipment, and other supplies vital to the Nation during this time of national emergency, and they will help ensure that these operators are there to lead the U.S. toward economic recovery when the crisis subsides.

The COVID-19 public health emergency has been an evolving situation that required multiple levels of coordination—not only throughout the Department but throughout the highest levels of the Federal Government. As such, DOT leadership could not always provide written communications, because expediency sometimes required alternate means of communicating the latest information, guidance, or concurrences. For this reason, leadership held regular meetings throughout the Department with OA representatives, including monthly meetings with the Assistant Administrators for Administration, bi-weekly meetings with Human Resources directors, routine meetings with OA Administrators and Acting Administrators, and daily task force calls to convey timely additional guidance and information.

Lastly, while OIG notes that written communication to employees was not consistent or sufficient at times, DOT leadership at the OST and OA levels stressed the importance of communicating with employees to ensure that they were aware of their status and to address any concerns that they had while teleworking. Managers and supervisors regularly held staff meetings to check in with employees and to provide the latest guidance and information.

Fortunately, after nearly a year of responding to the COVID-19 public health emergency, much more is known now about the virus and how to prevent its spread. Given the changing dynamics at the onset, OST leadership made every effort to communicate with the OA leadership and employees to provide the best available information as understood at the time. We recognize that while there were some challenges, DOT was successful in ensuring that our workforce was safe and that as employees return to their worksites, guidance for limiting the spread of COVID-19 is followed. DOT will continue to document lessons learned and best practices for future reference.

OST appreciates the opportunity to respond to the OIG's draft memo. Please contact Madeline Chulumovich, Director - Office of Audit Relations and Program Improvement, at (202) 366-6512, with any questions or if you would like additional details.