Safer Federal Workforce Task Force Model Agency COVID-19 Safety Principles

Last Updated September 15, 2022¹

UPDATES IN THIS VERSION

- To ensure compliance with an applicable nationwide preliminary injunction, which may be supplemented, modified, or vacated, depending on the course of ongoing litigation, the Federal Government will take no action to implement or enforce the COVID-19 vaccination requirement pursuant to Executive Order (E.O.) 14043 on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees. Guidance has been provided to agencies on complying with the applicable nationwide injunction. Any aspects of these Model Agency COVID-19 Safety Principles related to the vaccination requirement pursuant to E.O. 14043 are not in effect and will not be implemented or enforced by agencies while the injunction is in place. Safer Federal Workforce Task Force (Task Force) guidance on other Federal agency safety protocols remains in effect, including the protocols described in this document.
- Consistent with CDC guidance, for most Federal workplaces, COVID-19 workplace safety
 protocols will not vary based on vaccination status or otherwise depend on vaccination
 information. Where this is the case, agencies should pause requiring, requesting, or collecting
 vaccination status information from employees, contractor employees, and visitors.
- The Centers for Disease Control and Prevention (CDC) has set recommendations related to COVID-19 Community Levels, which measure the impact of COVID-19 illness on health and healthcare systems. Task Force guidance relies on CDC COVID-19 Community Levels county-level data to determine the appropriate prevention strategies to utilize at a given time, including with respect to requiring mask-wearing, encouraging consideration of physical distancing, avoiding crowding, and implementing screening testing for high-risk settings. In addition to guidance for agencies on monitoring COVID-19 Community Levels on a weekly basis, a chart providing an overview of Federal facility safety protocols by COVID-19 Community Level is below.
- Protocols have been updated consistent with CDC guidance for mask-wearing, physical distancing, screening testing, travel, post-exposure precautions, and isolation.
- For agency-hosted meetings, events, and conferences, there are no Government-wide restrictions, and agencies do not need to first seek approval of agency heads, regardless of the expected number of in-person participants or local COVID-19 Community Levels, unless otherwise required to do so by agency policy.

PURPOSE

The health and safety of all Federal employees, onsite contractor employees, and individuals interacting with the Federal workforce is of paramount concern for the Administration.

Section 2(a) of E.O. <u>13991</u> directs executive departments and agencies (hereafter, "agency" and collectively, "agencies") to "immediately take action, as appropriate and consistent with applicable law, to require compliance with CDC guidelines with respect to wearing masks, maintaining physical distance, and other public health measures by: on-duty or on-site Federal employees; on-site Federal contractors;

¹ Previous updates to these model agency COVID-19 safety principles were issued on <u>September 13, 2021</u> and <u>July 29, 2021</u>. The original version of model agency COVID-19 safety principles was issued as an attachment to Office of Management and Budget memorandum <u>M-21-15</u> on "COVID-19 Safe Federal Workplace: Agency Model Safety Principles" issued on January 24, 2021.

and all persons in Federal buildings or on Federal lands." Section 4 of E.O. 13991 establishes the Task Force and directs it to "provide ongoing guidance to heads of agencies on the operation of the Federal Government, the safety of its employees, and the continuity of Government functions during the COVID-19 pandemic."

The purpose of this document from the Task Force is to provide updated model COVID-19 safety principles for agencies with respect to their agency COVID-19 workplace safety plans. These updated model COVID-19 safety principles set forth the protocols agencies must follow to comply with their obligations under section 2(a) of E.O. 13991, as well as protocols agencies would need to follow to implement Task Force guidance issued pursuant to E.O. 13991.

To be consistent with Task Force guidance, agencies would need to incorporate these model COVID-19 safety principles into their existing agency COVID-19 workplace safety plans and ensure the agency's updated COVID-19 workplace safety plan is posted on a publicly available website, following consultation with the Task Force.

ROLE OF AGENCY COVID-19 COORDINATION TEAMS

To be consistent with this guidance and OMB Memorandum M-21-15, each agency would need to maintain its COVID-19 Coordination Team. This team should, at a minimum, include a representative from: each component agency (if applicable); the appropriate human resources office(s); occupational safety and health experts; executive leadership; and legal counsel. The COVID-19 Coordination Team should include or consult with as needed the agency's Senior Agency Official for Privacy. The team should meet regularly to: review compliance with agency COVID-19 workplace safety plans, protocols, and policies; consider and—following consultation with the Task Force—implement potential revisions to agency COVID-19 workplace safety plans, protocols, and policies consistent with Task Force and CDC guidance; ensure agency COVID-19 workplace safety plans, protocols, and policies are broadly communicated to agency employees and, as appropriate, onsite contractor employees, visitors to agency facilities, and in-person attendees at agency-hosted meetings, events, and conferences; and evaluate any other operational needs related to COVID-19 workplace safety. The team should coordinate all decisions with Facility Security Committees, as appropriate. For privately owned facilities leased by the General Services Administration (GSA), the team should coordinate with GSA, where appropriate, and the lessor's designated representative.

MODEL AGENCY COVID-19 SAFETY PRINCIPLES

The model agency COVID-19 safety principles presented here are aligned with the latest COVID-19 guidance from the CDC for the general community. These principles will be reassessed over time, as conditions warrant and as CDC guidance—as well as relevant guidance from other Federal agencies such as the Department of Labor Occupational Health and Safety Administration (OSHA)—is updated.

COVID-19 Community Levels

Frequently asked questions (FAQs) regarding local conditions can be found on SaferFederalWorkforce.gov here.

CDC has set recommendations related to <u>COVID-19 Community Levels</u>, which measure the impact of COVID-19 illness on health and healthcare systems and inform the appropriate prevention strategies to utilize at a given time.

CDC provides county-level data showing the COVID-19 Community Level for each county in the United States, as determined by CDC. Agencies should utilize that data in determining the COVID-19 Community Level for a given facility by looking to the COVID-19 Community Level for the county in which the facility is located.

Agencies should review the COVID-19 Community Level for each of their facilities on a weekly basis, to determine any changes that should be made to agency COVID-19 workplace safety protocols for the upcoming week; for example, an agency could review the COVID-19 Community Level each Friday and implement any changes to agency safety protocols due to changes in the COVID-19 Community Level starting the following Monday.²

Overview of Federal Facility COVID-19 Safety Protocols by COVID-19 Community Level

Federal Facility COVID-19 Safety Protocols	When COVID-19 Community Level is LOW	When COVID-19 Community Level is MEDIUM	When COVID-19 Community Level is HIGH
Federal employee vaccination requirement pursuant to E.O. 14043	No implementation or enforcement given a nationwide injunction ³	No implementation or enforcement given a nationwide injunction ³	No implementation or enforcement given a nationwide injunction ³
To be consistent with Task Force guidance, agencies would need to require documentation of vaccination status from employees, and ask about the vaccination status of onsite contractor employees and visitors.	Pause, given that COVID-19 safety protocols do not vary by vaccination status at this time ⁴	Pause, given that COVID-19 safety protocols do not vary by vaccination status at this time ⁴	Pause, given that COVID-19 safety protocols do not vary by vaccination status at this time ⁴
Agencies must require all individuals to wear a high-quality mask or respirator (such as an N95) regardless of vaccination status.	NO ⁵ (mask-wearing optional)	NO ⁵ (mask-wearing optional)	YES
Where agencies have established serial screening testing programs and/or point-in-time screening testing requirements for certain agency-identified high-risk settings, 6 screening testing must be implemented for individuals enrolled in the program or subject to the requirement, regardless of vaccination status.	NO	YES	YES
To be consistent with Task Force guidance, agencies would need to require symptom screening self-checks for all individuals prior to entry to Federal facilities.	YES	YES	YES

² See also: <u>Updated Implementation Guidance on COVID-19 Community Levels</u> | <u>Safer Federal Workforce Task Force</u>, <u>Updated August 17, 2022</u> ³ See Frequently Asked Questions Related to Compliance with the Applicable Preliminary Nationwide Injunction on Implementation and

Enforcement of the Vaccination Requirement Pursuant to Executive Order (E.O.) 14043 | Safer Federal Workforce Task Force, Updated August 17, 2022

⁴ Agencies with employee COVID-19 vaccination requirements unrelated to E.O. 14043 and pursuant to other authorities can continue to require documentation of proof of vaccination from employees subject to those requirements, as can agencies with other setting-specific dependencies on collecting vaccination information from employees in those settings, in consultation with the Task Force, the agency's General Counsel, and the agency's Senior Agency Official for Privacy.

⁵ Agencies may need to require individuals to wear masks in certain Federal facilities or workplaces, or otherwise when Federal employees are on duty in certain settings, to be consistent with CDC guidance and other regulations.

⁶ For the purposes of this guidance, high-risk settings include certain Federal facilities—or certain specific settings within Federal facilities—where (1) COVID-19 transmission risk is high, and (2) the population present onsite is at high risk of severe outcomes from COVID-19 or there is limited access to healthcare. Examples of such settings provided by CDC include, "High-risk congregate settings, such as assisted living facilities, correctional facilities, and homeless shelters, that have demonstrated high potential for rapid and widespread virus transmission to people at high risk for severe illness" and "Settings that involve close quarters and that are isolated from healthcare resources (e.g., fishing vessels, wildland firefighter camps, or offshore oil platforms)."

Federal Facility COVID-19 Safety Protocols	When COVID-19 Community Level is LOW	When COVID-19 Community Level is MEDIUM	When COVID-19 Community Level is HIGH
Agencies must instruct all individuals known to be exposed to COVID-19 to wear a high-quality mask or respirator (such as an N95), take other post-exposure precautions, and watch for symptoms for 10 full days after exposure, consistent with CDC guidance—instead of at-home quarantine and regardless of vaccination status. Agencies must require individuals exposed to COVID-19 be tested at least 5 full days (ideally, on or after day 6) after their last exposure.	YES	YES	YES
Agencies must instruct all individuals with probable or confirmed COVID-19 to follow agency isolation protocols and take other precautions consistent with CDC guidance.	YES	YES	YES
To be consistent with Task Force guidance, agencies would need to make and maintain improvements to indoor ventilation and air filtration to the maximum extent feasible.	YES	YES	YES
To be consistent with Task Force guidance, agencies would need to post signage encouraging individuals, regardless of vaccination status, to consider physically distancing themselves from others and avoiding crowding in indoor common areas, meeting rooms, and high-risk settings in Federal facilities. ⁶	NO	YES	YES

Vaccination

FAQs regarding **vaccination** can be found on SaferFederalWorkforce.gov <u>here</u>.

Vaccination Requirements

NOTE: To ensure compliance with an applicable nationwide preliminary injunction, which may be supplemented, modified, or vacated, depending on the course of ongoing litigation, the Federal Government will take no action to implement or enforce the COVID-19 vaccination requirement pursuant to E.O. 14043 on *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*. Guidance has been provided to agencies on complying with the applicable nationwide injunction. The vaccination requirement set forth in this "Vaccination Requirements" section pursuant to E.O. 14043 is not in effect and will not be implemented or enforced by agencies while the injunction is in place. Federal employees may be subject to COVID-19 vaccination requirements pursuant to agency authorities and must follow agency policies with respect to those requirements.

To ensure the safety of the Federal workforce, Federal employees must be fully vaccinated, except in limited circumstances in which an employee is legally entitled to a reasonable accommodation.

Vaccination-Related Leave

FAQs regarding vaccination-related leave can be found on SaferFederalWorkforce.gov here.

NOTE: Employees who seek any non-required dose of FDA-authorized COVID-19 vaccine during work hours should be granted administrative leave and not use duty time. This includes employees who are not required to be vaccinated due to the nationwide preliminary injunction on implementation and enforcement of E.O. 14043. For those employees who are required to be vaccinated against COVID-19 by their agency pursuant to agency-specific vaccination requirements, time spent receiving any required authorized COVID-19 vaccine dose must be duty time.

When a Federal employee is required to be vaccinated, the time the employee spends obtaining any required COVID-19 vaccine dose (including travel time) is duty time; thus, there is no need for the employee to take administrative leave for such time during the employee's basic tour of duty.

Employees may not be credited with administrative leave for time spent getting a required vaccine dose. If, due to unforeseen circumstances, the employee is unable to obtain the vaccine dose during basic tour of duty hours, the normal overtime hours of work rules apply.

To be consistent with Task Force guidance, agencies would need to provide employees with administrative leave to receive any non-required dose of FDA-authorized COVID-19 vaccine.

To be consistent with Task Force guidance, agencies would need to provide employees with administrative leave to address any side effects related to a recent vaccination. In addition, agencies would need to provide employees with administrative leave to accompany a family member being vaccinated. For this purpose, a "family member" is an individual who meets the definition of that term in Office of Personnel Management (OPM) leave regulations (see 5 CFR 630.201).

See Task Force FAQs on <u>vaccination-related leave</u> for more information about the use of duty time and administrative leave, including how much duty time or administrative leave agencies should provide for the above circumstances.

Vaccination Documentation and Information

FAQs regarding **vaccination documentation and information** can be found on SaferFederalWorkforce.gov <u>here</u>.

FAQs regarding **contractors** can be found on SaferFederalWorkforce.gov <u>here</u>.

FAQs regarding **visitors** can be found on SaferFederalWorkforce.gov <u>here</u>.

NOTE: Agencies should take no action to require or request employees and potential employees to provide information about their COVID-19 vaccination status solely for purposes of implementing the vaccination requirement pursuant to E.O. 14043, due to the nationwide preliminary injunction on implementation and enforcement of E.O. 14043.

Consistent with CDC guidance, for most Federal workplaces, COVID-19 workplace safety protocols currently do not vary based on vaccination status or otherwise depend on vaccination information. Where this is the case, agencies should pause any efforts to require, request, or collect vaccination status information from any individual—including employees, contractor employees, visitors to agency facilities, or in-person attendees at agency-hosted meetings, events, and conferences—for the purposes of implementing agency COVID-19 workplace safety protocols.⁷

When agencies pause requiring, requesting, and collecting vaccination status information, such agencies must continue to preserve their vaccination information collection systems and the information collected to date from employees in accordance with the Federal Records Act and other records requirements. Furthermore, it is important to preserve this information as COVID-19 workplace safety protocols may change in the future, or collection of this information from Federal employees may

⁷ Agencies with employee COVID-19 vaccination requirements pursuant to authorities other than E.O. 14043 may continue to require documentation of proof of vaccination from employees and potential employees subject to those requirements, as can agencies with other setting-specific dependencies on collecting vaccination information from employees in those settings. Such agencies should consult with the Task Force, the agency's General Counsel, and the agency's Senior Agency Official for Privacy on such requirements, including related to information collection.

otherwise need to resume. See Task Force FAQs on <u>vaccination documentation and information</u> for more information about how agencies should maintain any documentation provided by employees regarding vaccination.

Mask-Wearing

FAQs regarding mask-wearing can be found on SaferFederalWorkforce.gov here.

When the COVID-19 Community Level is HIGH in a county where a Federal facility is located, pursuant to E.O. 13991 and consistent with CDC guidance, agencies must require individuals—including employees, contractor employees, and visitors—who are 2 years or older, to wear a high-quality mask indoors in the facility, regardless of their vaccination status. This includes when Federal employees are interacting with members of the public as part of their official responsibilities.

Nothing in CDC or Task Force guidance precludes an individual from wearing a mask, if the individual so chooses when the COVID-19 Community Level is LOW or MEDIUM. When the COVID-19 Community Level is LOW or MEDIUM in a county where a Federal facility is located, in most settings, to be consistent with Task Force guidance, agencies would need to communicate to individuals, such as through signage, that mask-wearing is optional, and should not otherwise require individuals to wear a mask, except where required by Federal, State, Tribal, territorial, or local laws, rules, regulations, or existing collective bargaining agreements. Should an agency identify unique operational circumstances in certain agency workplaces that may require other or additional prevention measures, it should consult with the Task Force regarding exceptions, per the Exceptions section below.

When agencies require that individuals wear a "high-quality" mask or respirator when COVID-19 Community Levels are HIGH, and when agencies instruct individuals to wear a "high-quality" mask or respirator for post-exposure and post-isolation precautions, to be consistent with Task Force guidance, agencies would need to inform individuals that high-quality masks or respirators include respirators that meet U.S. or international standards (e.g., N95, KN95, KF94), masks that meet a standard (e.g., ASTM), or "procedure" or "surgical"-style masks. Agencies should otherwise avoid limiting the types of masks that can be worn by individuals in Federal facilities.

When individuals are required to wear a high-quality mask or respirator (such as an N95) in Federal facilities, agency mask-wearing protocols should reflect that:

- Masks and respirators should be well-fitting and worn consistently and correctly (over mouth and nose).
- Masks or respirators should be worn in any common areas or shared workspaces (including open floorplan office space, cubicle embankments, and conference rooms).
- Individuals do not need to wear masks or respirators when outdoors.

Agencies may provide for limited exceptions to mask-wearing, such as when an individual is alone in an office with floor to ceiling walls and a closed door, or for a limited time when an individual is eating or drinking and maintaining distance from others.

Masked individuals may be asked to lower their masks briefly for identification purposes in compliance with agency safety and security requirements.

Signage and Online Notice of Mask-Wearing Requirements

To be consistent with Task Force guidance, agencies would need to post and update physical signs and post information online on agency websites making clear what mask-wearing requirements apply in each Federal facility.

When the COVID-19 Community Level is HIGH in a county where a Federal facility is located, to be consistent with Task Force guidance, agencies would need to post physical signs providing notice of the requirement for all individuals to wear a high-quality mask or respirator (such as N95) indoors in the facility pursuant to E.O. 13991.

When the COVID-19 Community Level is LOW or MEDIUM in a county where a Federal facility is located, to be consistent with Task Force guidance, agencies would need to post physical signs providing notice that mask-wearing is optional.

Screening Testing

FAQs regarding **testing** can be found on SaferFederalWorkforce.gov <u>here</u>.

To be consistent with Task Force guidance, agencies should not implement COVID-19 serial or point-intime screening testing⁸ in other Federal facilities, or for other settings, roles, and functions within Federal facilities, beyond those identified by agencies for high-risk settings, as described below, absent an approved exception from the agency head following consultation with the agency COVID-19 Coordination Team, including the agency Office of General Counsel, and the Task Force.

Serial Screening Testing

Following consultation with the agency COVID-19 Coordination Team, including the agency Office of General Counsel, and the Task Force, agencies may establish COVID-19 serial screening testing programs for employees (or employees and onsite contractor employees) working in high-risk settings within Federal facilities. When an agency has identified potential high-risk settings across its facilities, the agency should consult with the Task Force to confirm that those settings are high-risk and that establishing a serial screening testing program and/or requiring point-in-time screening testing in those facilities would be consistent with CDC and Task Force guidance, and should consult with the agency Office of General Counsel on any implementation. When serial screening testing is implemented, agencies must not differentiate among individuals on the basis of their vaccination status, pursuant to E.O. 13991 and consistent with CDC guidance.

⁸ Screening testing is intended to identify people with COVID-19 who are asymptomatic or do not have any known, suspected, or reported exposure to SARS-CoV-2, the virus that causes COVID-19. CDC guidance states that, "Screening testing can provide important information to limit transmission and outbreaks in high-risk congregate settings." Screening testing helps to identify unknown cases so that measures can be taken to prevent further transmission. Screening testing is separate and distinct from diagnostic testing, which is intended to identify current infection in individuals and is performed when a person has signs or symptoms consistent with COVID-19, or is asymptomatic, but has recent known or suspected exposure to someone with suspected or confirmed SARS-CoV-2 infection. Examples of screening testing include: (1) Pointin-time screening testing: This is screening testing that happens on a situational basis, such as before an event or visit; and (2) Serial screening testing: This is screening testing that is repeated at different points in time within a group, such as periodic testing for everyone in a particular setting or facility.

⁹ To be consistent with Task Force guidance, agencies should not implement COVID-19 serial screening testing in other Federal facilities, or for other settings, roles, and functions within Federal facilities, beyond those identified by agencies for high-risk settings, absent an approved exception from the agency head following consultation with the agency COVID-19 Coordination Team, including the agency Office of General Counsel, and the Safer Federal Workforce Task Force.

When COVID-19 Community Levels are MEDIUM or HIGH, asymptomatic individuals (without a known exposure to someone with COVID-19 within the past 10 days) who are enrolled in a serial screening testing program established for agency-identified high-risk settings, if any, should be tested at least twice weekly for any week during which they work onsite or interact in person with members of the public as part of their job duties in that agency-identified high-risk setting.¹⁰

Testing may be conducted at a Federal facility or offsite as determined by the agency. The test can be both self-administered and self-read by the employee if the agency has the employee certify as to when they took the test and that they received a negative result. See Task Force FAQs on testing for more information regarding serial screening testing.

Point-in-Time Screening Testing

Following consultation with the agency COVID-19 Coordination Team, including the agency Office of General Counsel, and the Task Force, agencies may establish COVID-19 point-in-time screening testing requirements for onsite contractor employees and visitors accessing agency-identified high-risk settings within Federal facilities, as well as for in-person attendees at agency-hosted meetings, events, or conferences taking place in high-risk settings within Federal facilities or high-risk non-Federal settings, when COVID-19 Community Levels are MEDIUM or HIGH in the county where the facilities with those high-risk settings are located. When an agency has identified potential high-risk settings across its facilities, the agency should consult with the Task Force to confirm that those settings are high-risk and that conducting point-in-time screening testing in those facilities would be consistent with CDC and Task Force guidance. See Task Force FAQs on testing for more information regarding point-in-time screening testing.

Official Travel

FAQs regarding **official travel** can be found on SaferFederalWorkforce.gov <u>here</u>.

There are no Government-wide limits on official travel (i.e., travel conducted under an official travel authorization), regardless of an individual's vaccination status. Individuals should follow the travel policy of the agency sponsoring the official travel.

In approving official travel, the agency sponsoring the official travel should:

- Inform the traveling individual that CDC recommends that individuals make sure they are up to date with COVID-19 vaccines before travel;
- Recommend that the traveling individual consider being tested for current infection with a viral test as close to the time of departure as possible (no more than 3 days) before travel;
- Instruct the traveling individual to adhere strictly to CDC guidance for <u>domestic</u> and <u>international</u> travel before, during, and after official travel;
- Instruct the traveling individual to check their destination's COVID-19 Community Level before traveling, and to wear a high-quality mask or respirator (such as an N95) while on-duty and

¹⁰ To be consistent with Task Force Guidance, agencies should not implement serial screening testing when COVID-19 Community Levels are LOW.

¹¹ To be consistent with Task Force guidance, agencies should not establish point-in-time screening testing requirements for access to other facilities, settings, meetings, events, or conferences, absent an exception approved by the agency head following consultation with the agency COVID-19 Coordination Team, including the agency Office of General Counsel, and the Task Force. To be consistent with Task Force Guidance, agencies should not implement point-in-time screening testing when COVID-19 Community Levels are LOW.

- around others indoors at their destination, if the COVID-19 Community Level in the county where their destination is located is HIGH;
- Instruct the traveling individual to make sure they understand and follow all travel restrictions put in place by State, Tribal, local, and territorial governments; and
- Advise the traveling individual to prepare to be flexible during their travel, as restrictions, policies, and circumstances may change during their travel.

Heads of agencies should issue specific travel guidance as needed to account for the specific requirements of their agency's mission.

Travel for Individuals with Known Exposure

For asymptomatic individuals who have had a known <u>exposure</u> to someone with COVID-19 within the past 10 days, agencies may approve official travel, consistent with the agency's travel policy. If the individual remains without COVID-19 <u>symptoms</u> before traveling, then pursuant to E.O. 13991 and consistent with CDC guidance, the agency must instruct the individual to, in addition to other standard pre-travel instructions related to COVID-19:

- Wear a high-quality <u>mask or respirator</u> (such as an N95) the entire time they are on-duty and around others indoors for the full duration of their travel that falls within the 10 full days after their last known exposure;
- Not travel on public transportation such as airplanes, buses, and trains if they will not be able to
 wear a high-quality mask or respirator (such as an N95) when around others indoors for the full
 duration of their travel within the 10 full days after their last known exposure; and
- Follow other aspects of <u>post-exposure protocols</u>, including the requirement for individuals with a known exposure to be tested for COVID-19 after 5 full days following their last known exposure (ideally, on or after day 6)—note that this testing may need to occur while the individual is traveling, and that agencies do not need to require that employees wait for the results of this post-exposure diagnostic test to undertake official travel, including return travel.

If the individual develops COVID-19 symptoms after official travel has been approved, then pursuant to E.O. 13991 and consistent with CDC guidance, the agency must instruct the individual to not undertake further official travel, including under that previously approved travel authorization, and to instead follow agency protocols consistent with the Task Force guidance on travel for individuals with COVID-19 symptoms (see next section).

Travel for Individuals with COVID-19 Symptoms or a Positive COVID-19 Test

Pursuant to E.O. 13991 and consistent with CDC guidance, agencies must not approve official travel (i.e., travel conducted under an official travel authorization) for individuals who have COVID-19 symptoms and are waiting for an initial diagnostic viral test result, and agencies must not approve official travel for individuals who have tested positive for COVID-19 for at least 5 full days after their first day of symptoms, or after the date of the initial positive diagnostic viral test for asymptomatic individuals.

If an individual who tested positive for COVID-19 has returned to working onsite at an agency workplace or interacting with members of the public as part of their official responsibilities (once they are fever-free for 24 hours without the use of fever-reducing medication and their other symptoms are improving), then the agency may approve official travel for the individual. Pursuant to E.O. 13991 and

consistent with CDC guidance, the agency must instruct the individual to, in addition to other standard pre-travel instructions related to COVID-19:

- Wear a high-quality <u>mask or respirator</u> (such as an N95) the entire time they are on-duty and around others indoors for the full duration of their travel that falls within the period they are otherwise required to wear a high-quality mask or respirator after ending <u>isolation</u>, consistent with Task Force guidance;
- Not travel on public transportation such as airplanes, buses, and trains if they will not be able to
 wear a high-quality mask or respirator (such as an N95) when around others indoors for the full
 duration of their travel that falls within the period they are otherwise required to wear a highquality mask or respirator after ending isolation, consistent with Task Force guidance; and
- Follow other aspects of <u>post-isolation protocols</u>.

If after official travel has been approved, the individual's COVID-19 symptoms recur or worsen, then pursuant to E.O. 13991 and consistent with CDC guidance on <u>isolation</u>, agencies must instruct the individual to not undertake further official travel, including under any previously approved travel authorization, and to again not enter a Federal facility or interact with members of the public as part of their official responsibilities, restarting at day 0 of <u>isolation</u> protocols.

Meetings, Events, and Conferences

FAQs regarding meetings, events, and conferences can be found on SaferFederalWorkforce.gov here.

For agency-hosted meetings, events, and conferences, there are no Government-wide restrictions, and agencies do not need to first seek approval of agency heads, regardless of the expected number of inperson participants or local COVID-19 Community Levels, unless otherwise required to do so by agency policy.

All in-person attendees at any meetings, conferences, or events hosted by Federal agencies must comply with relevant COVID-19 safety protocols, including as it relates to any mask-wearing when COVID-19 Community Levels are HIGH, pursuant to E.O. 13991 and consistent with CDC guidance.

Symptom Screening

FAQs regarding **symptom screening** can be found on SaferFederalWorkforce.gov <u>here</u>.

If a Federal employee, contractor employee, or visitor has fever or chills, or if they have other new or unexplained symptoms consistent with COVID-19 such as new or unexplained onset of cough, shortness of breath, or difficulty breathing, new or unexplained loss of taste or smell, or new or unexplained muscle aches, they should not enter a Federal workplace. If an individual suspects that they have COVID-19, such as because they have new or unexplained COVID-19 symptoms, but they do not yet have test results, they should not enter a Federal workplace and should get tested if they have not already done so.

To be consistent with Task Force guidance, agencies would need to require that all employees and contractor employees working onsite at an agency workplace and all visitors to Federal facilities complete symptom screening before entering a Federal facility. Agencies also would need to require that all employees complete symptom screening prior to interacting with members of the public in person as part of their official responsibilities. Symptom screening can be self-conducted and does not

need to be verified by agency personnel. In developing these tools, agencies may adapt the screening tool developed by <u>CDC</u>.

Pursuant to E.O. 13991, agencies must require that any individual, regardless of vaccination status, who develops fever, chills, or other new or unexplained symptoms consistent with COVID-19, or who tests positive for COVID-19, while onsite during the workday immediately wear a high-quality mask or respirator (such as an N95) and promptly leave the workplace. Pursuant to E.O. 13991 and consistent with CDC guidance, the agency must require individuals who disclose that they have tested positive for COVID-19 to follow agency protocols on <u>isolation</u>.

Post-Exposure Precautions

FAQs regarding **post-exposure precautions** can be found on SaferFederalWorkforce.gov <u>here</u>.

If an asymptomatic individual has a known exposure to someone with COVID-19, CDC does not recommend quarantine at home, and so agencies must not prevent the individual from entering Federal facilities or interacting with members of the public in person as part of their official responsibilities due to quarantine protocols.

Pursuant to E.O. 13991 and consistent with CDC guidance on <u>post-exposure precautions</u>, agencies must instruct individuals who are known to have been exposed to someone with COVID-19, regardless of their vaccination status, to:

- Wear a high-quality <u>mask or respirator</u> (such as an N95) while indoors at an agency workplace or interacting indoors with members of the public in person as part of their official responsibilities as soon as possible after notification of exposure and continue to do so for 10 full days from the date they were last known to have been exposed;
- 2. Take <u>extra precautions</u>, such as avoiding crowding and physically distancing from others, when they know they are around people who are <u>more likely to get very sick from COVID-19</u> while onsite at an agency workplace or interacting with members of the public in person as part of their official responsibilities, for 10 full days from the date they were last known to have been exposed; and
- 3. Watch for <u>COVID-19 symptoms</u> for 10 full days from the date they were last known to have been exposed.

For purposes of calculating the 10 full days, day 0 is the day of their last known exposure to someone with COVID-19, and day 1 is the first full day after their last known exposure.

As part of agency testing protocols, and pursuant to E.O. 13991 and consistent with CDC guidance, agencies must require that such employees and contractor employees who are known to have been exposed to COVID-19 and are onsite at an agency workplace or interacting with members of the public in person as part of their official responsibilities be tested for current infection with a <u>viral test</u> at least 5 full days after their last known exposure (ideally, on or after day 6). The test can be both self-administered and self-read by the employee if the agency has the employee certify as to when they took the test and that they received a negative result.

If the individual tests negative, then pursuant to E.O. 13991 and consistent with CDC guidance, the agency must instruct the individual to continue to follow the above precautions for 10 full days from the

date they were last known to have been exposed. If they test positive, or if they at any time develop COVID-19 symptoms, they must follow agency protocols on <u>isolation</u>.

If the individual that has been known to be exposed to COVID-19 is not working onsite at an agency workplace or interacting with members of the public in person as part of their official responsibilities within 10 days of the known exposure, then the agency should not require them to be tested.

If the individual that has been known to be exposed to COVID-19 had tested positive for COVID-19 with a viral test within the previous 30 days and subsequently recovered and remains without COVID-19 symptoms, then they do not need to get tested after a known exposure. If the individual that had been known to be exposed to COVID-19 had tested positive for COVID-19 with a viral test within the previous 31-90 days and subsequently recovered and remains without COVID-19 symptoms, then they should be tested using a viral antigen test. (See also: CDC guidance on specific testing recommendations for those that have had COVID-19 within the past 90 days.)

Isolation and Post-Isolation Precautions

FAQs regarding isolation and post-isolation precautions can be found on SaferFederalWorkforce.gov here.

Any individual with probable or confirmed COVID-19, regardless of their vaccination status, must not enter a Federal facility or interact with members of the public in person as part of their official responsibilities, consistent with CDC guidance on <u>isolation</u> and the workplace safety protocols set forth by their agency, and monitor their symptoms.

This includes people who have an initial positive diagnostic <u>viral test</u> for COVID-19, regardless of whether or not they have symptoms, and people with symptoms of COVID-19, including people who are awaiting test results or have not been tested.

To be consistent with Task Force guidance, agencies would need to allow individuals who tested positive for COVID-19 and never developed symptoms to return to working onsite at an agency workplace or interacting with members of the public as part of their official responsibilities after 5 full days following their positive COVID-19 test (day 0 being the day the individual was tested).

To be consistent with Task Force guidance, agencies would need to allow individuals who tested positive for COVID-19 and had symptoms to return to working onsite at an agency workplace or interacting with members of the public as part of their official responsibilities after 5 full days from the onset of symptoms (day 0 being the day of symptom onset), once they are fever-free for 24 hours without the use of fever-reducing medication and their other symptoms are improving. Note that loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation.

If an individual had moderate illness (if they experienced shortness of breath or had difficulty breathing) or severe illness (they were hospitalized) due to COVID-19, or they have a weakened immune system, then to be consistent with Task Force guidance, agencies would need to advise the individual to delay returning to working onsite at an agency workplace or interacting with members of the public as part of their official responsibilities for a full 10 days. If an individual had severe illness or has a weakened immune system, they should consult their healthcare provider before ending isolation. If an individual is unsure if their symptoms are moderate or severe or if they have a weakened immune system, agencies should advise the individual to talk to a healthcare provider for further guidance.

To be consistent with Task Force guidance, agencies should not use a test-based approach to determine when, after having tested positive for COVID-19 and isolated, an individual can return to working onsite at an agency workplace or interacting with members of the public as part of their official duties, absent an exception approved by the agency head following consultation with the agency COVID-19 Coordination team, including the agency Office of General Counsel, and the Task Force.

Once an individual has returned to working onsite at an agency workplace or interacting with members of the public as part of their official responsibilities after having tested positive for COVID-19 and isolated consistent with CDC guidance on isolation, then pursuant to E.O. 13991 and consistent with CDC guidance, the agency must instruct the individual to continue to take precautions consistent with CDC guidance for at least 10 full days after their first day of symptoms, or after the date of a positive viral test for asymptomatic individuals, including wearing a high-quality mask or respirator (such as an N95) when around others, avoiding eating and drinking around others, avoiding environments such as dining facilities, gyms, or other places where they may need to be unmasked around others, and avoiding being around people who they know are at high risk for severe disease from COVID-19.

As it relates to mask-wearing after returning from isolation, agencies may also inform such individuals that they can opt to take two viral antigen tests authorized by the FDA to detect current COVID-19 infection, starting on day 6. With two sequential negative tests 48 hours apart, the individual may remove their mask sooner than day 10. If either of their antigen test results are positive, the individual should continue taking antigen tests at least 48 hours apart until they have two sequential negative results. This may mean that the individual would continue wearing a mask and testing beyond day 10.

If at any point their COVID-19 symptoms recur or worsen, agencies must instruct the individual to again not enter a Federal facility or interact with members of the public as part of their official responsibilities, restarting at day 0, consistent with E.O. 13991 and CDC recommendations on <u>isolation</u> and the protocols set forth by their agency.

Confidentiality and Privacy

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing and symptom monitoring, will be treated in accordance with applicable laws and policies on confidentiality and privacy, and will be accessible only to those with a need to know. Agencies should consult their Senior Agency Officials for Privacy on matters related to the collection and handling of personally identifiable information and identify a point of contact for all questions relating to personal medical information.

Workplace Operations

FAQs regarding **building operations** can be found on SaferFederalWorkforce.gov <u>here</u>.

FAQs regarding **facilities** can be found on SaferFederalWorkforce.gov <u>here</u>.

FAQs regarding **signage** can be found on SaferFederalWorkforce.gov <u>here</u>.

Improving Ventilation and Air Filtration

To be consistent with Task Force guidance, agencies would need to make and maintain improvements to indoor ventilation and air filtration throughout Federal facilities to the maximum extent feasible, regardless of COVID-19 Community Levels. In consultation with occupational safety and facilities experts as appropriate, agencies should deploy portable high-efficiency particulate air (HEPA) cleaners in indoor

common areas and meeting rooms, particularly where ventilation or air filtration is otherwise challenging to improve despite agency efforts to the maximum extent feasible, or where crowding cannot be avoided, and in high-risk settings. Agencies may reference the Environmental Protection Agency's <u>Clean Air in Buildings Challenge</u> for potential steps to improve indoor air quality, as well as CDC guidance on ventilation in buildings.

Facilitating Physical Distancing and Avoiding Crowding

To be consistent with Task Force guidance, when COVID-19 Community Levels are MEDIUM or HIGH, agencies would need to post signage encouraging individuals, regardless of vaccination status, to consider avoiding crowding and physically distancing themselves from others in indoor common areas, meeting rooms, and high-risk settings in Federal facilities. Pursuant to E.O. 13991, CDC guidance for physical distancing in specific settings, including healthcare and high-risk congregate settings, must be followed, as applicable.

When COVID-19 Community Levels are MEDIUM or HIGH, agencies can consider establishing occupancy limits for indoor common areas and meeting rooms in Federal facilities, and in high-risk settings within Federal facilities, where necessary, including where ventilation and air filtration is challenging to improve despite agency efforts to the maximum extent feasible, or crowding cannot otherwise be avoided.

Telework and Remote Work

Agencies should utilize telework and remote work consistent with the principles set forth in OMB Memorandum M-21-25, OPM <u>guidance</u> on telework and remote work, agency post-reentry work environments, and agency telework and remote work policies.

COLLECTIVE BARGAINING OBLIGATIONS

Frequently asked questions regarding labor relations can be found on SaferFederalWorkforce.gov here.

Consistent with President Biden's policy to support collective bargaining, agencies are reminded to satisfy any applicable collective bargaining obligations under 5 U.S.C. Chapter 71. Agencies are strongly encouraged to communicate regularly with employee representatives on COVID-19 workplace safety matters. Agencies should engage with employee unions at their earliest opportunity as they adjust agency COVID-19 workplace safety plans, protocols, and policies, and otherwise satisfy any applicable collective bargaining obligations under the law, if any, at the earliest opportunity, including on a post-implementation basis, where appropriate.

Agencies should also review existing collective bargaining agreements (CBAs) to assess whether these updated COVID-19 workplace safety protocols conflict with existing CBA provisions. To the extent that conflicting CBAs provisions exist, agencies are strongly encouraged to bring the CBA into compliance with these updated COVID-19 workplace safety protocols at the earliest opportunity permitted under the law.

EXCEPTIONS

Frequently asked questions regarding exceptions can be found on SaferFederalWorkforce.gov here.

E.O. 13991 directs agencies to, as appropriate and consistent with applicable law, require compliance with CDC guidance with respect to wearing masks, maintaining physical distance, and other public health measures by: on-duty or onsite Federal employees; onsite Federal contractors; and all persons in Federal buildings or on Federal lands. E.O. 13991 also provides that heads of agencies may make categorical or case-by-case exceptions to the extent that doing so is necessary or required by law, and consistent with applicable law. Agencies should consult with the Task Force prior to an agency head approving any such exceptions.

If agencies have implementation challenges or operational circumstances that may require other or additional prevention measures beyond those set forth in Task Force guidance, or otherwise require the agency to adopt COVID-19 workplace safety protocols that differ from Task Force guidance unless for reasons of following setting-specific CDC guidance, agencies should consult the Task Force regarding exceptions, prior to implementing any such other or additional measures or protocols.

Pursuant to E.O. 13991, Federal agencies must follow CDC guidance related to certain settings where different or additional layers of prevention are recommended by CDC, including, for example, <u>travel and the indoor transportation corridor</u>, <u>schools</u>, <u>health care settings</u>, <u>congregate settings</u>, and <u>correctional facilities</u>. Where there is a conflict with more general Task Force or CDC guidance, agencies must follow the setting-specific CDC guidance.

In addition, to be consistent with Task Force guidance, where a locality has imposed additional pandemic-related requirements more protective than those set forth in Task Force guidance, agencies would need to follow those additional local requirements in Federal buildings, in Federally controlled worksites, on Government-operated transportation conveyances, and on Federal land in that locality. For example, if a locality has imposed mask-wearing requirements for indoor facilities, agencies would need to apply those requirements in Federal facilities, even if not otherwise required under agency mask-wearing protocols.