



FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

COVID-19

RETURN TO THE FEDERAL WORKPLACE AGENCY PLAN

July 2020

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
RETURNING TO FMSHRC FACILITIES AGENCY PLAN

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The Federal Mine Safety and Health Review Commission (FMSHRC) is committed to a high standard for protecting the health and safety of FMSHRC's workforce during the COVID-19 pandemic while ensuring continuity to support the agency's mission. FMSHRC's Chairman and Senior leadership team ("Leadership") plan to use a well-planned and realistic phased approach for returning Federal employees and support service contractors in our Headquarters and Satellite offices to the workplace in accordance with the Opening Up America Again, OMB memo M-20-23, Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again, or superseding guidelines. Leadership will also serve as the FMSHRC COVID-19 Response Team, who will protect the privacy of all personnel, monitor and report on possible or confirmed COVID-19 cases and take all necessary action.

FMSHRC's phased approach is based on the three gates of the "Opening Up America Again"¹ plan and the guidance provided by the Centers for Disease Control (CDC).² During the gating period, the agency will continue in "Maximum Telework Flexibility" operating status. Leadership will monitor applicable state and local orders and will consider the spirit and intent of those orders to the maximum extent possible while implementing its plan. Leadership will access their departments to ensure all essential functions are being covered.

Leadership will provide opportunities for self-wellness checks for employees and contractors to ensure everyone is healthy and safe. Such self-wellness checks will be strictly voluntary. Self-wellness checks shall be conducted by the individual(s) concerned and should include self-temperature checks, recording temperature and symptoms by date, and completing the CDC's Self-Checker as needed.³ All equipment for self-wellness checks will be provided by FMSHRC, and all communications with regard to self-wellness checks will be by phone or email. Leadership will also generate periodic reports of such self-wellness checks. The Chairman will make all decisions on any necessary changes to the phased approach process outlined in this plan."

The gating criterion listed below will be used as a guideline during the decision making process upon notification from local jurisdictions (city, counties, or districts) surrounding FMSHRC offices located in Washington, DC, Denver, CO, and Pittsburgh, PA. The

¹ The Opening Up America Plan can be found at <https://www.whitehouse.gov/openingamerica/>.

² CDC Guidance can be found at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

³ The CDC Self-Checker can be found at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

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COVID-19 Wellness Monitor, designated by Leadership, will review trends in these jurisdictions and provide Leadership with periodic reports.

- **Gate 1 – Symptoms:** Downward trajectory of influenza-like illness (ILI) reported within a 14-day period AND downward trajectory of COVID-like syndromic cases within a 14-day period.
- **Gate 2 – Cases:** Downward trajectory of documented cases within a 14-day period or downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests).
- **Gate 3 – Hospitals:** Treat all patients without crisis and robust testing program in place for at-risk healthcare workers, including emerging antibody testing.

Once a jurisdiction meets the criteria in each gate, FMSHRC's operating status will be announced by the Chairman or his/her designee that the office location will be preparing for reentry under a phased approach.

Phase Descriptions

The phased approach begins with the gating period followed by Phase 1, Phase 2, and Phase 3. Leadership will continue to assess any community changes as a basis for risk-based decision-making regarding progressing or regressing through the phases.

Gating Period Phase

- Incident Reporting: Incident reporting strategies have been implemented by Leadership to routinely check in on employees and contractors as well as their families to ensure their health and well-being, while also protecting their privacy. Employees have been encouraged to inform their immediate supervisor of any issues that arise during COVID-19, which may impact their mandatory telework status. Contractors have been advised to contact their staffing agencies with any urgent needs or concerns. The contracting agency will notify the Executive Director or one of her/his Contracting Officer Representatives (CORs), and the appropriate steps will be initiated thereafter. National Place Building management remains proactive in notifying tenants of positive cases reported in the building and on FMSHRC headquarter's occupied floors. Pittsburgh and Denver office's building management continue to provide similar information to those respective offices.
- Plan for Phased Return: Leadership will assess their departments and recommend the number of employees and support service contractors that are

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reasonably able to return to headquarters and satellite offices during each phase. Data calls will be generated by the Office of the Executive Director to assist senior management in determining the status of employees in each department prior to each phase. Senior management will provide updates to the Chairman during scheduled weekly meetings, at a minimum, to ensure that the proper guidelines are followed for social distancing and to gauge the number of personnel anticipated to be onsite and working alternate schedules during phase 1 and phase 2.

- Guidance for Managers and Returning Employees: The Office of the Executive Director will develop standard guidance to facilitate consistent messaging to employees and contractors who are returning to the workplace. Messages may include, but not be limited to, instructions that personnel stay home if they have flu-like symptoms, expectations for social distancing at the office, use of common areas such as the kitchenette/lounge, onsite gym and shower rooms, and any new entry procedures as they arise. Employees and contractors identified to return to the workplace will also be provided with instructions on how to self-identify as being vulnerable (as defined in Appendix B of the FMSHRC Framework), to facilitate telework procedures or to use Weather and Safety Leave (WSL), as appropriate. Managers/supervisors will receive additional training to explain the FMSHRC Framework, discuss the expectations for safely returning to the workplace, and answer questions. The training will be provided prior to the start of Phase 1 and the start of Phase 2 targeted to those supervisors, employees and contractors who will return to the headquarters and satellite offices.
- Monitoring for local case trajectory and conditions: The COVID-19 Wellness Monitor will continuously monitor the local conditions of each office location to assist in determining when to initiate Phase 1 and subsequent phases.
- Communications: Leadership will maintain transparent discussions with personnel and key external stakeholders as it plans and initiates a risk-based phased approach to return employees and contractors safely onsite.
- Sanitization of all office facilities: After all offices were vacated in March, FMSHRC secured janitorial cleaning contractors to sanitize Headquarters and Satellite offices with electrostatic level 3 deep sanitizing cleaning methods. Similar cleaning methods will be repeated before employees return to the workplace and will be continued on an as-needed basis.

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- Establishment of Enhanced Screening criteria and protocols: FMSHRC will use CDC-informed enhanced entrance screening criteria to determine whether an individual (e.g., Federal employee, onsite support service contractor, or visitor) may enter an office. Returning personnel will receive communications restricting their entrance to the workplace if they have flu-like symptoms, including a temperature over 100.4 degrees. Notices will be posted outside all Headquarters and Satellite office suites with the following, or similar, questions:

- 1. Today or within the last 10 days, have you had a fever, an unusual cough, shortness of breath, and/or difficulty breathing?**
- 2. Within the last 14 days, have you had close contact with someone who has been sick with COVID-19?**
- 3. Within the last 14 days, were you told to self-quarantine?**

Individuals answering “yes” to any of these questions will not be permitted to enter the office. Employees will be returned to telework status or placed on sick leave or WSL, as appropriate until they can answer the questions satisfactorily. Support service contractor employees will report back to their employer, who will coordinate with the FMSHRC contracting officer or her/his designee. In the event an employee or contractor begins to feel flu-like symptoms while in the office, contactless thermometers have been procured for each office and will be maintained in onsite medical emergency kits. Instruction will be given that any employee or contractor developing a temperature while onsite will notify their supervisor and leave the office immediately.

- Implementation of social distancing protocols: The following social distancing protocols will be implemented for Phase 1 and will be reviewed and revised, as necessary, prior to initiating subsequent phases:
 - **Face Coverings**: All personnel are strongly encouraged, but not required, to wear face coverings while in FMSHRC office facilities, especially high traffic areas where social distancing cannot be achieved (e.g., busy hallways, lobby, and elevators). Personnel who wish to use a face covering will be supplied several washable and reusable masks.
 - **Common Areas**: Areas such as the workout room and showers will be off-limits to Personnel until Phase 3. The kitchenettes and coffee stations

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are limited to 1 person in the Satellite offices and Headquarters 5th floor and 4 persons in Headquarters 14th floor. Appliances such as microwaves and coffeemakers must be wiped down before and after use, or alternatively, individuals must wear disposable gloves while handling appliances. Only disposable plates and utensils will be allowed. As informed by National Place building management, elevators will be programmed in a manner to prevent overcrowding. Similar restrictions may be implemented by building management at the Satellite offices.

- **Meetings and Other Gatherings:** To the extent practical, meetings will continue to be held using virtual tools. In-person meetings (Phase 1 and beyond) will require recommended social distancing (six feet) between participants and will include a limited number of attendees. Conference rooms and hearing rooms will have modified seating and capacity controls to ensure social distancing.
- **Evaluation of Workspace Redesign:** FMSHRC has limited open workspaces. Open workspaces that do not allow at least six feet between employees may be redesigned and/or personnel may be required to work onsite in shifts, combined with telework, to allow for social distancing.
- **Hygiene items and services:** FMSHRC has touchless hand sanitizers installed throughout Headquarters and will ensure that adequate supplies are provided or installed in the Satellite offices.
- **Health Awareness Alerts and Signage postings:** FMSHRC will use innovative measures to increase its signage in the Headquarters and Satellite offices reminding personnel to use proven hygiene practices and social distancing protocols, to report any COVID-like symptoms and to stay home when ill.

Phase 1 Strategic Objectives:

- Continue to encourage telework.
- Continue FMSHRC COVID-19 Response Team meetings.

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- Continue to prohibit non-essential travel and adhere to the CDC guidelines regarding essential travel.
- Close all common areas where personnel are likely to congregate and interact or enforce strict social distancing protocols.
- Strongly consider special accommodations for personnel who are members of a vulnerable population, who are caring for dependents who are members of a vulnerable population, and/or have childcare or transportation needs disrupted due to COVID-19.
- At the discretion of Leadership, personnel may be required to return to assigned FMSHRC offices to perform essential duties while observing all prescribed safety precautions.

Phase 1 Protocols for Implementation:

- Dependent Care Operability: Telework will be encouraged for employees whose schools are closed and/or who lack dependent care disrupted due to COVID-19.
- Transportation and Parking: Telework will be encouraged for employees whose transit or parking options are disrupted due to COVID-19.
- Building Management/Cleaning: Cleaning services provided by building management will remain in effect with an increase in frequency with the cleaning of high-touch areas (i.e., elevators, door handles, and restrooms).
- Cleaning Supplies: Disinfecting items will continue to be procured and placed in kitchenettes, copier rooms, printers, and at shared equipment along the corridors for personnel use. Personnel will also have access to adequate supplies of hand sanitizers or sanitizing wipes.
- Personal Protective Equipment: OED facilities team will continue to ensure personnel have an adequate supply of PPE (face masks and gloves) available. CDC guidelines recommend face coverings. Personnel will be provided several masks for their use while in the office, especially in elevators and common areas throughout the office. Personnel may also visit this link to the CDC website

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should they desire to design their face masks.

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html> .

- Social Distancing:
 - **Face Coverings**: Personnel are encouraged, but not required, to wear face coverings while in FMSHRC office facilities, especially high traffic areas where social distancing cannot be achieved (e.g., busy hallways, lobby, and elevators). Personnel who wish to use a face covering will be supplied several washable and reusable masks.
 - **Evaluation of Workspace Redesign**: FMSHRC has limited open workspaces. Open workspaces that cannot be reconfigured to allow at least six feet between personnel will necessitate work to be scheduled onsite in shifts combined with telework.
 - **Health Awareness Alerts and Signage postings**: FMSHRC's OSHA team will increase its signage within the Headquarters and Satellite offices reminding personnel to use proven hygiene practices and social distancing protocols, to report any COVID-like symptoms to their immediate supervisor, and to stay home when ill.
- Contract Management: Contracting Officers and Contracting Officer Representatives will review all contracting documents to determine the need for amendments to ensure the ongoing concern of services and supplies.
- Communication Plan: Leadership will continue to report to all personnel on the status of the agency's reopening strategy and provide at least one week's notice of the scheduled reopening date of each office, and the transition or regression to Phases.

Phase 2 Strategic Objectives

- Continue to encourage telework and phase in personnel who are able to return to their regular work schedule.
- Continue FMSHRC COVID-19 Response Team meetings.

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- Continue to evaluate non-essential travel and adhere to the CDC guidelines regarding both essential and non-essential travel.
- Close all common areas where personnel are likely to congregate and interact or enforce strict social distancing protocols.
- Continue to strongly consider special accommodations for personnel who are members of a vulnerable population, who are caring for dependents who are members of a vulnerable population, and/or have childcare or transportation needs disrupted due to COVID-19.
- At the discretion of Leadership, personnel may be required to return to assigned FMSHRC offices to perform essential duties at their regular work schedules while observing all prescribed safety precautions.

Phase 2: Protocols for Implementation

- Dependent Care Operability: Telework will be encouraged for employees whose schools are closed and/or who lack dependent care disrupted due to COVID-19.
- Transportation and Parking: Telework will be encouraged for employees whose transit or parking options are disrupted due to COVID-19.
- Building Management/Cleaning: Cleaning services provided by building management will remain in effect with an increase in frequency with the cleaning of high-touch areas (i.e., elevators, door handles, and restrooms).
- Cleaning Supplies: Disinfecting items will continue to be procured and placed in kitchenettes, copier rooms, printers, and at shared equipment along the corridors for personnel use. Personnel will also have access to adequate supplies of hand sanitizers or sanitizing wipes.
- Personal Protective Equipment: OED facilities team will continue to ensure personnel have an adequate supply of PPE (face masks and gloves) available. CDC guidelines recommend face coverings. Personnel will be provided several masks for their use while in the office, especially in elevators and common areas throughout the office. Personnel may also visit this link to the CDC website should they desire to design their face masks.

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<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html> .

- Social Distancing:
 - **Face Coverings**: Personnel are encouraged, but not required, to wear face coverings while in FMSHRC office facilities, especially in high traffic areas where social distancing cannot be achieved (e.g., busy hallways, lobby, and elevators). Personnel who wish to use a face covering will be supplied several washable and reusable masks.
 - **Evaluation of Workspace Redesign**: FMSHRC has limited open workspaces. Open workspaces that cannot be reconfigured to allow at least six feet between personnel will necessitate work to be scheduled onsite in shifts combined with telework.
 - **Health Awareness Alerts and Signage postings**: FMSHRC's OSHA team will increase its signage within the Headquarters and Satellite offices reminding personnel to use proven hygiene practices and social distancing protocols, to report any COVID-like symptoms to their immediate supervisor, and to stay home when ill.
- Contract Management: Contracting Officers and Contracting Officer Representatives will continue to review all contracting documents to determine the need for amendments to ensure the ongoing concern of services and supplies.
- Communication Plan: Leadership will continue to report to all personnel on the status of the agency's reopening strategy and provide at least one week's notice of the scheduled reopening date of each office, and the transition or regression to Phases.

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Phase 3 Strategic Objectives

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- Resume unrestricted staffing of all FMSHRC worksites (Headquarters, Denver, CO, and Pittsburgh, PA).⁴
- Review and revise, as necessary, implemented social distancing protocols.
- Review personnel requests for special accommodations (in particular, telework or alternative scheduling) on a case-by-case basis.

As the circumstances informing movement from one phase to another change, Leadership will consider reverting to a previous phase, including telework, should gating criteria indicators drastically decline in the communities surrounding operating sites.

⁴ During Phase 3, vulnerable populations can resume public interactions but should practice physical distancing, minimizing exposure to social settings where distancing may not be practical, unless precautionary measures are observed, and low-risk populations should consider minimizing time spent in crowded environments.

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Appendix A – Phase 1

<p>National Gating Criteria:</p> <p>State/Local and FMSHRC Federal Conditions</p>	<p>CURRENT GATING CRITERIA AS DEFINED BY OMB MEMORANDUM M-20-23</p>
	<p>(THESE CRITERIA MAY CHANGE IF SUBSEQUENT GUIDANCE IS ISSUED)</p>
	<p>SYMPTOMS: Downward trajectory of influenza-like illnesses reported within a 14-day period AND downward trajectory of COVID-like cases reported within a 14-day period.</p>
	<p>CASES: Downward trajectory of documented cases within a 14-day period OR Downward trajectory of positive tests as a percent of total tests within a 14-day period.</p>
	<p>HOSPITALS: Treat all patients without crisis care AND Robust testing program in place for at-risk healthcare workers, including emerging antibody testing.</p>
<p>LOCAL CONDITIONS: Leadership will consider local conditions, such as state/regional stay-at-home orders, school closings, daycare closings, and the availability of public transportation. Local conditions will inform whether the return-to-workplace process will begin.</p>	
<p>Identifying Phase 1 Returning Personnel</p>	<p>Leadership will identify mission-critical personnel whose jobs are better performed onsite than teleworking, considering the controls in place for return-to-workplace.</p> <p>Self-identified vulnerable personnel, as well as those who live with or provide care for individuals in the vulnerable population, will not be required to return to the workplace in Phase 1. Personnel who are responsible for caregiving in instances where services are closed due to COVID-19, as defined in OPM's COVID-19 guidance released to all agencies, will be Excused Absence for Caregiving, and will be permitted to continue to telework. Other personnel not returning onsite will be permitted to continue to telework or will remain on Weather and Safety Leave, as determined by their supervisor.</p>
<p>Preparing the Facility</p>	<p>The Office of the Executive Director (OED) Facilities Team will implement and communicate to personnel and onsite support service contractors, enhanced entrance screening and social distancing protocols. Contactless thermometers have been purchased.</p> <p>All offices will install additional hygiene equipment, as required, signage on hygiene best practices, enhanced entrance screening requirements, and social distancing protocols.</p>
<p>Monitoring</p>	<p>OED Facilities and the OSHA team will ensure established policies and protocols are followed consistently and will make adjustments as needed.</p> <p>OED Facilities and the OSHA team will establish self-reporting or other mechanisms for identifying persons with symptoms of COVID-19. The Executive Director will report cases to designated staff for COVID-19 incident reporting while excluding the personnel name for privacy purposes and recommend adjustments to Phase 1, as needed.</p> <p>Leadership will monitor local conditions, including the number of cases and closings, and will recommend adjustments to the Chairman regarding Phase 1, as needed.</p>
<p>Travel</p>	<p>No non-essential travel will be taking place during Phase 1.</p>
<p>Visitors</p>	<p>FMSHRC will implement a no-visitor policy.</p>
<p>Building Services</p>	<p>Buildings in Headquarters and Satellite offices will remain open. Custodial services will be provided specifically in high-touch areas and as warranted if there is a report of COVID-like symptoms or a reported COVID case.</p>

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Appendix B – Phase 2

<p>Gating Criteria:</p> <p>State/Local and FMSHRC Federal Conditions</p>	<p>CURRENT GATING CRITERIA AS DEFINED BY OMB MEMO M-20-23</p> <p>(THESE CRITERIA MAY CHANGE IF SUBSEQUENT GUIDANCE IS ISSUED)</p> <p>Ensure Phase 1 criteria have been met for a second time with no evidence of a rebound.</p>
<p>Identifying Phase 2 Returning Personnel</p>	<p>Leadership will assess the departments and identify any additional personnel whose jobs are best performed on-site.</p> <p>Self-identified vulnerable personnel, as well as those who live with or provide care for individuals in the vulnerable population, will not be required to return to the workplace in Phase 2.</p> <p>Personnel who are responsible for caregiving in instances where services are closed due to COVID-19, as defined in OPM's COVID-19 guidance released to all agencies, should be permitted to continue to telework, if not performing mission-critical work that is required to be performed onsite. Other personnel not returning onsite will continue to telework or will remain on Weather and Safety Leave, as determined by their supervisor.</p>
<p>Preparing the Facility</p>	<p>OED facilities and the OSHA committee will implement and communicate to personnel and onsite support service contractors, enhanced entrance screening and social distancing protocols.</p> <p>OED facilities and the OSHA committee will install additional hygiene equipment, as needed, signage on hygiene best practices, enhanced entrance screening requirements, and social distancing protocols.</p>
<p>Monitoring</p>	<p>Leadership and OED facilities will ensure established policies and protocols are followed consistently and will make adjustments as needed.</p> <p>Leadership and OED facilities will establish self-reporting or other mechanisms for identifying persons with symptoms of COVID-19, report any new cases, and recommend adjustments to Phase 2, as needed.</p>
<p>Travel</p>	<p>No non-essential travel will be taking place during Phase 2.</p>
<p>Visitors</p>	<p>FMSHRC may allow some visitors to be onsite. All visitors will be subject to enhanced entrance screening protocols as applicable and outlined by building management.</p>
<p>Building Services</p>	<p>Buildings in Headquarters and Satellite offices will continue to remain open. Custodial services will be provided specifically in high-touch areas and as warranted if there is a report of COVID-like symptoms or a reported COVID case.</p>

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Appendix C – Phase 3

<p>Gating Criteria:</p> <p>State/Local and FMSHRC Federal Conditions</p>	<p>CURRENT GATING CRITERIA AS DEFINED BY OMB MEMO M-20-23</p> <p>(THESE CRITERIA MAY CHANGE IF SUBSEQUENT GUIDANCE IS ISSUED)</p> <p>Ensure Phase 1 criteria have been met for a third time with no evidence of a rebound.</p>
<p>Identifying Phase 3 Returning Personnel</p>	<p>All remaining personnel are expected to reenter the workplace and will resume their pre-COVID work schedules and telework agreements, as approved by their supervisor. Requests for special accommodations will be evaluated through FMSHRC’s reasonable accommodation process on a case-by-case basis.</p>
<p>Preparing the Facility</p>	<p>OED facilities and the OSHA committee will continue to implement and communicate to personnel, and onsite support service contractors, enhanced entrance screening and social distancing protocols.</p> <p>OED facilities and the OSHA committee will reevaluate and ensure all hygiene equipment is installed, as needed, in accordance with EPA and OSHA regulations. Signage on hygiene best practices, enhanced entrance screening requirements, and social distancing protocols will remain updated and posted.</p>
<p>Monitoring</p>	<p>Leadership and OED facilities will ensure established policies and protocols are followed consistently and will make adjustments as needed.</p> <p>Leadership and OED facilities will establish self-reporting or other mechanisms for identifying people with symptoms of COVID-19, report any new cases to the FMSHRC COVID-19 Response Team, and recommend adjustments to Phase 3, as needed.</p> <p>Leadership and OED facilities will monitor local conditions, including the number of cases and closings, and will recommend adjustments to Phase 3, as needed.</p>
<p>Travel</p>	<p>All approved travel may resume.</p>
<p>Visitors</p>	<p>Visitors may be welcomed back onsite.</p>
<p>Building Services</p>	<p>Buildings in Headquarters and Satellite offices will continue to be open. Measures will be taken for social distancing to ensure everyone’s safety.</p>