

# FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

## COVID-19 WORKPLACE SAFETY PLAN



**JULY 2022**

Supersedes:

January 2022 COVID-19 Workplace Safety Plan

Prepared by:  
Leslie C. Bayless  
Chief Operating Officer

Approved by: \_\_\_\_\_

Arthur R. Traynor III  
Chair

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## **SUMMARY OF RECENT CHANGES**

### **Updates as of March 2022:**

1. Update to employee vaccination requirement in E.O. 14043 and contractor vaccination requirement in E.O. 14042 due to an injunction issued by a federal court.
2. Update to masking policy to align with the CDC's COVID-19 Community Level Model.
3. Update to testing policy to align with the CDC's COVID-19 Community Level Model.
4. Update to physical distancing policy to align with CDC guidance on being up to date on COVID-19 vaccines.

### **Updates as of June 2022:**

1. Update to CDC guidance on quarantine and isolation.
2. Update to official travel and diagnostic testing requirements based on new quarantine and isolation guidance.
3. Update to masking policy on government operated conveyances pursuant to E.O. 13991.

## 1. INTRODUCTION

The Federal Mine Safety and Health Review Commission (FMSHRC) is committed to protecting the health and safety of its workforce during the Coronavirus 2019 (COVID-19) pandemic while continuing the Agency's mission. The guidance and information in this work safety plan replaces any prior guidance and information, will be periodically reviewed and may be updated as necessary to remain current with changing public health conditions and additional guidance from the President's Safer Federal Workforce Task Force<sup>1</sup>.

President Biden created the Safer Federal Workforce Task Force to give the heads of federal agencies ongoing guidance to keep their employees safe and their agencies operating during the COVID-19 pandemic. This task force is composed of the White House COVID-19 Response Team, the General Services Administration (GSA), and the Office of Personnel Management (OPM). Task Force members include: the Centers for Disease Control and Prevention (CDC), the Department of Veterans Affairs (VA), the Federal Emergency Management Agency (FEMA), the Federal Protective Service, the Office of Management and Budget (OMB), and the United States Secret Service. The FMSHRC Team, described more fully below in Section IV, will direct implementation of Safer Federal Workforce Task Force guidance to maintain the health and safety of the FMSHRC workforce while protecting the privacy of all personnel.

## 2. AUTHORITIES

Federal guidance issued to date includes:

- A. On January 21, 2021, President Biden released the National Strategy for the COVID-19 Response and Pandemic Preparedness<sup>2</sup>. The National Strategy initiates a coordinated pandemic response that not only improves the effectiveness of the country's fight against COVID-19 but also helps restore trust, accountability, and a sense of common purpose in the federal response to the pandemic.
- B. On January 20, 2021, the President issued Executive Order 13991: Protecting the Federal Workforce and Requiring Mask Wearing<sup>3</sup> instructing agencies to immediately require masks and physical distancing measures in all federal buildings consistent with current CDC guidance.
- C. On January 24, 2021, OMB issued guidance, M-21-15 COVID-19 Safe Federal Workplace: Agency Model Safety Principles<sup>4</sup>, to assist federal agencies in developing tailored COVID-19 workplace safety plans.
- D. On April 7, 2021, The CDC issued the Federal Testing Plan for Federal Workforce<sup>5</sup>. This guidance provides federal agencies with strategies for incorporating SARS-CoV-2 testing into their COVID-19 workplace safety plan.

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<sup>1</sup> See <https://www.saferfederalworkforce.gov/>

<sup>2</sup> See <https://www.whitehouse.gov/wp-content/uploads/2021/01/National-Strategy-for-the-COVID-19-Response-and-Pandemic-Preparedness.pdf>

<sup>3</sup> See <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-the-federal-workforce-and-requiring-mask-wearing/>

<sup>4</sup> See <https://www.whitehouse.gov/wp-content/uploads/2021/01/M-21-15.pdf>

<sup>5</sup> See <https://www.saferfederalworkforce.gov/downloads/Federal%20Testing%20Recommendations%20FINAL.pdf>

- E. On June 10, 2021, OMB issued guidance, M-21-25: Integrating Planning for A Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-Reentry Personnel Policies and Work Environment<sup>6</sup> to provide agencies with guidance for agency planning processes for post-reentry personnel policies and work environment.
- F. On September 9, 2021, the President issued an Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees<sup>7</sup>. This order requires COVID-19 vaccination for Federal executive branch employees.
- G. On September 9, 2021, the President issued an Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors<sup>8</sup>. It ensures that the parties that contract with the Federal Government provide adequate COVID-19 safeguards to their workers performing on or in connection with a Federal Government contract or contract-like instrument.
- H. On September 13, 2021, the COVID-19 Workplace Safety: Agency Model Safety Principles<sup>9</sup> was issued. It outlines model safety principles for executive departments and agencies to revise their existing COVID-19 workplace safety plans.
- I. On November 10, 2021, the COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors<sup>10</sup> was issued. It sets forth workplace safety protocols for Federal contractors and subcontractors pursuant to Executive Order 14042.
- J. On December 27, 2021, the Updated CDC Guidance on Isolation and Quarantine<sup>11</sup> was issued. It shortens the recommended isolation and quarantine period for the general population.
- K. On February 25, 2022, the CDC set new recommendations related to Covid-19 Community Levels. Up to date guidance regarding the CDC's COVID-19 Community Level Model can be found at the CDC COVID Data Tracker<sup>12</sup>.

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<sup>6</sup> See <https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-25.pdf>

<sup>7</sup> See <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-requiring-coronavirus-disease-2019-vaccination-for-federal-employees/>

<sup>8</sup> See <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-ensuring-adequate-covid-safety-protocols-for-federal-contractors/>

<sup>9</sup> See <https://www.saferfederalworkforce.gov/downloads/updates%20to%20model%20safety%20principles%2009.13.21.pdf>

<sup>10</sup> See

[https://www.saferfederalworkforce.gov/downloads/Guidance%20for%20Federal%20Contractors\\_Safer%20Federal%20Workforce%20Task%20Force\\_20211110.pdf](https://www.saferfederalworkforce.gov/downloads/Guidance%20for%20Federal%20Contractors_Safer%20Federal%20Workforce%20Task%20Force_20211110.pdf)

<sup>11</sup> See <https://www.cdc.gov/media/releases/2021/s1227-isolation-quarantine-guidance.html>

<sup>12</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html>

### **3. PURPOSE AND SCOPE**

The primary purpose of this policy is to provide minimum mandatory safety guidance for FMSHRC personnel through the implementation of CDC guidelines at all FMSHRC facilities. The goal is to mitigate the spread of COVID-19 for employees, contractors and guests who periodically visit the Federal workplace. This guidance applies to GSA-leased buildings at headquarters and satellite offices.

### **4. COVID-19 COORDINATION TEAM**

The FMSHRC COVID-19 Coordination Team (“FMSHRC Team”) consists of Senior Management at FMSHRC, which are the Chair, Chief Operating Officer, Chief Administrative Law Judge, General Counsel, Counsel to the Chair, and the EEO Director.

The CDC has assigned personnel with technical expertise to consult with the FMSHRC Team:

- Cristina Bressler, Health Scientist, Occupational Health and Safety Office, Office of Safety, Security, and Asset Management (OSSAM) Chair

The FMSHRC Team will meet regularly to review compliance with agency COVID-19 workplace safety plans and protocols, consider potential revisions to agency COVID-19 workplace safety plans and protocols, and address any other operational needs. As all FMSHRC offices are in GSA-leased space, the FMSHRC Team coordinates with GSA and building management’s security and safety personnel at all locations.

## **5. PANDEMIC OPERATIONS**

### **A. CDC Community Levels**

Workplace safety protocols and protective measures follow the CDC's new recommendations on COVID-19 Community Levels<sup>13</sup>, which measure the impact of COVID-19 illness on health and healthcare systems for each county in the United States. Community levels are determined using the CDC COVID Data Tracker<sup>14</sup>, which rates the county-level data from LOW to MEDIUM to HIGH. Personnel may utilize that data in determining the community level for their worksite by looking at the county in which the agency facility is located. The agency will monitor the community level status weekly to implement requirements on masking, testing, physical distancing, and vaccination attestation (See Appendix A).

### **B. Telework**

As a general principle, FMSHRC is prepared to maximize telework should it be warranted by future conditions.

FMSHRC offices have been officially open since December 17, 2021, and employees are permitted to return to their offices for in-person work once they have attended a Reentry Committee orientation and, if applicable, executed a Telework Agreement. However, due to elevated rates of community transmission at each of the agency's three office locations, during the Winter of 2022, employees were permitted and encouraged to continue full-time emergency telework through March 31, 2022.

Supervisors are responsible for ensuring personnel under their supervision remain productive while teleworking. The FMSHRC Telework Program policy has been updated effective January 3, 2022 and distributed to all employees.

### **C. Office Occupancy and Safety**

Occupancy in agency facilities should be no more than 25% of normal capacity during HIGH community levels. The agency will meet this requirement by maintaining emergency telework authorization during such periods. If an exception to the 25% occupancy needs to be made, it must be pre-approved by the FMSHRC Team.

Employees and contractors performing duties at an agency office must do all they can to keep themselves and their co-workers safe when they are present in the workplace. This includes adhering to the "General Safety Precautions" in Section 7-J and "Use of Personal Protective Equipment (PPE) and Cleaning Supplies" in Section 6-G.

An industrial hygienist inspected all agency facilities to ensure compliance with Occupational Safety and Health Administration (OSHA) regulations and provide recommendations on mitigating the risk of COVID-19 transmission in the workplace. The Pittsburgh Office was inspected on November 29, 2021, the Denver Office was inspected on November 30, 2021, and the agency's Headquarters in Washington, DC was inspected on January 31, 2022. The agency is committed to implementing the

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<sup>13</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html>

<sup>14</sup> See [https://covid.cdc.gov/covid-data-tracker/#county-view?list\\_select\\_state=all\\_states&list\\_select\\_county=all\\_counties&data-type=CommunityLevels](https://covid.cdc.gov/covid-data-tracker/#county-view?list_select_state=all_states&list_select_county=all_counties&data-type=CommunityLevels)



recommendations in the industrial hygienist reports to ensure the health and safety of agency personnel. For any questions on the recommendations, please contact [reentry@fmshrc.org](mailto:reentry@fmshrc.org).

#### **D. Hearings**

All in-person hearings, settlement judge conferences, and mediations were suspended from March of 2020 through January 2, 2022. Effective January 3, 2022, FMSHRC Judges are authorized to schedule in-person hearings (or partial hearings) consistent with the safety guidelines and other provisions of the Chief Judge's December 3, 2021, Order. Additional orders may extend or modify the hearing requirements to be consistent with the changing safety guidelines. Judges are discouraged from setting in-person hearings in areas where the CDC COVID Data Tracker<sup>15</sup> reports HIGH community levels in the county in which the hearing is to be held or where any necessary in-person participant resides.

At the discretion of the presiding administrative law judge and in coordination with the parties, hearings may proceed by videoconference or by telephone. Similarly, settlement judge conferences and mediations may be held by videoconference or by telephone. If the parties agree that an evidentiary hearing is not needed, cases may also be presented for a decision on the record. The parties will be notified if a hearing needs to be rescheduled.

The FMSHRC Team will continue to assess risks presented by in-person hearings and the effectiveness of video or telephone hearings and will continue to consult with the Office of the Chief Administrative Law Judge (OCALJ) to review policies as appropriate.

#### **E. Oral Arguments and Public Meetings**

In view of the risks presented by COVID-19, the FMSHRC Team suspended in-person oral arguments and public meetings from March 2020 through January 2, 2022.

At the discretion of the Office of the General Counsel and in coordination with the FMSHRC Team, oral arguments and public meetings will continue to proceed by videoconference or by telephone. In-person oral arguments and public meetings at the agency's headquarters will not take place when Covid-19 community levels are HIGH for Washington, DC as determined via the CDC COVID Data Tracker<sup>16</sup>.

#### **F. Official Travel**

Overall, Federal employees should adhere strictly to CDC guidance for domestic<sup>17</sup> and international<sup>18</sup> travel before, during, and after official travel. The CDC also recommends that individuals make sure they are up to date with COVID-19 vaccines before travel, to consider being tested for current infection with a viral test as close to the time of departure as possible (no more than three days) before travel, and to check their

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<sup>15</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html>

<sup>16</sup> *Id.*

<sup>17</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html>

<sup>18</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/travelers/international-travel-during-covid19.html>

destination's COVID-19 situation before traveling, including any State, Tribal, local, and territorial governments travel restrictions. Additional resources for official travel can be found on the GSA COVID-19 Information Site<sup>19</sup>.

There are no Government-wide limits on official travel for Federal employees, regardless of their vaccination status. However, some restrictions to official travel may apply if an employee has had a known close contact with someone with COVID-19, developed symptoms, or has probable or confirmed COVID-19 before or during official travel, including return travel. Furthermore, quarantine and isolation guidelines must be followed that differ for those individuals who are up to date on their vaccinations, those who had confirmed COVID-19 within the last 90 days, and those who are not up to date with vaccines (See Sections 7-H and 7-I).

If an individual has had a known close contact with someone with COVID-19, is not recommended to quarantine, and has had confirmed COVID-19 within the previous 90 days, then official travel is approved, consistent with the agency's travel policy. However, they must follow quarantine guidelines and wear a well-fitting mask when around others for the duration of the travel that falls within the 10 days after the close contact (date of exposure is considered day 0).

If an individual has had a known close contact, is not recommended to quarantine due to being up to date with COVID-19 vaccines and has not had confirmed COVID-19 within the previous 90 days, then only mission-critical official travel will be approved during days 1-5 after the close contact (date of exposure is considered day 0). No travel restrictions apply after Day 5, but individuals must follow quarantine guidelines and receive a diagnostic test at least five full days after the close contact, as well as wear a well-fitting mask when around others for the duration of the travel that falls within the 10 days after the close contact. They should also consider getting tested for current infection with a diagnostic test as close to the time of departure as possible (no more than one day) before travel.

If an individual has had a known close contact and is recommended to quarantine due to not being up to date with COVID-19 vaccines, then official travel will not be approved for up to 10 days after the close contact (date of exposure is considered day 0). Only official travel that is urgent, necessary, and mission-critical may be approved during days 6-10 and will require individuals to be tested 5 days after the close contact and before undertaking official travel in accordance with quarantine guidelines. They must also wear a well-fitting mask when around others for the duration of the travel that falls within the 10 days after the last close contact.

Should any individual regardless of vaccination status develop COVID-19 symptoms or receive a positive test result, then official travel will not be approved for at least 10 full days after their first day of symptoms, or after the date of a positive viral test for asymptomatic individuals. They must also follow guidelines on isolation and testing before official travel will be approved. Any employees who are travelling with the individual who has probable or confirmed COVID-19 may be restricted from traveling and should follow guidelines for quarantine.

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<sup>19</sup> See <https://www.gsa.gov/governmentwide-initiatives/emergency-response/covid19-coronavirus>

In any of these circumstances before or during official travel, including return travel, the agency will be responsible for all costs associated with travel and lodging expenses, as well as the cost of any diagnostic testing.

#### **G. Commuting**

Personnel using public transportation to commute to and from the workplace must follow all federal, state, and local COVID-19 guidance governing these services. If a mass transit agency has limited the services it provides such that it will impact a person's ability to travel to and from the office in a timely manner, that person should notify their supervisor and an adjustment to their work schedule may be approved at the supervisor's discretion.

#### **H. Reasonable Accommodation**

A reasonable accommodation under the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990 includes modification to a workplace policy due to a disability-related need of a FMSHRC employee. Reasonable accommodations may be required and provided to employees working from home. Accommodations may relate to COVID-19 itself if an employee acquires the illness and needs modifications to perform the essential functions of their position. Additionally, accommodations may relate to other medical conditions, unrelated to COVID-19, but which impact an employee's ability to perform the essential functions of their position. Employees should contact their supervisors and the Disability Program Coordinator, Michelle Williams ([mwilliams@fmshrc.gov](mailto:mwilliams@fmshrc.gov)) to determine whether, and what, accommodations may be provided.

#### **I. Confidentiality and Medical Privacy**

All medical information collected from personnel, including test results and any other information obtained because of testing and symptom monitoring, will be treated confidentially in accordance with applicable law. This information will be accessible only by those with a need to know to protect the health and safety of personnel and manage COVID-19 protocols. The point of contact for all questions relating to personal medical data at FMSHRC is the Senior Agency Officer of Privacy, Leslie Bayless ([lbayless@fmshrc.gov](mailto:lbayless@fmshrc.gov)). Medical information requested and provided pursuant to a request for reasonable accommodation will be handled consistent with FMSHRC policy on reasonable accommodation.

## 6. FACILITIES

### A. Building Management Initiatives

1. **Headquarters Office** – National Place Building Management will continue to work diligently to ensure the safety of all building tenants and visitors. Below is a summary of the key elements of their approach.

*General Building Health and Safety Plan:*

- a. Signage is posted throughout the building reminding tenants and visitors about the CDC's recommendations and local mandates on masking, physical distancing, hand hygiene, and the symptoms of COVID-19.
  - b. There are enhanced tenant and visitor management guidelines, and security desks are retrofitted with screen shields to protect tenants, visitors, and staff.
  - c. Hand sanitizers are available throughout common areas and at points of access, including elevators.
2. **Denver Satellite Office** – This facility is managed by GSA. Building management staff will continue to clean the facility according to CDC guidelines. Employees should comply with any building management guidelines requiring the wearing of facemasks and physical distancing in lobbies, stairwells, and all other common areas. GSA staff will continue to take the following safety measures:
    - a. Require use of facemasks while in common areas of the building.
    - b. Consistently sanitize common areas (elevators, doors, handrails, etc.)
    - c. Require physical distancing.
  3. **Pittsburgh Satellite Office** – MSREP Building Management will continue to work diligently to ensure the safety of all building tenants and visitors by adhering to CDC guidelines, including steps to ensure that:
    - a. Signage is posted throughout the building reminding tenants and visitors about the CDC's recommendations and local mandates on masking, physical distancing, hand hygiene, and the symptoms of COVID-19.
    - b. Hand sanitizers are available throughout common areas and at points of access, including elevators.

### B. Ventilation and Air Filtration

To the extent feasible, FMSHRC management will work with GSA-leased building management offices for all locations to ensure that heating, and air conditioning systems optimize indoor ventilation and filtration. These include:

1. Ongoing inspections and maintenance of all building systems to confirm that they remain in good working order and are operating properly.
2. Programming bathroom exhaust fans to operate continuously.

3. Completing a total air-flushing of the building and confirming that the heating, ventilation, and air conditioning system will continue to operate with high-efficiency filters 24/7 during the week, with additional external air brought into the building on a continuous basis.

### **C. Environmental Cleaning**

Best-practice protocols described below are in place for cleaning and disinfection to help minimize any contamination of surfaces (fomites), particularly common area high touchpoints (i.e., doorknobs, handrails, elevator cabs, turnstiles, kiosks, and parking pay stations).

Enhanced cleaning in common use/high touch/high density spaces, such as lobbies, restrooms, copier and printer areas, kitchenettes, elevators, and stairwells will be conducted by janitorial personnel. Office space that is in regular use will be cleaned regularly, and in accordance with CDC guidelines. Wipes and other EPA-approved disinfectants will be made available for individuals to wipe down their workstations and related personal property. Gloves and other appropriate PPE will be made available to workers using cleaning supplies.

In the event of a suspected or confirmed case of COVID-19 in the workplace, environmental cleaning will be performed in accordance with CDC and GSA guidance, as follows:

1. If fewer than 24 hours have passed since the person who is sick or diagnosed with COVID-19 has been in the space, cleaning personnel will clean and disinfect the space.
2. If more than 24 hours have passed since the person who is sick or diagnosed with COVID-19 has been in the space, cleaning is enough. Cleaning personnel may choose to also disinfect.
3. If more than 3 days have passed since the person who is sick or diagnosed with COVID-19 has been in the space, no additional cleaning (beyond regular cleaning practices) is needed.

Cleaning will be coordinated with the respective building management in the GSA-leased buildings that the agency occupies at headquarters and satellite locations. Personnel and visitors may be asked to vacate the affected space until cleaning or disinfection is completed.

### **D. Elevators**

Everyone must wear masks in elevators and in elevator lobbies when community levels are HIGH or required by building management. Where possible, signage will be posted to explain current procedures at all locations. At headquarters, National Place building management has provided signage at the two elevator bays that enable access to our office suites.

## E. Admitting Visitors, Parties, Witnesses and Attorneys

When community levels are MEDIUM or HIGH, visitors will be asked to attest to their vaccination status to enter an agency facility. A completed Certification of Vaccination Form<sup>20</sup> must be presented to the FMSHRC employee responsible for hosting them (See Appendix B). All visitors must keep their Certification of Vaccination form with them while accessing the facility.

Visitors who are not fully vaccinated or who decline to provide information about their vaccination status must provide proof of a negative COVID-19 test from no later than the previous three days prior to entry to an agency facility. The cost of such testing is the responsibility of the visitor. Such visitors must also comply with requirements applicable to unvaccinated employees, including physical distancing and use of a facemask.

Non-government witnesses and parties (e.g., operators and individual miner complainants) and their attorneys are not considered “visitors” for the purpose of this policy because they are persons seeking a public benefit or service from the agency - e.g., hearing, oral argument, mediation, etc. Such persons do not need to attest to their vaccination status or provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to an agency facility to attend a hearing or other FMSHRC proceeding in their case(s) but must adhere to all other applicable safety guidelines and direction while accessing the facility.

Delivery drivers, couriers, U.S. Postal Service, Federal Express and United Parcel Service employees, and other “transient visitors”, meaning visitors accessing a facility for less than approximately 15 minutes who interact with very few people, are not required to attest to their vaccination status by presenting a completed Certification of Vaccination Form as a condition of entry. They are required to follow required safety protocols while accessing the facility, such as mask wearing and physical distancing.

Additionally, emergency personnel responding to an emergency in a facility, as determined by GSA, a facility’s security officers, or individual occupant agencies within a facility, are not required to present a completed Certification of Vaccination Form as a condition of entry. They are required to follow required safety protocols while accessing the facility.

Whether symptom screening is required for visitors depends on the community levels reported by the CDC COVID Data Tracker<sup>21</sup>. During LOW community levels, symptom screening will not be required at agency facilities. However, during MEDIUM or HIGH community levels symptom screening will be required for all visitors, and individuals seeking a public benefit, who must present a completed FMSHRC COVID-19 Screening Tool<sup>22</sup> (See Appendix C).

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<sup>20</sup> See [Z:\COVID-19 Workplace Safety Forms](#)

<sup>21</sup> See <https://covid.cdc.gov/covid-data-tracker/#datatracker-home>

<sup>22</sup> See [Z:\COVID-19 Workplace Safety Forms](#)

## **F. Shared Spaces**

FMSHRC will plan for controls that help prevent the spread of COVID-19 infection through shared spaces and equipment. The surface transmission of COVID-19 via surfaces is extremely low. A major source of transmission are droplets. See How COVID-19 Spreads, CDC, July 13, 2021<sup>23</sup>. The CDC recommends routine cleaning once a day as sufficient to remove the virus that may be on surfaces. See Building Operations, Safer Federal Workforce<sup>24</sup>; Cleaning and Disinfecting Your Facility, CDC, Nov. 15, 2021<sup>25</sup>. Shared tools and equipment may be disinfected by users anytime the equipment is used by or transferred to a new person, and disinfectant wipes will be provided. This includes phones, computers and other communication devices, kitchen appliances, and other office equipment. Refrigerators, water coolers, and coffee brewers with disposable cups (or a personal re-usable cup/container) and single serve condiments and creamers may be used with proper hand hygiene. Visual markers will be installed to promote physical distancing within common spaces, and furniture may be removed or disabled. Steps may be taken to limit the number of people who can use common spaces at any one time, and signage outlining these limits will be prominently displayed.

## **G. Use of PPE & Cleaning Supplies**

Agency provided cleaning supplies will be made available for use in central locations throughout the workplace to enhance safety and cleaning efforts. Employees and contractors may clean and disinfect frequently touched objects and surfaces using the agency-provided cleaning supplies.

Personnel may not remove any agency-provided supplies from workspaces and common areas. Employees should be courteous and responsible – and not use more supplies and PPE than needed to perform their duties safely. Employees must remember that the use of PPE is most effective when used in combination with physical distancing measures. All used PPE must be discarded in a standard trash receptacle.

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<sup>23</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>

<sup>24</sup> See <https://www.saferfederalworkforce.gov/faq/building-ops/>

<sup>25</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

## 7. PROTOCOLS

### A. Masks

FMSHRC follows CDC recommendations and Safer Federal Workforce Task Force guidance on masking, which are determined by the community levels found in the CDC COVID Data Tracker<sup>26</sup>. Individuals can wear a mask if they choose regardless of COVID-19 Community Levels and consistent with agency protocols. Individuals have a personal responsibility to maintain awareness of the COVID-19 Community Levels.

Where community levels are HIGH, all Federal employees, onsite contractors, and visitors, regardless of vaccination status, must consistently wear a mask inside federal facilities or workspaces. This includes open floor plan office space, cubicle embankments, and conference rooms, as well as in high traffic areas (e.g., hallways, kitchens, and lobbies). Personnel will be required to use face masks when interacting with others, for instance, in conference room meetings and in offices where physical distancing cannot be achieved. Masks should also be worn consistently in any common areas in leased spaces such as building lobbies and elevators.

The following are exceptions – when masks do not need to be worn during HIGH community levels:

1. When an individual is alone in an office or for a limited time when eating or drinking and maintaining distancing in accordance with CDC guidelines.
2. When no more than two individuals are in an office with a closed door and seated with at least 10 feet of physical distance between them (provided, however, that both persons must consent to removing their masks and both persons must be fully vaccinated).
3. Where an individual with sensory, cognitive, or behavior issues who is unable to wear a mask properly or cannot tolerate a mask has received a special accommodation. A special accommodation will be made for individuals with required documentation from their doctor in accordance with Equal Opportunity Employment Commission guidance.

When community levels are MEDIUM or LOW, masks are not required in federal facilities regardless of vaccination status, except where required by other Federal, State, local, Tribal, or territorial laws, rules, or regulations. Also, all FMSHRC employees are required to adhere to any face mask requirement implemented in lobbies, elevators, and other common areas of the buildings where FMSHRC facilities are located.

Consistent with CDC guidance for the indoor transportation corridor and public transportation conveyances, individuals must wear well-fitting masks when in Government-operated aircraft, boats and other maritime transportation conveyances, and buses with multiple occupants. Mask-wearing is not required for outdoor areas of conveyances, if any. Mask-wearing in these Government-operated conveyances is not required if there is a single occupant or if the occupants are all co-habitants.

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<sup>26</sup> See <https://covid.cdc.gov/covid-data-tracker/#datatracker-home>



Additionally, all individuals must continue to follow current CDC guidelines on quarantine and isolation as it relates to wearing a mask. Generally, individuals are required to wear a mask for 10 days after known close contact to someone with COVID-19 and for five days when returning to work after isolation. The CDC recommends that individuals wear a mask during their isolation period (See Sections 7-H and 7-I).

If needed, the agency will provide washable and reusable masks and/or disposable masks to employees, contractors, and visitors, in accordance with OSHA and CDC guidelines, to the extent permitted by law and subject to the availability of appropriations and resources.

Masks must fit properly, which means snugly around the nose and chin with no large gaps around the sides of the face. Non-medical disposable masks are permitted, as are masks made of two or more layers of breathable fabric, such as cotton, that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source). Novelty/non-protective masks, including neck gaiters and bandanas, masks with ventilation valves, or face shields as a substitute for masks will not be permitted in the federal workplace.

## **B. Employee and Contractor Vaccinations**

Employees and contractors will be considered fully vaccinated for COVID-19 two weeks after they have received the requisite number of doses of a vaccine approved or authorized for emergency use by the U.S. Food and Drug Administration (FDA) or that has been listed for emergency use by the World Health Organization. The current definitions of fully vaccinated individuals and individuals who are up to date on their vaccination are available on the CDC website<sup>27</sup>.

The employee vaccination requirement in Executive Order 14043 and the contractor vaccination requirement in Executive Order 14042 are the subject of an injunction issued by a Federal court. In accordance with OMB Guidance, and pending further notice, FMSHRC will take no action to enforce the vaccination requirements in those executive orders. Pending employee requests for medical or religious exemptions to the vaccination requirement are held in abeyance so long as the nationwide injunction is in place.

The injunction does not prohibit the agency from requesting information regarding employee vaccination status for the purposes of implementing workplace safety protocols, such as protocols related to masking, physical distancing, testing, travel, and quarantine and isolation. The agency will continue to request information on vaccinations status, as needed, to implement workplace safety protocols.

The Safer Federal Workforce Task Force's guidance for COVID-19 workplace safety protocols for Federal agencies, which apply in all Federal buildings and federally controlled facilities, remains unchanged. Contractor employees working onsite in those facilities must still follow the agency's workplace safety protocols including completing the Certification of Vaccination Form and participating in the agency's testing program.

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<sup>27</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html>

All full-time and intermittent contractors must attest to their vaccination status to enter an agency facility when community levels are MEDIUM or HIGH. They must present a completed Certification of Vaccination Form<sup>28</sup> to the FMSHRC employee responsible for supervising them (See Appendix B). However, the agency will not collect the attestation form or ask for documentation to verify the attestation.

Full-time contractors may attest to their vaccination status once and update the FMSHRC employee responsible for supervising them as needed. The full-time contractors who are not fully vaccinated or who decline to provide information about their vaccination status must participate in the agency's testing program.

Intermittent contractors who are not fully vaccinated or who decline to provide information about their vaccination status and do not participate in the agency's testing program must provide proof of a negative COVID-19 test from no later than the previous three days prior to entry to an agency facility.

To promote the safety of our workforce and public we serve, FMSHRC will grant employees who decide to receive an eligible vaccine, or a vaccine booster, up to four hours of administrative leave for the time it takes to obtain a dose. Four hours of administrative leave is also available for employees who accompany their family members who are receiving any dose of a COVID-19 vaccination. A "family member" is an individual who meets the definition of that term in OPM's leave regulations. 5 CFR 630.201<sup>29</sup>.

The administrative leave will cover the time it takes to travel to the vaccination site, receive the vaccination dose, and return to work, so only the needed amount of leave should be granted. Employees should obtain advance approval from their supervisor before using administrative leave for COVID-19 vaccination purposes.

Furthermore, employees are eligible to receive two days administrative leave if they are recovering from an adverse reaction to a COVID-19 vaccination dose that prevents the employee from working.

### **C. Physical Distancing**

FMSHRC will follow OMB direction and CDC guidance on physical distancing, which are intended to limit the spread of COVID-19 in the workplace. Until physical distancing requirements are removed for all individuals, FMSHRC will continue to implement workplace practices that facilitate physical distancing.

When community levels are HIGH, fully vaccinated individuals are required to maintain six feet physical distance from others when working at an agency facility. Individuals will not be required to physically distance when community levels are MEDIUM or LOW. However, to be respectful of others, individuals may choose to practice physical distancing.

Physical distancing is always required for all individuals who are considered unvaccinated. To the extent practicable, unvaccinated individuals will maintain a distance

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<sup>28</sup> See <Z:\COVID-19 Workplace Safety Forms>

<sup>29</sup> See <https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-630/subpart-B/section-630.201>

of at least six feet from others, consistent with CDC guidelines, including in offices, conference rooms, and all other communal and workspaces. Reconfiguration of workspaces or office assignments, and other mitigation strategies should be implemented to minimize in-person interactions.

When physical distancing is required, virtual meetings must be employed wherever possible. Should a face-to-face meeting need to take place during this time, adjustments to conference spaces should be made in order to adhere to the posted occupancy limit or remain below 25% maximum capacity. These adjustments can be dependent on the length of the meeting and environmental factors, local public health orders that limit the size of gatherings, and other relevant considerations, whichever are lower.

Occupancy limits for common areas such as conference rooms, hearing rooms, and breakrooms, are posted at the entrances to each space. These limits were recommended by the industrial hygienist to allow for appropriate physical distancing in the spaces. These limits will always apply, so long as community levels do not require further occupancy restrictions.

All office workspaces must conform with physical distancing guidelines and occupancy limits set forth here. Supervisors and managers are encouraged to work with employees to arrange for staggered work times, cohort-based scheduling, and other tools to facilitate appropriate distancing.

When proper physical distancing is impossible, alternate methods of mitigation should be considered. Physical barriers such as plexiglass shields may be installed where appropriate (e.g., fixed locations such as hearing rooms, conference rooms, etc.). To recommend any such installation, please contact [reentry@fmshrc.org](mailto:reentry@fmshrc.org).

#### **D. Screening Testing**

Screening tests are intended to identify infection with SARS-CoV-2, the virus that causes COVID-19, in unvaccinated people who are asymptomatic and do not have known, suspected, or reported exposure to SARS-CoV-2. Testing Strategies for SARS-CoV-2, CDC, May 5, 2022<sup>30</sup>.

In accordance with the guidance issued by the Safer Federal Workforce Task Force on January 27, 2022, federal agencies are required to establish a testing program for employees and contractors who are considered unvaccinated and coming onsite to a FMSHRC facility. This designation includes individuals who have disclosed they are not fully vaccinated or declined to provide information on their vaccination status.

When community levels are MEDIUM or HIGH, unvaccinated employees and full-time contractors must be tested at least once during any week that the employee intends to be onsite, prior to the employee's first arrival of the week. When the community levels are LOW, unvaccinated employees and full-time contractors will not need to be tested. Intermittent contractors do not participate in the agency's testing program.

Should an area's COVID-19 Community Level move from HIGH or MEDIUM to LOW, then screening testing will not be required. Meaning that unvaccinated employees or

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<sup>30</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/lab/resources/sars-cov2-testing-strategies.html>

contractors will not be required to take a test that week to go into the workplace. If the area then moves back up to a MEDIUM or HIGH community level the following week (or in any subsequent week), the employee or contractor will then need to take a test prior to coming into the workplace for that first week and reestablish a weekly testing schedule as long as the area remains in a MEDIUM or HIGH community level.

FMSHRC will be monitoring the COVID-19 Community Level weekly as reported by the CDC and implementing screening testing and other safety protocols based on this weekly review. Also, further details on the program, such as permissible tests and reimbursements, can be found in the COVID-19 Screening Test Policy.

#### **E. Diagnostic Testing**

Diagnostic testing is intended to identify current infection in individuals and should be performed on anyone who has signs and symptoms consistent with COVID-19 and/or following recent known or suspected exposure to SARS-CoV-2. Testing Strategies for SARS-CoV-2, CDC, May 5, 2022<sup>31</sup>. If Federal employees, contractors, or visitors have symptoms consistent with COVID-19, they should not enter a Federal workplace.

Guidelines on quarantine, isolation, and official travel require diagnostic testing for Federal employees and full-time contractors who develop symptoms or who have come in close contact with someone with COVID-19. The requirements differ for those individuals who are up to date on their vaccinations, those who had confirmed COVID-19 within the last 90 days, and those who are not up to date with vaccines. Quarantine guidelines require individuals who have come in close contact and have not had confirmed COVID-19 within the last 90 days, regardless of vaccination status, must receive a diagnostic test five days after the close contact (date of exposure is considered day 0) (See Section 7-H).

Isolation guidance requires all individuals who develop symptoms to receive a diagnostic test five days after the onset of symptoms (the day the symptoms started is considered day 0). They must also be fever-free for 24 hours without the use of fever-reducing medication and their other symptoms must improve before taking a test. If any individual's test result is positive, the individual must continue to isolate for an additional five days and take another test on Day 10 (See Section 7-I).

Similarly, testing requirements apply for official travel if an employee has had a known close contact with someone with COVID-19, developed symptoms, or has probable or confirmed COVID-19 before or during official travel, including return travel. Generally, individuals must receive a diagnostic test five days after the close contact (date of exposure is considered day 0) or onset of symptoms (the day the symptoms started is considered day 0) (See Section 5-F). The CDC also recommends being tested for current infection with a viral test as close to the time of departure as possible (no more than three days) before travel.

Federal employees and full-time contractors who have been exposed to persons with COVID-19 at work or during official travel can be reimbursed for diagnostic testing through the agency's COVID-19 Testing Policy. The agency is not responsible for

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<sup>31</sup> See *Id.*

providing diagnostic testing due to potential exposure that is not work-related.

## **F. Contact Tracing**

The FMSHRC Team will collaborate with and support the contact tracing programs of local health departments to help identify, track, and manage contacts of COVID-19 cases. The FMSHRC Team will coordinate with building management for the agency's GSA-leased spaces to implement infection control and workplace safety efforts once informed of a case of COVID-19 (either due to specific symptoms or a positive test).

The FMSHRC Team, in coordination with building management for the agency's GSA-leased spaces, will make disclosures to local public health officials as required or necessary to provide for the public health and safety of Federal employees and contractors, in accordance with local public health mandates.

If three COVID-19 cases occur within a specific building or work setting, the FMSHRC Team, or a satellite designee, will determine – in consultation with local public health officials – appropriate next steps. FMSHRC, in coordination with building management for the agency's GSA-leased spaces, is transparent in communicating related information to the workforce, as relevant and appropriate, consistent with local and federal privacy and confidentiality regulations and laws.

## **G. Exposure Notification**

If the FMSHRC Team discovers or is notified that a person who has been present in the workplace has tested positive for COVID-19 or has been diagnosed as having symptoms consistent with COVID-19, the agency will attempt to inform employees and contractors who were also present in the workplace and in close contact with that person of any potential exposure. CDC guidance<sup>32</sup> defines close contact as being within six feet of someone who has probable or confirmed COVID-19 for a cumulative total of 15 minutes or more over a 24-hour period (See Appendix D).

Following any notification that a person who has been present in agency office space has tested positive for COVID-19 or has been diagnosed with symptoms consistent with COVID-19, the FMSHRC Team will have the office space cleaned and disinfected.

Employee confidentiality will be always maintained in accordance with Equal Employment Opportunity Commission guidance<sup>33</sup>. This means that FMSHRC management will not share the name of the person who has tested positive for the coronavirus or has been diagnosed as having symptom consistent with COVID-19.

## **H. Quarantine**

Federal employees, onsite contractors, and visitors must follow the CDC guidelines<sup>34</sup> on quarantine if they have been in close contact with someone who has COVID-19. CDC defines close contact as being within six feet of someone who has probable or confirmed COVID-19 for a cumulative total of 15 minutes or more over a 24-hour period (See Appendix D and E). Quarantine keeps individuals who have had close contact with

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<sup>32</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/contact-tracing.html>

<sup>33</sup> See <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

<sup>34</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/contact-tracing.html>

someone diagnosed with COVID-19 away from others. Quarantine guidelines differ for those individuals who are up to date on their vaccinations, those who had confirmed COVID-19 within the last 90 days, and those who are not up to date with vaccines.

Federal employees and full-time contractors who are up to date on their vaccinations or had confirmed COVID-19 within the last 90 days, will not need to quarantine. However, they must take precautions for 10 full days from the date they last had close contact with someone with COVID-19 when working onsite at an agency workplace or interacting with members of the public in person as part of their official responsibilities. This includes wearing a well-fitting mask when around others, avoiding eating and drinking around others, avoiding environments such as dining facilities and gyms where they may be unmasked around others, avoiding travel, avoiding people who are immunocompromised or at high risk for severe disease, and avoiding nursing homes and other high-risk settings.

Those individuals who are up to date on their vaccinations but have not had confirmed COVID-19 within the last 90 days, must receive a diagnostic test at least five full days after they last had close contact with someone with COVID-19.

Federal employees and full-time contractors who are not up to date on their vaccinations will need to quarantine for at least five days (date of exposure is considered day 0). During that time, they should not enter a FMSHRC office, other facilities, such as a hearing or court rooms, or interact with members of the public in person as part of their official responsibilities. They must also watch for COVID-19 symptoms and receive a diagnostic test at least five full days after the close contact. Individuals can return to their workplace or begin interacting with the public as part of their official responsibilities, if no symptoms develop, the test result is negative, they self-certify that they have completed all conditions of the CDC recommended quarantine and have received the approval of their supervisor. For an additional five days, they should wear a well-fitting mask, avoid eating and drinking around others, avoid environments such as dining facilities and gyms where they may be unmasked around others, avoid travel, avoid people who are immunocompromised or at high risk for severe disease, and avoid nursing homes and other high-risk settings.

If any individual, regardless of vaccination status, is unable to wear a mask, then they must not enter a Federal facility or interact with members of the public in person as part of their official responsibilities for 10 days. Also, if COVID-19 symptoms develop or the individual receives a positive test result, then they must follow CDC guidelines on isolation (See Section 7-I).

Following any work-related close contact or suspected close contact with an infected person, FMSHRC will reimburse an employee or full-time contractor for the reasonable cost of an FDA-approved diagnostic test that detects current infection and produces a dated result.

## I. Isolation

Federal employees, onsite contractors, and visitors must follow the CDC guidance on isolation if they have probable or confirmed COVID-19, regardless of vaccination status. This includes people who have symptoms and may be awaiting test results, and people with a positive viral test, even if they are asymptomatic.

Such individuals must not enter a FMSHRC office, other facilities, such as hearing or court rooms, or interact with members of the public in person as part of their official responsibilities. Also, individuals who develop symptoms consistent with COVID-19 during the workday must immediately isolate, wear a mask, notify their supervisor (but not by in person contact), and promptly leave the workplace. It is also recommended that the individual receive a diagnostic test as soon as possible after symptoms develop (See Section 7-E).

Isolation is intended to keep individuals who have symptoms or have tested positive for COVID-19 without symptoms away from others, even in their own home and may last a minimum of five days (See Appendix E). The CDC developed an online tool<sup>35</sup> to help individuals determine how long they need to isolate or take other steps to prevent spreading COVID-19.

Generally, Federal employees and full-time contractors who had symptoms can end their isolation five full days after the onset of symptoms (the day the symptoms started is considered day 0) if they are fever-free for 24 hours without the use of fever-reducing medication, their other symptoms have improved, and they have received a negative result on a diagnostic test on Day 5. If their test result is positive, they must continue to isolate for an additional five days and take another test on Day 10.

Those who tested positive for COVID-19 and never developed symptoms can end isolation after five full days after their positive COVID-19 test (the day of the positive test is considered day 0) and after receiving a negative result on a diagnostic test on Day 5. However, if they develop symptoms at any point, they should start a five-day isolation period over, with day 0 being their first day of symptoms.

After the required days have passed, Federal employees and full-time contractors can return to their workplace once they self-certify that they have completed all conditions of the CDC recommended isolation and have received approval of their supervisor. However, they should continue to wear a mask around others for an additional five days when working onsite at an agency workplace or interacting with members of the public in person as part of their official responsibilities. They should also avoid eating and drinking around others, environments such as dining facilities and gyms where they may be unmasked around others, travel, people who are immunocompromised or at high risk for severe disease, and nursing homes and other high-risk settings.

Federal employees and full-time contractors who experienced severe illness, including those who were hospitalized or required intensive care or ventilation support, and those with compromised immune systems need to isolate for at least 10 days. They should consult with their healthcare provider as well.

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<sup>35</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html>



## J. General Safety Precautions and Hygiene

The CDC has established guidelines to prevent the spread of COVID-19 and other respiratory diseases. To the extent possible, employees should follow these guidelines to protect themselves from exposure both outside the workplace and whenever they are present in the workplace.

1. If you are experiencing COVID-19 symptoms<sup>36</sup> described by the CDC, do not report to work. Seek medical attention. Stay home if you are feeling sick.
2. If you have traveled or are contemplating travel, please see the CDC Travel guidance<sup>37</sup>.
3. Cover your cough or sneeze with a tissue or mask, or use the inside of your elbow, and then throw the tissue away in the trash and immediately wash your hands, and avoid touching your eyes, nose, and mouth.
4. Wash your hands often with soap and water for at least 20 seconds especially if you have been in a public space, or after blowing your nose, coughing, or sneezing. If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol. Cover all surfaces of your hands and rub them together until they feel dry. For information about handwashing, see the CDC's When and How to Wash Your Hands<sup>38</sup>.
5. Clean and disinfect frequently touched surfaces using agency provided cleaning supplies when necessary. Hand sanitizer stations will be available at the building entrances and throughout workspaces. FMSHRC will ensure that adequate supplies are provided or installed at headquarters and in the satellite offices.
6. Practice physical distancing: limit face-to-face meetings, in-person events and interaction with large crowds. Put distance between yourself and others – stay at least six feet apart from colleagues.
7. Wear a facemask that covers your nose and mouth and meets CDC guidelines<sup>39</sup> in public settings where other physical distancing measures are impossible or difficult to maintain.
8. Continue to conduct meetings, gatherings, and training sessions online, using Zoom or Teams, or telephonically as much as possible.
9. Limit the number of personnel present in common areas to make physical distancing feasible. For instance, no more than two people should be present in the kitchen or break areas at one time.

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<sup>36</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

<sup>37</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>

<sup>38</sup> See <https://www.cdc.gov/handwashing/when-how-handwashing.html>

<sup>39</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>



## APPENDIX A: CDC Community Level Protocols

<b>FMSHRC Protocols based on COVID-19 Community Levels</b>	
<p>When the COVID-19 Community Level is <b>LOW</b> in the county where the Federal facility is located.</p>	<ul style="list-style-type: none"> <li>• <b>Mask Wearing:</b> Individuals are not required to wear masks in an agency facility, regardless of vaccination status.</li> <li>• <b>Vaccination Attestation:</b> Visitors and contractors do not need to complete the Certification of Vaccination Form.</li> <li>• <b>Screening:</b> Visitors do not need to complete the COVID-19 Symptom Screening Form.</li> <li>• <b>Physical Distancing:</b> Vaccinated individuals do not need to practice physical distancing.</li> <li>• <b>Testing:</b> Unvaccinated employees and full-time contractors do not need to utilize the agency’s screening testing program.</li> <li>• <b>Events:</b> In-person gatherings are not restricted.</li> </ul>
<p>When the COVID-19 Community Level is <b>MEDIUM</b> in the county where the Federal facility is located.</p>	<ul style="list-style-type: none"> <li>• <b>Mask Wearing:</b> Individuals are not required to wear masks in an agency facility, regardless of vaccination status.</li> <li>• <b>Vaccination Attestation:</b> Visitors and contractors will need to complete the Certification of Vaccination Form (excluding individuals seeking a public service).</li> <li>• <b>Screening:</b> Visitors and individuals seeking a public service will need to complete the COVID-19 Symptom Screening Form.</li> <li>• <b>Physical Distancing:</b> Vaccinated individuals do not need to practice physical distancing.</li> <li>• <b>Testing:</b> Unvaccinated employees and full-time contractors will need to utilize the agency’s screening testing program.</li> <li>• <b>Events:</b> In-person gatherings are not restricted.</li> </ul>
<p>When the COVID-19 Community Level is <b>HIGH</b> in the county where the Federal facility is located.</p>	<ul style="list-style-type: none"> <li>• <b>Mask Wearing:</b> Individuals are required to wear masks in an agency facility, regardless of vaccination status and consistent with CDC and Task Force guidance on mask-wearing.</li> <li>• <b>Vaccination Attestation:</b> Visitors and contractors will need to complete the Certification of Vaccination Form (excluding individuals seeking a public service).</li> <li>• <b>Screening:</b> Visitors and individuals seeking a public service will need to complete the COVID-19 Symptom Screening Form.</li> <li>• <b>Physical Distancing:</b> Vaccinated individuals will need to practice physical distancing and occupancy limits for agency facilities will be 25%.</li> <li>• <b>Testing:</b> Unvaccinated employees and full-time contractors will need to utilize the agency’s screening testing program.</li> <li>• <b>Events:</b> In person gatherings are discouraged, and meetings should be held over tele- or videoconference. Also, events with more than 50 attendees must be approved by agency head or official with delegated authority.</li> </ul>

## APPENDIX B: Certification of Vaccination Form (Sample)



OMB Control No. 3206-0277  
Exp. Feb. 28, 2025

### Certification of Vaccination

The purpose of this form is to take steps to prevent the spread of COVID-19 and to protect the health and safety of all Federal employees, onsite contractor employees, visitors to Federal facilities, and other individuals interacting with the Federal workforce. If you fail to submit this signed attestation, or if you are unable to provide proof of any required negative COVID-19 test, you may be denied entry to a Federal facility.

### My COVID-19 Vaccination Status

If you are not vaccinated against COVID-19 due to medical or religious reasons, please check either "I am not fully vaccinated against COVID-19" or "I decline to respond."

By checking the box below, I declare that the following statement is true:

- I am fully vaccinated against COVID-19. The Centers for Disease Control and Prevention (CDC) considers an individual fully vaccinated if they are: 2 weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or 2 weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine. If you don't meet these requirements, regardless of your age, you are **not** fully vaccinated.
- I am not fully vaccinated against COVID-19.
- I decline to respond.

### Federal COVID-19 Workplace Safety Protocols

**I understand that while in a Federal facility I must follow the COVID-19 workplace safety protocols required by the Federal agency I am visiting or for which I am performing contract work onsite. This includes wearing a mask when required in the facility, including when the COVID-19 Community Level in the county where the Federal facility is located is HIGH as defined by the CDC.**

**If I am not fully vaccinated or decline to provide my vaccination status, I understand the Federal agency I am visiting or for which I am performing contract work onsite may require that I be able to provide proof of a negative COVID-19 test I received within the previous 3 days, including when the COVID-19 Community Level in the county where the Federal facility is located is MEDIUM or HIGH as defined by the CDC.**

I sign this document under penalty of perjury that the above is true and correct, and that I am the person named below. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both (18 U.S.C. 1001). Checking "I decline to respond" does not constitute a false statement. I understand that if I am a Federal employee or contractor making a false statement on this form could result in additional administrative action, including an adverse personnel action up to and including removal from my position or removal from a contract.

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **Directions and notice to Federal contractor employees**

When the COVID-19 Community Level in a county where a Federal facility is located is MEDIUM or HIGH as defined by CDC, onsite contractor employees must attest to their vaccination status by being able to present a completed Certification of Vaccination form while in that Federal facility. Please note that consistent with CDC guidance, agencies may have different or additional COVID-19 workplace safety protocols for individuals in specific work settings, such as healthcare or congregate settings, including protocols that vary based on an individual's COVID-19 vaccination status.

You may be asked to show this form and/or information from a health screening upon entry to a Federal facility, and/or to a Federal employee who is supervising or managing your work on Federal premises. **Please maintain this form during your time on Federal premises.**

Please contact Tammy Russel ([officeoftheexecutivedirector@fmshrc.gov](mailto:officeoftheexecutivedirector@fmshrc.gov)) with questions.

### **Directions and notice to visitors**

When the COVID-19 Community Level in a county where a Federal facility is located is MEDIUM or HIGH as defined by the CDC, visitors must attest to their vaccination status by being able to present a completed Certification of Vaccination form while in that Federal facility. Please note that consistent with CDC guidance, agencies may have different or additional COVID-19 workplace safety protocols for people in specific work settings, such as healthcare or congregate settings, including protocols that vary based on an individual's COVID-19 vaccination status.

You may be asked to show this form and/or information from a health screening upon entry to a Federal facility, and/or to a Federal employee who is sponsoring your visit. You may be asked to show this form as part of your in-person participation in a Federally hosted meeting, event, or conference. **Please maintain this form during your visit.**

If you are entering to obtain a public service or benefit and are not fully vaccinated, you must comply with all relevant CDC guidance, however using this form and following any requirement to show proof of a negative COVID-19 test do not apply to you.

Please contact Tammy Russel ([officeoftheexecutivedirector@fmshrc.gov](mailto:officeoftheexecutivedirector@fmshrc.gov)) with questions.

### **Directions and notice to Federal employees visiting a Federal agency other than their employing agency**

When the COVID-19 Community Level in a county where a Federal facility is located is MEDIUM or HIGH as defined by the CDC, Federal employees visiting a Federal agency other than their employing agency should be treated as visitors for the purposes of COVID-19 workplace safety protocols and should attest to their vaccination status by being able to present a completed Certification of Vaccination form while in that Federal facility. Please note that consistent with CDC guidance, agencies may have different or additional COVID-19 workplace safety protocols for people in specific work settings, such as healthcare or congregate settings, including protocols that vary based on an individual's COVID-19 vaccination status.

You may be asked to show this form and/or information from a health screening upon entry to a Federal facility controlled by a Federal agency other than your employing agency, and/or to a Federal employee who is sponsoring your visit. You may be asked to show this form as part of

your in-person participation in a meeting, event, or conference hosted by a Federal agency other than your employing agency. **Please maintain this form during your visit.**

Making a false statement on this form could result in an adverse personnel action against you, up to and including removal from your position.

Please contact Michelle Williams ([mwilliams@fmshrc.gov](mailto:mwilliams@fmshrc.gov)) with questions.

#### **Privacy Notice**

We are authorized to request the information on this form pursuant to Executive Order 13991, Protecting the Federal Workforce and Requiring Mask-Wearing (Jan. 20, 2021). You may be asked to show this form and/or information from a health screening upon entry to a Federal facility, and/or to a Federal employee at the agency you are visiting or at which you are working. This is being done in order to promote the safety of Federal facilities and the Federal workforce consistent with the above-referenced Executive Order, guidance established by the Safer Federal Workforce Task Force, and guidance from the Centers for Disease Control and Prevention and the Occupational Safety and Health Administration. This form and/or the information from a health screening will be returned to you and will not be maintained by the agency.

Providing this information is voluntary. However, if you fail to provide this information, you will be treated as not fully vaccinated for purposes of implementing safety measures.

#### **Public burden information for employees, contractors, and visitors**

Public burden reporting for this collection of information is estimated to average 2 minutes per response, including time for reviewing instructions and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to [PRA@opm.gov](mailto:PRA@opm.gov). The OMB clearance number 3206-0277 is currently valid. The Federal Mine Safety and Health Review Commission may not collect this information, and you are not required to respond, unless this number is displayed.

## APPENDIX C: FMSHRC COVID-19 Screening Tool (Sample)

FMSHRC COVID-19 SCREENING TOOL													
<b>STEP 1. VISITOR'S NAME</b>													
FULL NAME: _____													
<b>STEP 2. ACCESS REQUEST DETAILS</b>													
OFFICE LOCATION: _____ AUTHORIZER'S NAME: _____													
DATES:    1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____													
<b>STEP 3. DAILY QUESTIONNAIRE &amp; SIGNATURE</b>													
<b>PLEASE READ EACH QUESTION CAREFULLY</b>	<b>PLEASE SELECT THE ANSWER THAT APPLIES TO YOU</b>												
<p>Have you experienced any of the following symptoms in the past 48 hours:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">1. fever of 100.4 F (38 C)</td> <td rowspan="11" style="text-align: right; vertical-align: middle;">YES <input type="checkbox"/> NO <input type="checkbox"/></td> </tr> <tr> <td>2. cough or chills</td> </tr> <tr> <td>3. shortness of breath or difficulty breathing</td> </tr> <tr> <td>4. fatigue</td> </tr> <tr> <td>5. muscle or body aches</td> </tr> <tr> <td>6. headache</td> </tr> <tr> <td>7. new loss of taste or smell</td> </tr> <tr> <td>8. sore throat</td> </tr> <tr> <td>9. congestion or runny nose</td> </tr> <tr> <td>10. nausea or vomiting</td> </tr> <tr> <td>11. diarrhea</td> </tr> </table>		1. fever of 100.4 F (38 C)	YES <input type="checkbox"/> NO <input type="checkbox"/>	2. cough or chills	3. shortness of breath or difficulty breathing	4. fatigue	5. muscle or body aches	6. headache	7. new loss of taste or smell	8. sore throat	9. congestion or runny nose	10. nausea or vomiting	11. diarrhea
1. fever of 100.4 F (38 C)	YES <input type="checkbox"/> NO <input type="checkbox"/>												
2. cough or chills													
3. shortness of breath or difficulty breathing													
4. fatigue													
5. muscle or body aches													
6. headache													
7. new loss of taste or smell													
8. sore throat													
9. congestion or runny nose													
10. nausea or vomiting													
11. diarrhea													
<p>Within the past 14 days, have you been in close physical contact (6 feet or closer for a cumulative total of 15 minutes) with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">i. Anyone who is known to have laboratory-confirmed COVID-19?</td> <td style="text-align: right;">YES <input type="checkbox"/> NO <input type="checkbox"/></td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px 0 5px 20px;">OR</td> </tr> <tr> <td>ii. Anyone who has any symptoms consistent with COVID-19?</td> <td></td> </tr> </table>		i. Anyone who is known to have laboratory-confirmed COVID-19?	YES <input type="checkbox"/> NO <input type="checkbox"/>	OR		ii. Anyone who has any symptoms consistent with COVID-19?							
i. Anyone who is known to have laboratory-confirmed COVID-19?	YES <input type="checkbox"/> NO <input type="checkbox"/>												
OR													
ii. Anyone who has any symptoms consistent with COVID-19?													
<p>Are you isolating or quarantining because you may have been exposed to a person with COVID-19 or are worried that you may be sick with COVID-19?</p> <p style="text-align: right;">YES <input type="checkbox"/> NO <input type="checkbox"/></p>													
<p>Are you currently waiting on the results of a COVID-19 test?</p> <p style="text-align: right;">YES <input type="checkbox"/> NO <input type="checkbox"/></p>													
<b>Did you answer NO to ALL QUESTIONS?</b>	Access to FMSHRC facilities <b>APPROVED</b> . Thank you for helping us protect you and others during this time.												
<b>Did you answer YES to ANY QUESTION?</b>	Access to FMSHRC facilities <b>NOT APPROVED</b> . Please see Page 3 for further instructions. Thank you for helping us protect you and others during this time.												
<p>VISITOR'S SIGNATURE: _____ TODAY'S DATE: _____</p> <p>By entering my name and submitting this form, I affirm that I have received my authorizer's permission to enter the facility on the specific dates listed above, and that I have completed the COVID Screening Questionnaire.</p>													
<p>Please note that the Privacy Act Statement for collection of this medical information is located on page 2 of this form.</p>													
<b>EMAIL COMPLETED FORM</b>													

## FMSHRC PRIVACY ACT STATEMENT

Pursuant to 5 U.S.C. § 552a(e)(3), this Privacy Act Statement informs you about medical information collected through this form. The medical information collected here is authorized under Executive Order 12196 and 5 U.S.C. Chapters 11, 33, and 63. The collected information will be used only to screen for COVID-19 when a worker plans to enter the Commission's office space. Completion of this form is required prior to entering the workplace, and entry is granted based upon the results of the screening. Refusal to answer any of the questions will result in denial of entry. The information collected here may be disclosed in accordance with the routine uses specified in OPM/GOVT-10, the applicable system-of-records notice. OPM/GOVT-10 is published in the *Federal Register* at [75 Fed. Reg. 35099 \(June 21, 2010\)](#), amended by [80 Fed. Reg. 74815 \(Nov. 30, 2015\)](#).

### THE SCREENING YOU COMPLETED INDICATES THAT YOU MAY BE AT INCREASED RISK FOR COVID-19

IF YOU ARE NOT FEELING WELL, WE HOPE THAT YOU FEEL BETTER SOON!

Here are instructions for what to do next

1

If you are not already at home, please avoid contact with others and go straight home immediately.

2

Call your primary care provider\* for further instructions, including information about COVID-19 testing.

3

Contact your supervisor (if you are an employee) or your contracting company (if you are a contractor) to discuss options for telework and/or leave.

Before going to a healthcare facility, please call and let them know that you may have an increased risk for COVID-19. In case of a life-threatening medical emergency, dial 911 immediately!

### RETURNING TO THE WORKPLACE



If you have had symptoms consistent with COVID-19 or have tested positive for COVID-19, DO NOT physically return to work until you get a medical evaluation and are approved to return to a work setting by your primary care provider\*. Please call your supervisor to discuss when to return to work. Read more about when it is safe to be around others at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html>.



If you have a chronic medical condition that causes COVID-19-like symptoms and you need to access a CDC facility within the next few days, please call CDC's Occupational Health Clinic at 404-639-3385 to determine whether you can safely be granted access to a CDC facility.



If you have been in close contact with someone with COVID-19 you should stay home and self-quarantine for 14 days before returning to work. Read more about when you should be in isolation or quarantine at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>.



If you are currently isolating or quarantining because of concerns about COVID-19 OR you have a COVID-19 test pending, please contact your primary care provider\* for guidance on when you can return to work.



## APPENDIX D: CDC Close Contact Infographic

<https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/determine-close-contacts.html>

### How to Determine a Close Contact for COVID-19



#### Children and Adults in **All Indoor and Outdoor Settings (Excluding K-12 School Settings)**

	<p>Was the person <b>less than 6 feet away</b> from someone with confirmed or suspected COVID-19? Consider time spent with someone with COVID-19 starting <b>2 days before</b> the infected person developed symptoms, or the date they were tested if they do not have symptoms, until they started isolation.</p>
	<p>Has the person been in the presence of someone with confirmed or suspected COVID-19 for a <b>cumulative total of 15 minutes or more</b> over a 24-hour period?</p>
	<p>If the answers to the questions above are <b>both yes</b>, the person is a close contact, regardless of whether the person was wearing a mask properly.</p>
	<p>If the answer to either of the questions above is no, <b>the person is not a close contact.</b></p>

#### What should the close contact do?

<p><b>If they are <u>not up to date</u> on vaccines</b></p> <p>The close contact needs to <u>quarantine</u> for at least 5 days from the date of last close contact.</p> <p>The close contact should wear a <u>well-fitting mask</u> when around others for 10 days from the date of the last close contact with someone with COVID-19.</p> <p>If the close contact does not have COVID-19 <u>symptoms</u>, they should watch for <u>symptoms</u> for 10 days and <u>get tested</u> at least 5 days after the close contact.</p> <p>If they test positive, continue to isolate.</p>	<p><b>If they are <u>up to date</u> on vaccines</b></p> <p><b>If they have taken the full series of a COVID-19 vaccine and boosters as recommended, they are up to date.</b></p> <p>The close contact does not need to <u>quarantine</u>.</p> <p>The close contact should <u>get tested</u> at least 5 days after close contact. Watch for <u>symptoms</u> and wear a <u>well-fitting mask</u> while around other people for 10 days from the date of last close contact.</p> <p>Regardless of vaccination status, if a close contact develops <u>symptoms</u>, they should <u>isolate</u> and <u>get tested</u> immediately.</p> <p>If they test positive, continue to isolate.</p>	<p><b>If they have had COVID-19 within the past 90 days, completed isolation, and recovered</b></p> <p>The close contact does not need to <u>quarantine</u>.</p> <p>The close contact should watch for <u>symptoms</u> and wear a <u>well-fitting mask</u> when around others for 10 days.</p> <p>Close contacts who had a prior infection in the past 90 days and who have <u>symptoms</u> should <u>isolate</u> immediately and <u>get tested</u>.</p> <p>If they test positive, continue to isolate.</p>
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## APPENDIX E: CDC Isolation & Quarantine Infographic

### Recommendations for COVID-19 Close Contacts

Have you been in close contact with someone who has COVID-19? You were a close contact if you were less than 6 feet away from someone with COVID-19 for a total of 15 minutes or more over a 24-hour period ([excluding K-12 settings](#)).

#### Here's What To Do:



To calculate the recommended time frames, **day 0** is the date you last had close contact to someone with COVID-19.



If you can't wear a mask, **stay home** (quarantine) and away from other people, and do not travel for **10 days**.

#### Protect Others

Take these steps to keep others safe.



**Quarantine** if you are not up to date with COVID-19 vaccines or didn't have COVID-19 in the past 90 days. Stay home and away from other people for at least **5 days**. If you are up to date or had COVID-19 in the past 90 days you do not have to quarantine.



**Avoid travel through day 10.**



**Wear a mask** around other people for **10 days**.



Watch for symptoms of COVID-19 for **10 days**.

*Up to date means a person has received all recommended COVID-19 vaccines, including any booster dose(s) when eligible.*



#### Get Tested

Get a COVID-19 test on or after **day 5** or if you have **symptoms**.

*People who had COVID-19 in the past 90 days should only get tested if they develop symptoms.*



You tested **negative**. You can leave your home.



Keep **wearing a mask** in public and when traveling through **day 10**.



You tested **positive** or have **symptoms**.



**Isolate** away from other people. Stay home for at least **5 days** and follow steps for [isolation](#).



**Do not travel for 10 days.**

If you are unable to get tested, you can leave your home after **day 5** if you have not had symptoms. Keep wearing a mask in public and avoid travel through **day 10**.



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Please refer to [COVID-19 Quarantine and Isolation](#) for guidance on quarantine in healthcare settings and high risk congregate settings (such as correctional and detention facilities, homeless shelters, or cruise ships).



## Recommendations for People with COVID-19

Have you tested positive for COVID-19 or have mild symptoms and are waiting for test results?

### Here's What To Do:

**Isolate. Stay at home for at least 5 days.\***



To keep others safe in your home, wear a mask, stay in a separate room and use a separate bathroom if you can.



**Do not travel for 10 days.**



If you can't wear a mask, stay home and away from other people for **10 days**.



To calculate the recommended time frames, **day 0** is the day you were tested if you don't have symptoms, or the date your symptoms started.



Contact your healthcare provider to discuss your test results and available treatment options. Watch for symptoms, especially fever. If you have an [emergency warning sign](#), such as trouble breathing or persistent chest pain or pressure, seek emergency medical care immediately.



**Day 6: Do a self-check. How are you feeling?**

*You could have loss of taste or smell for weeks or months after you feel better. These symptoms should not delay the end of isolation.*



No symptoms or symptoms improving. No fever without fever-reducing medication for 24 hours: You can leave isolation. Keep wearing a mask around other people at home and in public for **5 more days** (days 6-10).



Symptoms not improving and/or still have fever: Continue to stay home until 24 hours after your fever stops without using fever-reducing medication and your symptoms have improved.



After you feel completely better, keep wearing a mask around other people at home and in public through **day 10**.



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\*If you are [moderately or severely ill](#) (including being hospitalized or requiring intensive care or ventilation support) or [immunocompromised](#), please talk to your healthcare provider about when you can [end isolation](#). Please refer to [COVID-19 Quarantine and Isolation](#) for guidance on isolation in healthcare settings and high risk congregate settings (such as correctional and detention facilities, homeless shelters, or cruise ships).