

**U.S. Department of Justice**

Justice Management Division

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**To: HEADS OF DEPARTMENT COMPONENTS
AND UNITED STATES ATTORNEYS****From: Lee J. Lofthus
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for Administration****Lee Lofthus** Date: 2022.02.11
16:30:31 -05'00'**Subject: February 2022 Department of Justice COVID-19 Workplace
Safety Plan**

This plan updates the Department's February 16, 2021, Workforce Safety Plan implementing a revised framework for safe workplace operations as the Federal Government effects a reentry to the workplace in light of the evolving state of the COVID-19 pandemic.¹ Please ensure the plan is distributed to your workforce.² The Department will continue to update this plan as necessary,

¹ This plan is issued under the authority of, and consistent with, Executive Order No. 13991, *Protecting the Federal Workforce and Requiring Mask-Wearing* (Jan. 20, 2021); *National Strategy for the COVID-19 Response and Pandemic Preparedness* (Jan. 2021); Office of Management and Budget (OMB) Memorandum M-21-15, *COVID-19 Safe Federal Workplace: Agency Model Safety Principles* (Jan. 24, 2021), as amended by OMB 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* (June 10, 2021); *Safer Federal Workforce Task Force COVID-19 Workplace Safety: Agency Model Safety Principles* (July 29, 2021, updated Sept. 13, 2021); Executive Order 14042, *Ensuring Adequate COVID Safety Protocols for Federal Contractors* (Sept. 9, 2021) (implementation currently enjoined by pending litigation); Executive Order 14043, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* (Sept. 9, 2021) (implementation currently enjoined by pending litigation); and *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors* (Sept. 24, 2021, updated Nov. 10, 2021). For general information regarding COVID-19 federal workplace safety, see [Safer Federal Workforce](#).

² These requirements are not intended to alter or supersede any [CDC setting-specific guidance](#) or approved component-specific guidance applicable to workplaces that are not traditional office settings, such as prisons, detention facilities, and law enforcement operations or courts. Components operating in such facilities should direct their workforce to follow guidance that is appropriately tailored to relevant locations and circumstances, consistent with applicable workplace safety guidance. Additionally, where a locality imposes more protective pandemic-related safety requirements, such as with respect to masking, quarantine, or isolation requirements, those requirements should be followed by federal employees and onsite contractor employees, in federal buildings, federally-controlled worksites, and on federal lands within that locality.

based on new information or executive branch-wide guidance. The plan in effect at any given time is the one posted on the Department's public Internet site.

NOTE: To ensure compliance with an applicable preliminary nationwide injunction, which may be supplemented, modified, or vacated, depending on the course of ongoing litigation, the Department of Justice will take no action to implement or enforce the COVID-19 vaccination requirement pursuant to [Executive Order 14043](#) on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees while the injunction is in effect. However, the Department's safety protocols based on vaccination status—including guidance on protocols related to masking, distancing, travel, testing, and quarantine—as modified by this updated Workplace Safety Plan, remain in effect. For answers to frequently asked questions on compliance with the applicable preliminary nationwide injunction, see [guidance](#) from the Safer Federal Workforce Taskforce.

In addition, the Department will take no action to enforce the clause implementing requirements of [Executive Order 14042](#) regarding contractors, absent further written notice to contractors from the Department, where the place of performance identified in the contract is in a U.S. state or outlying area subject to a court order prohibiting the application of requirements pursuant to the Executive Order ("Excluded State or Outlying Area"). In all other circumstances, the Department will enforce the Executive Order, except for contractor employees who perform substantial work on or in connection with a covered contract in an Excluded State or Outlying Area, or in a covered contractor workplace located in an Excluded State or Outlying Area. Any further developments regarding implementation will be communicated by the Justice Management Division (JMD) through procurement officials.

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COVID-19 Coordination Team

JMD, on behalf of Department leadership, coordinates the Department's COVID-19 response. JMD's efforts are undertaken in coordination with Component Executive Officers and/or pandemic response coordinators, who are responsible for working with their component management and workforce to implement the Department's COVID-19 response and workplace safety plans. Collectively, this group is the DOJ COVID-19 Coordination Team and includes representatives from each component, including individuals from human resources, occupational safety and health, executive leadership, and counsel's offices, and a Public Health Service physician. As appropriate, components may designate a representative to the coordination team other than the Executive Officer or pandemic coordinator.³

The Coordination Team will continue to be responsible for collaborating on these efforts within their respective components as well as in support of JMD in developing DOJ-wide policies by:

- Reviewing Centers for Disease Control and Prevention (CDC) guidelines and guidance from the Safer Federal Workforce Task Force and coordinating on updates to this plan as needed;
- Supporting the contact tracing procedures of local health departments;
- Determining appropriate next steps after a COVID-19 case occurs within a specific building or work setting, including communicating related information to the workforce, as relevant and appropriate;
- Coordinating with Facility Security Committees, the General Services Administration (GSA), and Lessor Representatives;
- Coordinating with Bureau Procurement Chiefs on the application of safety protocols to onsite contractor employees; and
- Frequently reviewing and updating post-reentry personnel and work environment policies and schedules.

Component Reentry Policies and Building Occupancy

Upon notification from the Department, components will issue reentry policies with at least 30 days' notice to employees, consistent with the Deputy Attorney General's memorandum dated June 24, 2021. Such notices must be sufficiently flexible to account for the evolving pandemic, including changing levels of community transmission of COVID-19. Furthermore, components must comply with collective bargaining obligations, including promptly notifying their unions and providing a meaningful opportunity to consult, as required in Section 2 of Executive Order 13991.

Components are urged to continue to build on their successful experiences during the Department's "maximum telework" posture during the pandemic to provide broader access to telework and other worksite and scheduling flexibilities to employees, as balanced against mission requirements, in developing and implementing their reentry plans.

The previous occupancy limit for Federal workplaces set forth in Office of Management and Budget (OMB) Memorandum M-21-15, and the Department's limitation set forth in the February 16, 2021 Workplace Safety Plan, are no longer in effect. However, limitations on workplace

³ As Components update members of their COVID-19 Coordination Team, please send changes to JMDCOVID19@usdoj.gov.

occupancy or a return to maximum telework may be reinstated on an *ad hoc* basis by component leadership or as may be required in future Department or OMB guidance in response to emergent conditions.

Vaccination Requirement

When enforceable, [Executive Order 14043](#) on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees requires Executive Branch employees (subject to limited exceptions for disabilities or religious objections) to be fully vaccinated,⁴ unless they qualify for a limited exception. When enforceable, this requirement applies equally to employees who are working remotely.

Further, when enforceable, [Executive Order 14042](#) on Ensuring Adequate COVID Safety Protocols for Federal Contractors (and updated guidance), requires employees of covered federal contractors to be fully vaccinated, unless they qualify for a limited exception.

The Department will comply with all relevant court orders, Executive Orders, and CDC guidance in implementing its vaccination requirements. Employees and contractors will be alerted if updates or changes occur.

Clinical trial participants in the United States who are documented to have received the full series of an “active” (not placebo) COVID-19 vaccine candidate, for which vaccine efficacy has been independently confirmed (*e.g.*, by a data and safety monitoring board),⁵ can also be considered fully vaccinated two weeks after they have completed the vaccine series.

When Executive Order 14043 is enforceable, and consistent with the Office of Personnel Management’s (OPM’s) [October 1, 2021, Memorandum](#), the Department will require that new employees be fully vaccinated prior to their start date, except in limited circumstances where an exception is legally required or a short-term extension is granted. Should a component have an urgent, mission-critical hiring need to onboard new staff prior to those new staff becoming fully vaccinated, the component may, after consultation with JMD, delay the vaccination requirement for up to 60 days after entering on duty. New hires must follow all safety protocols for not fully vaccinated individuals until they are fully vaccinated.

At this time, booster shots are not required or considered for purposes of determining whether someone is fully vaccinated, but employees are strongly urged to stay [up to date](#) with all medically recommended vaccines doses, including booster shots.

Use of Official Duty Time for Vaccination

When the Federal Government requires Federal employees to be fully vaccinated (*i.e.*, when Executive Order 14043 is enforceable), the time an employee spends obtaining a COVID-19 vaccination dose (including travel time) to become fully vaccinated is considered duty time and

⁴ Under CDC guidance in effect as of the date this plan was issued, individuals are considered “fully vaccinated” for COVID-19 two weeks after they have received the second dose in a 2-dose series (Pfizer-BioNTech or Moderna), or 2 weeks after they have received a single-dose vaccine (Johnson and Johnson (J&J)/Janssen). This guidance also applies to COVID-19 vaccines that have been listed for emergency use by the World Health Organization (*e.g.*, AstraZeneca/Oxford). There is currently no post-vaccination time limit on fully vaccinated status.

⁵ Currently, the U.S.-based AstraZeneca and Novavax COVID-19 vaccines meet these criteria.

should not be coded as administrative leave. If, due to unusual circumstances, a Federal employee is unable to obtain the vaccine during tour of duty hours, the normal overtime hours of work rules apply.

When the Federal Government requires Federal employees to be fully vaccinated, in most circumstances, supervisors should authorize employees to take up to four hours of duty time to travel to the vaccination site, receive a vaccination dose, and return to their current workplace. Therefore, an employee may spend up to eight hours of duty time receiving two doses of the vaccine, when required. However, if an employee needs to spend less time getting the vaccine, only the necessary amount of duty time should be granted. The Department requires employees taking longer than four hours for one dose to document the reasons for the additional time (*e.g.*, they may need to travel long distances to get the vaccine).

When the Federal Government requires Federal employees to be fully vaccinated, reasonable transportation costs that are incurred as a result of obtaining the vaccine from a site preapproved by the Department are handled as local travel cost reimbursements pursuant to Department policy and the Federal Travel Regulation.

As long as implementation of Executive Order 14043 is enjoined, and vaccination is not required, Federal employees should be granted up to four hours of administrative leave for primary series COVID-19 vaccination doses as well as booster shots.

Federal employees may receive up to two days of administrative leave to recover from any side effects related to any single dose of the vaccination. Furthermore, since July 29, 2021, employees have been entitled to up to four hours of administrative leave per dose to accompany a family member (as defined in 5 C.F.R. § 630.201) receiving a vaccination. Employees should seek supervisory approval prior to taking administrative leave for vaccination-related purposes.

In line with CDC [guidance](#), the Department strongly encourages all employees to stay [up to date](#) on recommended vaccines by receiving additional doses and/or booster shots when they are eligible.

Reporting of Vaccination Status for Federal Employees

Even while implementation of the vaccination mandate is enjoined, employees' vaccination status is essential to enforcing worksite safety protocols. Therefore, employees still need to provide information on their vaccination status. Department employees have been directed to use an online system to indicate that they: (1) are fully vaccinated; (2) have started the vaccination process; or (3) have not been vaccinated. Vaccinated Department employees were also required to provide documentation of their vaccination(s), and attest that such documentation was true and correct. Employees were also provided with a Privacy Act statement at the point of collection. Components must ensure that the vaccination status of new employees is captured in the online system.

Employees are required to provide a copy of the record of immunization from a health care provider or pharmacy, a copy of the COVID-19 Vaccination Record Card, a copy of medical records documenting the vaccination, a copy of immunization records from a public health or state immunization information system, or a copy of any other official documentation containing required data points (required data points are the type of vaccine administered, date(s) of

administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s)). Employees may provide a digital copy of such records, including, for example, a digital photograph, scanned image, or PDF of such a record that clearly and legibly displays the information outlined above. An antibody test cannot be used to prove vaccination status.

Because isolation and quarantine guidance depends on whether employees are [up to date](#) with all recommended vaccination doses, such as booster shots and other additional medically recommended doses of the COVID-19 vaccine, employees will be directed to provide information to demonstrate they are [up to date](#) with COVID-19 vaccines. Once the online systems (including component-specific systems) are configured to accept this information, employees will receive additional instructions for updating this information.

The Department does not maintain documentation of vaccination status in an employee's Official Personnel Folder. The Department takes steps to promote privacy and IT security, while also providing the relevant information only to those who need to know to implement the safety protocols.

Employees who are not known to be fully vaccinated must be considered as unvaccinated and must follow safety protocols for unvaccinated individuals. Furthermore, employees who are not known to be [up to date](#) with all recommended vaccine doses must be considered as not [up to date](#) and must follow applicable quarantine and isolation guidance for individuals who are not [up to date](#) with their vaccinations.

Enforcement of the Vaccination Requirement

Employees covered by Executive Order 14043 (when enforceable) who fail to comply with the requirements to be fully vaccinated and provide proof of vaccination, and have neither received an exception nor have an exception request under consideration, are in violation of a lawful order. Employees who violate lawful orders are subject to discipline, up to and including termination or removal. Components may also consider additional charges as appropriate under applicable policies and procedures.

Limited Legally Required Exceptions to the Vaccine Requirement

Employees covered by Executive Order 14043 (when enforceable) must be fully vaccinated other than in limited circumstances where the law requires an exception. The Department may be required to provide reasonable accommodations to employees who communicate to the Department that they are not vaccinated against COVID-19 because of a disability or because of a sincerely held religious belief, practice, or observance. These requests are processed in accordance with Department and component policy. The Department will determine whether an exception is legally required consistent with guidance from the Safer Federal Workforce Task Force and the U.S. Equal Employment Opportunity Commission.

Department employees who are approved for an exception will need to follow applicable masking, physical distancing, and testing protocols for individuals who are not fully vaccinated, as well as applicable travel guidance and any additional terms or conditions required by the component as part of the approved accommodation. Employees who were granted an exception prior to the injunction remain subject to the terms of the exception granted, consistent with applicable safety protocols for unvaccinated employees.

If an employee's request for accommodation is denied, the Department will require that employee receive their first (or, if a one-dose series, only) dose within two weeks of the final determination to deny the accommodation.⁶ If receiving a two-dose series, the employee must receive the second dose within 6 weeks of receiving the first dose. If the employee received a first dose of a two-dose series prior to seeking an accommodation, the employee must receive their second dose within two weeks of the final determination to deny the accommodation or within a week of the earliest day by which they can receive their second dose, whichever is later. Employees are responsible to report their updated vaccination status on the Department's online reporting system.

Limited Short-Term Extensions of Time to Satisfy the Vaccine Requirement

In limited circumstances where the reason for the employee's request does not meet the legal definition of "disability" to be entitled to a legally required accommodation, an employee may request an extension to a vaccination deadline based upon other medical considerations. Where an employee provides documented medical reasons that may not qualify as a disability but necessitates a delay in vaccination, an extension may be granted with a specific date by which the employee must be fully vaccinated, consistent with the nature of the medical necessity.

Reporting of Vaccination Status for Onsite Contractor Employees

In implementing Executive Order 14042, the Department will comply with all relevant court orders, including by following relevant OMB and Safer Federal Workforce Task Force [guidance](#), as appropriate.

The Department must ask about the vaccination status of contractor employees who need to be onsite. Appropriate procurement officials will provide them with the [Certification of Vaccination](#) when they enter a Federal building or Federally-controlled indoor worksite. The Department will not request any further documentation to verify an onsite contractor employee's vaccination status. Appropriate procurement officials may email the form to contractor employees in advance of their time onsite or utilize a unique tool or application to share the form with contractor employees and enable them to easily complete it, but the Department will not maintain Certification of Vaccination forms from contractor employees unless it has a system of records notice that covers its collection of this information from onsite contractor employees. For those onsite contractor employees who do not have access to email or applications, an appropriate procurement official, working with components utilizing the contract assistance, will determine the best method of distribution, which may be by having printed copies of the form at the entry point to the worksite.

Onsite contractor employees must attest to the truthfulness of the responses they provide. If onsite contractor employees choose not to provide a response, they will be treated as not fully vaccinated for the purpose of the Department's safety protocols.

Appropriate procurement officials and components utilizing the contract assistance may work with a contractor to facilitate compliance by its onsite employees with the Department's safety protocols, such as by having the company attest that all onsite contractor employees are fully vaccinated.

⁶ If an employee's reasonable accommodation request was denied prior to the issuance of the injunction, the employee is not required to be vaccinated while the injunction is in effect and must comply with all safety protocols for unvaccinated individuals.

Once contractor employees are covered by a legal mandate to be vaccinated, they must either be vaccinated or have a legal exception granted by the contract employer to the vaccination requirement.

Routine Screening Testing⁷

Until further notice, before entering a Department workplace other than an employee's telework location, Federal employees who are not fully vaccinated are required to provide to their supervisor (or component designee) a recent negative COVID-19 test result.⁸ The Department encourages components to require that the negative result be obtained within the previous three (3) days (i.e., twice per week testing) before entering the worksite; however, based upon operational needs and testing availability, components may require a negative COVID-19 result once a week, particularly in areas of low or moderate transmission of COVID-19. Components should factor availability of tests into their workforce testing schedules.

Testing is also required for unvaccinated employees who travel or participate in an official meeting or function at any location other than a telework location. To monitor and enforce this requirement, supervisors will follow up with employees. See [Events, Meetings, Trainings and Conferences](#).

Onsite contractor employees who are not fully vaccinated must also provide proof of a negative COVID-19 test from no earlier than the previous three days prior to entry to a Federal building.

Refusal or failure to take required tests for COVID-19 may result in disciplinary measures and the employee may be barred from entering the workplace for the safety of others, pending resolution of any disciplinary or other action the component may pursue. Any decision to bar the employee should occur in consultation with appropriate security officials and legal counsel.

This testing requirement can be satisfied with any COVID-19 test approved by the Food and Drug Administration (FDA). Tests that are either fully approved by the FDA or listed for emergency use authorization are acceptable. Federal employees and onsite contract employees are strongly encouraged to obtain a test that produces a dated report, such as those performed at a pharmacy or doctor's office. Employees may also use the online tool at: <https://www.hhs.gov/coronavirus/community-based-testing-sites/index.html> to find testing sites in their state.

Components may authorize the use of FDA-approved home rapid antigen testing kits if they are able to verify the authenticity and results of the test. Employees may not both self-administer tests and self-interpret the test results for purposes of entry to a Federal workplace. To avoid unnecessary exposure from testing at the workplace, components should direct employees and contractors taking rapid tests to take them prior to their arrival at the workplace using video teleconference, with another employee designated by the component who can verify the authenticity of the test or the results (e.g., over Microsoft Teams). Employees may order free home rapid antigen testing kits by visiting www.covidtests.gov. Components may also purchase rapid tests for use by employees as necessary to meet mission requirements, subject to the restrictions discussed in this paragraph.

⁷ This section addresses routine screening testing. For detailed guidance relating to testing following quarantine and isolation, see [Isolation and Quarantine](#).

As a general matter, employees and contractors tested under this program are responsible for arranging their own testing (including pursuant to a legally required accommodation), unless their component offers COVID-19 testing. Required routine screening testing is considered official duty time for Federal employees. For any out-of-pocket costs incurred at the testing site or with respect to the purchase of home testing kits, Federal employees must first submit the cost of the testing to their health insurance company. For testing required under Department policy, the Department will reimburse Federal employees for testing costs not covered by insurance, as well as reasonable transportation costs approved in advance.

If an employee under this policy is unable to test due to a situation that is out of their control (*e.g.*, nationwide shortage of tests, or a pending request for a testing exemption as an accommodation), components have discretion to grant administrative leave or weather and safety leave for a brief period if the employee is not able to telework.

Components must satisfy applicable collective bargaining obligations in implementing the Department's testing policy.

Visitors

Consistent with the Assistant Attorney General for Administration's [memorandum](#) dated September 15, 2021, all visitors entering Department facilities must acknowledge via a [self-screening health questionnaire](#) that they assessed their health for possible symptoms of COVID-19 on the day of the visit. In addition, all visitors, except those entering Department buildings or facilities to obtain a public service or benefit, must complete a [form](#) attesting that they are fully vaccinated, or they must present a negative COVID-19 test result from an FDA approved test taken in the three days prior to entry. Visitors arriving from outside of the United States who are subject to additional testing requirements prior to travel under CDC guidelines may be required to show the same proof of a negative test result used to travel regardless of vaccination status.

Components may establish additional policies and procedures to facilitate visitor entry to Department worksites in consultation with JMD.⁹

For the purpose of facility entry, the Department will not share employee vaccination attestation information with other Federal agencies, nor will other agencies share their employees' information with the Department. Therefore, employees will be considered visitors at agencies other than their own. However, components may share vaccination attestation information with other components within the Department on a need to know basis.

The Department has developed alternate procedures that allow for persons unable to access a Federal facility due to safety protocols to continue to obtain benefits or services to which the individual is entitled, such as through the use of video conferencing.

⁹ Consistent with current or future Safer Federal Workforce Task Force guidance, the Department's policy on visitors does not apply to "transient visitors" who are expected to enter and depart Department buildings and facilities within fifteen minutes, such as couriers and other delivery personnel, refuse pickup, etc.

Travel

Consistent with Safer Federal Workforce Task Force [guidance](#), there are no ongoing limits on official travel for fully vaccinated individuals, though employees traveling for in-person events, meetings or conferences may be restricted during periods of high community spread and subject to additional rules. See [Events, Meetings, Trainings and Conferences](#). The Department will update its rules as needed, but as of the date this plan was issued, general rules for travelers are as follows:

Domestic Travel for Vaccinated Travelers (Within The United States or to a U.S. Territory)

- Fully vaccinated travelers do not need to get a COVID-19 test before or after domestic travel, unless testing is required by local, state, or territorial health authorities.
- Fully vaccinated travelers do not need to self-quarantine following domestic travel.

International Travel for Vaccinated Travelers

- Fully vaccinated travelers do not need to get tested before leaving the United States unless required by their destination.
- Fully vaccinated air travelers coming to the United States from abroad, including U.S. citizens, are [required](#) to have a negative COVID-19 viral test result from the day prior to travel or documentation of recovery from COVID-19 in the past 90 days before they board a flight to the United States.
- International travelers arriving in the United States are still recommended to get a COVID-19 viral test 3-5 days after travel regardless of vaccination status. International travelers should self-monitor for COVID-19 symptoms; if symptoms develop, travelers should isolate and get tested, and follow all recommendations or requirements of their local U.S. destination after travel.
- Fully vaccinated travelers do not need to self-quarantine in the United States following international travel.

Travel for Unvaccinated Travelers

- Consistent with Safer Federal Workforce Task Force [guidance](#), only mission-critical domestic travel is permissible for unvaccinated travelers, unless such restriction is contrary to an accommodation to which an employee is legally entitled. Such travel should occur only after means to otherwise accomplish the business have been exhausted (*e.g.*, remote meetings or hearings).
- International travel should be avoided.
- Travel authorizing officials are responsible for assessing whether travel is mission-critical, consistent with the guidance herein, in consultation with the traveler and component management. Questions on the appropriateness of travel shall be raised to the Assistant Attorney General for Administration.
- Unvaccinated travelers should also follow guidance regarding testing before and after travel as directed by applicable CDC and state and local public health authorities.
- Unvaccinated travelers should be prepared to quarantine at home after official or personal travel, as directed by applicable CDC and state and local public health quarantine guidelines, before returning to the office.

All travelers must comply with guidelines and restrictions imposed by airlines and other common carriers, hotels, and host meeting facilities. Masks are currently required for all travelers on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in U.S. transportation hubs such as airports and stations. Travelers are not required to wear a mask in outdoor areas of a conveyance (for example, on a ferry or the top deck of a bus).

Costs related to testing required that is required for official travel and not available through the Federal government or not covered or reimbursed by insurance may be claimed in a travel voucher under Department travel policies.

If an employee must quarantine because of official travel, the employee may be granted weather and safety or administrative leave if they cannot telework from their quarantine location.

If an employee must quarantine because of personal travel (whether because they are unvaccinated, due to local rules, or for another reason), the employee should take personal leave to the extent they cannot telework while quarantining. If an employee refuses to take personal leave, a supervisor can bar the employee from the workplace for others' safety. In such a situation, the supervisor should place the employee on administrative leave until the employee's status can be determined. Components should avoid placing an employee on extended administrative leave in this situation and should act quickly to determine the appropriate status for the employee.

Events, Meetings, Trainings, and Conferences

In-person attendees (including both Department employees and visitors, consistent with the visitor policy) at any meetings, conferences, trainings, and events hosted by the Department, regardless of whether the event is held at the Department or the event size, should provide information about their vaccination status. Attendees who are not fully vaccinated or who decline to provide their vaccination information must provide proof of a negative COVID-19 test completed no earlier than the previous three days and comply with masking and physical distancing requirements for individuals who are not fully vaccinated. In-person attendees at events, meetings, trainings, or conferences located in areas of high or substantial transmission, must wear a mask in public indoor settings regardless of vaccination status.

The Department may limit in-person meetings and events during periods of high or substantial community spread.

Approvals for Large Department-Hosted Meetings, Events, Trainings, and Conferences

OMB requires that all agency-hosted in-person meetings, events (including awards ceremonies), trainings, or conferences with an expected attendance of more than 50 people have agency leadership approval. Therefore, components must submit a request to the Assistant Attorney General for Administration (AAG/A) for approval to hold any in-person meeting, event, or conference of more than 50 attendees (including all persons expected to be physically present at the event: employees, contractors, and/or the public). To obtain approval, a component must demonstrate that the gathering supports an articulated mission need and cannot effectively be held virtually, and should therefore not be cancelled or rescheduled. Requests for approval should be submitted via email to Conference.and.Non-Federal.Center@usdoj.gov and include the DOJ

Hosted Meetings, Events, and Conferences Approval Form. This AAG/A approval procedure does not apply to law enforcement training or operational activities.

Approval for Attendance at Large Externally-Hosted Meetings, Events, and Conferences

Employee attendance at an externally-hosted meeting, event, or conference with over 50 attendees has additional requirements. Fully vaccinated employees may attend such events in the normal course of business; unvaccinated employees may attend only if personally authorized by their respective Component Head or the United States Attorney based on an articulated mission need. This authorization requirement is non-delegable. In addition, if the gathering is hosted in an area of substantial or high community transmission of COVID, there may be additional safety protocols that apply to the employee upon return from the travel prior to entering the Federal workplace (*e.g.*, temporary teleworking if feasible). If your component has an employee attending such an externally-hosted gathering, contact JMD for additional information.

Face Masks

Consistent with [CDC guidance](#), and the Safer Federal Workforce Task Force's [Agency Model Safety Principles](#), individuals who are not fully vaccinated (*i.e.*, employees, onsite contractors, visitors, and members of the public who are seeking a public service or benefit) are currently required to wear masks in federal buildings (which includes federally-leased commercial buildings) regardless of community transmission level.

Fully vaccinated individuals in federal buildings must wear a mask in public indoor spaces if the building is in a city or county designated as one of substantial or high community transmission of COVID-19, as reported in the [CDC COVID Data Tracker](#). A public indoor space includes common areas such as entryways, restrooms, elevators, hallways, conference rooms, cubicles, break rooms, garages, and similar settings.

Individuals should wear well-fitting masks or respirators to protect themselves and prevent the spread of COVID-19.¹⁰ Individuals are expected to be able to wear their chosen mask or respirator throughout the day and tolerate wearing it correctly and consistently in public indoor settings. Individuals may not wear masks with vents and should avoid single layer cloth masks. The mask must properly cover the individual's nose and mouth, and be used in accordance with CDC guidance.¹¹

In positions where OSHA/NIOSH-certified respirators (*e.g.* N-95) are required as personal protective equipment (PPE), all employees must be enrolled in a respiratory protection program and follow OSHA regulations regarding its wear. Where components provide N-95 respirators to individuals as part of the response to the pandemic, the components must comply with all applicable regulations, including providing employees information about fit, wear, use, and replacement.

Components are encouraged to have a supply of surgical masks or respirators for employees.

¹⁰ Components and employees are strongly urged to carefully research masks prior to purchase. The CDC provides information about counterfeit masks and respirators. See [Counterfeit Respirators / Misrepresentation of NIOSH-Approval | NPPTL | NIOSH | CDC](#)

¹¹ The CDC provides specific mask information, including how to select, properly wear, clean, and store your mask. See [Your Guide to Masks | CDC](#).

Components in need of information or assistance in obtaining masks may contact JMD's Procurement Services Staff. Employees may also wear their own masks, subject to the mask guidelines above. Individuals may be asked to lower their masks briefly for identification purposes in compliance with safety and security requirements.

When the level of community transmission of COVID-19 in the city or county of a Department facility falls below the threshold for substantial, it must remain at the lower level for at least two consecutive weeks before the component may use less restrictive safety protocols. When the level of transmission increases from moderate to substantial, the component must promptly put in place more protective safety protocols.

Currently, all employees are required to wear masks in common areas within a Secure Compartmented Information Facility (SCIF), regardless of vaccination status and community transmission level. For private spaces within a SCIF (*e.g.*, personal offices with a door), masks may be removed if the occupant is alone and the door is closed.

Even where not required under this policy, individuals may elect to wear masks throughout the workplace as they deem appropriate and are welcome to do so. No one should ever try to dissuade anyone from wearing a mask if they so choose.

Physical Distancing

Unless subject to narrowly tailored setting-specific worksite guidance as noted above, unvaccinated individuals must also maintain a distance of at least six feet from others at all times, consistent with CDC guidelines, including in offices, conference rooms, and all other communal and workspaces. During periods of substantial or high community spread, all individuals are encouraged to keep physical distance of at least six feet from one another, if practicable, especially in circumstances where they have prolonged contact with multiple individuals in a closed environment, such as during meetings. In these situations, components are encouraged to reconfigure common areas, including conference rooms, and allow for hybrid gatherings where feasible, to ensure employees can maintain that distance, and employees should limit gatherings in breakrooms and other common areas.

The Department has conspicuous signage displayed at building entrances, elevator lobbies, visitor centers, and throughout its facilities regarding mask wearing protocols and physical distancing requirements. Information about these requirements at specific facilities is publicly available on the Department's website and regularly communicated to employees and onsite contractor employees.

Health and Facility Medical Screening/Symptom Monitoring of Employees, Onsite Contractors, and Visitors

Employees, onsite contractors, and visitors are expected to assess their health status each day before reporting to the Federal workplace. Individuals who do not feel well, are running a temperature of 100.4 degrees or higher, or are experiencing other symptoms of illness should not enter the workplace and either telework or use sick leave, as appropriate. The symptoms of COVID-19 continue to evolve, so individuals should review the CDC's symptoms questionnaire, <https://www.cdc.gov/screening/paper-version.pdf>, before entering the workplace.

Individuals experiencing COVID-19 symptoms should consult with their health care provider,

get tested as soon as possible, and must avoid the workplace until eligible to return under applicable CDC guidance and Department policy. To learn more, see [Symptoms of COVID-19 | CDC](#).

Anyone in a Department workplace who develops symptoms of COVID-19 should leave immediately and seek medical advice. Any onsite testing capability, such as in DOJ health units, should not be used by symptomatic employees. Employees who develop such symptoms during the workday must immediately isolate, wear a mask, notify their supervisor, and leave work immediately. Supervisors should remind employees of their options, such as: requesting sick leave or annual leave or shifting to situational telework if available.

If the employee has no leave available, supervisors are authorized to approve requests for advanced leave or leave without pay in certain circumstances. When an employee opts not to take leave or telework voluntarily, a supervisor can direct the employee's use of leave. Before enforcing the involuntary use of leave, supervisors should consult with appropriate human resources (HR) staff and component general counsel's office, as enforced leave is an adverse action that imposes procedural requirements (*i.e.*, advance notice, an opportunity to reply, the right to representation, and an agency decision).

The Department does not conduct visitor temperature screening upon entrance to its primary office/workplace facilities. For multi-tenant locations, *i.e.*, locations where DOJ components are located in a facility with other federal agencies, the local Facility Security Committee will make decisions on temperature screening.

Where Department law enforcement components operate their own training facilities and/or other specialized operational facilities (immigration courts, laboratories, canine centers, mail operations, warehouses, firing ranges, etc.), those components, in their discretion, may require temperature screening and/or COVID-19 screening testing wherever it is likely the population of the facility will have close and frequent contact and physical distancing cannot be guaranteed.

Ventilation and Filtration

The Department will continue to work with GSA and building management, as appropriate, to follow current industry practices and to apply the latest CDC guidance concerning building ventilation systems to reduce the risk and spread of COVID-19.

In DOJ-owned facilities and federal buildings delegated to the Department to maintain, the Department has ensured that the highest-rated MERV filters that are compatible with the building systems are being used. Further, working with JMD or component facility managers as appropriate, components should consider placing standalone HEPA air filters in common areas (particularly conference rooms and SCIFs) as needed based on usage, and air filters should be changed regularly based on the manufacturer's recommendations. The Department also recommends opening operable windows in common areas. Onsite component personnel working in GSA-controlled facilities can contact their GSA Facility Manager for more information on the specific steps taken in the facility in which they are located.

Isolation and Quarantine

Isolation for suspected or confirmed COVID-19 Cases

Any employee with a suspected or confirmed case of COVID-19 must follow current [guidance](#) from the Safer Federal Workforce Task Force, guidance stated below, and any updates after this plan is issued.

Absent operational demands making it impossible, components should encourage all telework-eligible employees to telework (assuming they are feeling well enough to work) for a full 10 days after the onset of symptoms, or, if asymptomatic, the date of the positive COVID-19 test.

Employees for whom telework is not available or not operationally feasible must follow the guidance below for isolation:

- The employee must isolate at home for at least 5 days;
- The employee may return to the workplace between day 6 and 10¹² if:
 - They have received **one or two negative antigen test(s)**;¹³
 - They are fever-free for at least 24 hours (without fever reducing medication); and
 - Their other symptoms have improved.
- If they meet the requirements above, the employee can end isolation and return to the workplace, but they must wear a well-fitting mask until 10 days have passed since the beginning of isolation, pursuant to CDC guidelines.
 - During this period, the employee should avoid eating and drinking around others, avoid environments such as dining facilities and gyms where they may be unmasked around others, and avoid people who are immunocompromised or at [high risk for severe disease](#), and avoid high risk settings (such as nursing homes). If the employee is unable to wear a mask when around others, such as pursuant to a reasonable accommodation, they should isolate for 10 full days.
- If the employee's antigen test result is positive, the employee may not enter the workplace until after day 10. A negative COVID-19 test is not required to enter the workplace after 10 days of isolation.

People who are severely ill with COVID-19 (such as those who were hospitalized) and people with compromised immune systems need to isolate for at least 10 days. These individuals should consult with their healthcare provider regarding when they should end isolation.

Employees who are symptomatic should never engage in official travel, regardless of how long it has been from the date of the onset of symptoms or a positive test. Even once asymptomatic, employees should abstain from official travel for a full 10 days after the onset of symptoms, or, if they have been asymptomatic for the entire period, the date of the positive COVID-19 test.

¹² The first day of symptoms, or, if asymptomatic, the day of the positive COVID-19 test, is day 0.

¹³ If operationally feasible, components are encouraged to require employees to take two antigen tests within at least 24 hours (but no more than 48 hours) between tests, prior to their return to the workplace. If two antigen tests are not operationally feasible, components must require one negative antigen test taken no earlier than day 5 after the onset of symptoms, or, if asymptomatic, the positive test, before returning to the workplace.

Urgent, mission critical travel may be allowed for asymptomatic employees on days 6-10 of isolation, if determined by the component to be absolutely necessary and all other available precautions are taken for the duration of the travel (including wearing a well-fitting mask around others and avoiding eating or drinking around others).

Consistent with [OPM CPM 2020-02](#), if an employee is subject to isolation and is unable to telework, the employee may use sick leave, accrued annual leave or other forms of paid or unpaid leave as appropriate.

All required testing to return to the worksite will be at no cost to the employee. If the component has in-house testing capabilities, it can provide testing at the worksite. If not, the Department will reimburse employees for testing costs not covered by insurance.

Quarantine for Close Contacts with Suspected or Confirmed COVID-19-Positive Individuals (as defined by the CDC¹⁴)

Any employee who reports to the workplace and has had a close contact with someone who has a suspected or confirmed case of COVID-19 should alert their supervisor immediately. They must follow current [guidance](#) from the Safer Federal Workforce Task Force, guidance stated below, and any updates after this plan is issued.

Absent operational demands making it impossible, components should encourage all telework-eligible employees with a close contact to telework for 10 days following the close contact.

Employees for whom telework is not available or not operationally feasible must follow the guidance below for quarantine:

Employees Who Are **NOT Up To Date** with Their COVID-19 Vaccinations **AND Have NOT Received a Viral Test Confirming COVID-19 within the Last 90 Days:**

- The employee must quarantine at home for at least 5 days after their last close contact with someone who has COVID-19.¹⁵ During quarantine, employees should watch for symptoms of COVID-19.
- The employee may return to the workplace between days 6 and 10 if:
 - The employee has received a **negative COVID-19 test** (antigen, PCR, or NAAT) taken on or after day 5;
 - The employee does not have COVID-19 symptoms;
 - The employee wears a well-fitting mask at the workplace through day 10. If the employee is unable to wear a mask when around others, such as pursuant to a reasonable accommodation, they should quarantine for 10 full days; and
 - The employee avoids eating and drinking around others, avoids environments such as dining facilities and gyms where they may be unmasked around others, avoids people who are immunocompromised or at [high risk for severe disease](#),

¹⁴ Close contact is currently defined as being 6 feet or less away from an infected person for a cumulative total of 15 minutes or more over a 24 hour period, up to 2 days prior to the infected person developing symptoms or testing positive in the absence of symptoms.

¹⁵ The date of exposure is considered day 0, and day 1 is the first full day after they last had close contact with someone with suspected or confirmed COVID-19.

and avoids high risk settings (such as nursing homes).

- A negative COVID-19 test is not required to enter the workplace after 10 days of quarantine.

Employees Who **ARE Up To Date** with Their COVID-19 Vaccinations **OR** Have Received a Viral Test Confirming COVID-19 within the Last 90 Days:

- Consistent with current CDC guidance, the employee **need not quarantine**.
- The employee must wear a well-fitting mask around others in the workplace for 10 days from the date of the last close contact, even if they do not have symptoms. If the employee is unable to wear a mask when around others, such as pursuant to a reasonable accommodation, they should quarantine for 10 full days;
- The employee should avoid eating and drinking around others, should avoid environments such as dining facilities and gyms where they may be unmasked around others, should avoid people who are immunocompromised or at high risk for severe disease, and should avoid high risk settings (such as nursing homes);
- The employee should watch for COVID-19 symptoms for 10 days; and
- The employee must take a **COVID-19 test** (antigen, PCR, or NAAT) no earlier than day 5 after the close contact.

Employees who receive a positive COVID-19 test, or develop COVID-19 symptoms, during the quarantine period must follow all rules above for isolation and any applicable CDC guidance.

In the case of an employee with an ongoing close contact (*i.e.*, cohabitating with an individual confirmed to have COVID-19), telework should be encouraged where feasible until 10 days after the positive individual has ended their isolation. Where telework is not feasible, masking is required and supervisors should discuss additional precautions with the affected employees.

Components should also extend additional telework flexibilities to employees, even if not required above, where doing so will not impede operations and is in the interest of workplace safety (*e.g.*, an individual lives with an unvaccinated individual exposed to COVID-19).

Consistent with guidance from the Safer Federal Workforce Task Force, if an employee is subject to quarantine and is unable to telework, the employee may use weather and safety leave. If the employee has a confirmed or probable COVID-19 case, the employee should isolate, and the use of weather and safety leave is unavailable.

All required work-related testing (including testing as a result of a workplace exposure) will be at no cost to the employee. If the component has in-house testing capabilities, it can provide testing at the worksite. If not, the Department will reimburse employees for testing costs not covered by insurance.

Components should avoid approving official travel for employees who have come into close contact with someone with COVID-19, regardless of the employee's vaccination status, for 10 days after the close contact. In rare circumstances where there is a mission-critical need for an employee who had a close contact to undertake official travel, the employee must wear a well-fitting mask around others for the duration of the travel during the 10-day period after the close

contact.

Reporting and Contact Tracing

Federal employees and contractors who telework or work remotely and test positive for COVID-19 are strongly encouraged to alert their supervisor, as this assists the Department in accurately capturing the number of employees who have tested positive for COVID-19.

Federal employees and contractors who report to the worksite are required to report to their supervisors if they receive a positive COVID-19 test result and/or have been notified that they had close contact with a person who has tested positive for COVID-19 up to 2 days prior to the infected person developing symptoms (or testing positive in the absence of symptoms) so appropriate precautions in the workplace can be taken. Components shall continue to report known cases of employees and contractors testing positive for COVID-19, or presumed infections, without identifying the individual, to the Department's central COVID mailbox: JMDCOVID19@usdoj.gov.

In the case of a reported positive COVID-19 test result or presumed infection, the DOJ COVID-19 Coordination Team will collaborate with and support the contract tracing programs of local health departments, as required, consistent with applicable laws and procedures. Each component will continue to coordinate internal contact tracing to provide notice to those who have been in close contact, as defined by the CDC, to individuals later known to have tested positive for COVID-19. Employees who have been contacted should follow the guidance in the above section regarding quarantine, isolation and/or testing to the extent they are given such notice. Components must protect the identity of infected individuals to the greatest extent possible, and comply with Federal, State, and local privacy and confidentiality laws and regulations.

In an abundance of caution and in the interest of transparency, components are also encouraged to notify all onsite personnel where there has been a confirmed or presumed COVID-positive individual in shared workspaces of the component, even where those personnel are not close contacts of the COVID-positive individual. Any such communication should not identify the COVID-positive individual but should clearly indicate that close contacts have already been notified and that the individuals receiving the communication are not close contacts and do not meet the CDC definition for exposure notification.

If employees or contractors who are confirmed or presumed to have COVID-19 recently have been in a specific building or work setting, the Department's COVID-19 Coordination Team or component designee will determine, in consultation with local public health officials, the appropriate next steps, including enhanced environmental cleaning of spaces that the individual occupied or accessed, in accordance with the CDC and, where applicable, GSA guidance. The Department's COVID-19 Coordination Team will determine the appropriate scope of workplace closures needed. See [Facilities and Environmental Cleaning](#).

Under the Occupational Safety and Health Administration's (OSHA's) recordkeeping requirements, if an employee who reports to the worksite tests positive for a COVID-19 infection, the case must be recorded on the OSHA Illness and Injury Log if each of the following conditions

are met: (1) the case is a confirmed case of COVID-19; (2) the case is work-related;¹⁶ and (3) the case involves one or more relevant recording criteria¹⁷ (e.g., medical treatment beyond first aid, days away from work).

Hygiene

Components should ensure that hand sanitizer stations which contain FDA-approved hand sanitizer with at least 60% ethanol are currently available at building entrances and throughout workspaces. Signs currently posted near restrooms and other building locations encourage frequent hand washing with soap and water or the use of hand sanitizer or alcohol-based hand rubs.

Facilities & Environmental Cleaning

The Department continues to work with GSA to ensure that Department workspaces are properly cleaned and sanitized in accordance with CDC guidelines, including where the Department has learned that an onsite employee, contractor, or visitor has tested positive for COVID-19.

Continued care will be taken to frequently clean and disinfect high-touch and high-traffic areas such as elevator control panels, door handles, conference room tables, pantry counters, and restrooms in accordance with CDC guidance and using products from the Environmental Protection Agency's (EPA's) list of approved products that are effective against COVID-19. Components shall ensure that wipes, gloves, and other EPA-approved disinfectants are available for employees to wipe down their workstations and related personal property.

If an employee, contractor or visitor reports having tested positive for COVID-19 or is presumed infected after having been in Department space, the Department follows CDC guidelines for enhanced environmental cleaning of the spaces the individual occupied or accessed in accordance with CDC, and where applicable, GSA guidance:

- If fewer than 24 hours have passed since the person who is sick or diagnosed with COVID-19 has been in the space, clean and disinfect the space.
- 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. Components may choose to also disinfect depending on certain conditions or everyday practices required by its facility.
- If more than three 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.

If enhanced cleaning is required, components should wait as long as possible (at least several hours) before cleaning and disinfecting. Extended wait periods allow increased opportunity for viral deactivation to occur naturally, while also allowing time for aerosols to settle, prior to surface disinfection.

¹⁶A work-related case is defined in 29 C.F.R. § 1904.5.

¹⁷ Recording criteria is set forth in 29 C.F.R. § 1904.7.

Information on cleaning recommendations from the CDC is available at: [Cleaning and Disinfecting Your Facility | CDC](#). Where JMD manages the facilities contracts, the Department has arranged to have those areas cleaned and sanitized following CDC, GSA, and OSHA recommendations. For GSA-managed buildings and multi-tenant buildings, components should consult with GSA and the local Facility Security Committee to ensure enhanced cleaning is available if needed.

Confidentiality

Any medical information collected from Federal employees or contractors, including vaccination information, COVID-19 test results, reasonable accommodation requests, or other information obtained as a result of testing and symptom monitoring will be treated confidentially in accordance with applicable law and DOJ policy, and will be accessible only by those with a need to know. Any questions concerning the recordkeeping requirements of medical information should be directed to the component Records Officer, Senior Component Official for Privacy, General Counsel's or Employee Relations Office.

Coordination with Partners

United States Attorneys' Offices, the Executive Office for United States Attorneys, the United States Marshals Service and the litigating divisions should continue to coordinate with each other, and with the Administrative Office of the United States Courts and local courts for any changes to court operations. Similarly, Department law enforcement components should continue to coordinate with each other on their operations and workplace plans in shared localities. When a partner organization's guidance differs from the Department's, every attempt should be made to minimize conflicting requirements, ensuring the Administration's safety directives are followed.

Continuous Monitoring

The Department will continue to monitor nationwide conditions and medical trend data, as well as OMB and CDC guidance, and to engage employee unions. The COVID-19 Coordination Team will adjust this guidance as necessary and communicate it to employees, on-site contractors, and visitors, as appropriate. The provisions of this plan do not supersede any stronger worker protections that may exist in current Collective Bargaining Agreements.