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Justice Management Division

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January 13, 2023

To: HEADS OF DEPARTMENT COMPONENTS
AND UNITED STATES ATTORNEYS

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for Administration

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Subject: January 2023 Department of Justice COVID-19 Workplace
Safety Plan

This revised plan supersedes the Department's February 11, 2022, Workplace Safety Plan, and implements a revised framework for safe workplace operations in light of the evolving state of health and safety protocols related to COVID-19.¹ Please ensure the plan is distributed to your workforce, including onsite contractor employees.² The Department will continue to update this

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); 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 (Task Force) Model Agency COVID-19 Safety Principles* (last updated Sept. 15, 2022); Executive Order 14042, *Ensuring Adequate COVID Safety Protocols for Federal Contractors* (Sept. 9, 2021) (Department will comply with applicable court orders); Executive Order 14043, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* (Sept. 9, 2021) (implementation currently enjoined by pending litigation); *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors* (Sept. 24, 2021, updated Nov. 10, 2021); and *Updated Implementation Guidance on COVID-19 Community Levels*, Safer Federal Workforce Task Force (updated August 17, 2022). For general information regarding COVID-19 Federal workplace safety, see [Safer Federal Workforce](#).

² These requirements are not intended to alter or supersede any [Centers for Disease Control and Prevention \(CDC\) setting-specific guidance](#) or approved component-specific guidance applicable to workplaces that are not general community or office settings, such as prisons, detention facilities, law enforcement operations or courts, or healthcare facilities. 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 COVID-19-related safety requirements, such as with respect to masking, post-exposure, 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.

plan as necessary, 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. Additionally, the Department has published, and more frequently updates, the Frequently Asked Questions on the Department's intranet 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. Any aspects of this COVID-19 Workplace Safety Plan related to the vaccination requirement pursuant to E.O. 14043 are not in effect and will not be implemented or enforced by agencies while the injunction is in place.

One or more court orders currently prohibit the enforcement of requirements of Executive Order (EO) 14042 on Ensuring Adequate COVID Safety Protocols for Federal Contractors against certain parties and within certain locations. At this time, consistent with guidance from OMB and the Safer Federal Workforce Task Force (the Task Force), the Department of Justice will take no action to enforce compliance with any contract clause implementing EO 14042 regardless of party or location. See the Safer Federal Workforce Task Force website for more information, including the latest guidance regarding the implementation and enforcement of EO 14042: [For Federal Contractors | Safer Federal Workforce](#).

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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, 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;
- 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;
- Frequently reviewing and updating personnel and work environment policies and schedules; and
- Consulting as needed with the DOJ's Chief Privacy and Civil Liberties Officer.

CDC COVID-19 Community Levels

The CDC currently bases many of its COVID-19 prevention strategies and recommendations on [COVID-19 Community Levels](#), which measure the impact of COVID-19 illness on health and healthcare systems. The CDC provides [county level data](#) showing the COVID-19 Community Level for each county in the United States, as determined by the CDC.

Since some of the Department's COVID-19 safety protocols are tied to COVID-19 Community Levels, components must review the COVID-19 Community Level for each of their facilities on a weekly basis, by looking to the COVID-19 Community Level for the county in which each facility is located. For example, a component may choose to review the COVID-19 Community Levels each Friday and implement any changes to protocols starting the following Monday. Components are responsible for communicating to their workforce whether the facility where the employees report to work is in a county designated by the CDC as a LOW, MEDIUM, or HIGH COVID-19 Community Level, based on the county level data on the CDC's website.

³ As Components update members of their COVID-19 Coordination Team, please send changes to JMD.COVID19@usdoj.gov.

Screening Testing

In general, the Department will not conduct either serial⁴ or point-in-time⁵ screening testing at its facilities, except for facilities that are identified as high-risk settings. High-risk settings include certain Federal facilities, or specific settings within Federal facilities, where (1) COVID-19 transmission risk is high, and (2) the population present onsite is at high risk of severe outcomes from COVID-19 or there is limited access to healthcare. Examples include high risk congregate settings, such as assisted living facilities, correctional facilities, and homeless shelters.

The Department is not currently conducting screening testing for high-risk settings other than for correctional facilities managed by the [Federal Bureau of Prisons](#). Other components considering identifying their facilities as high-risk settings for purposes of instituting screening testing for Federal employees and onsite contractor employees must consult with JMD and obtain advance approval. JMD will consult with the Task Force on such requests.

Where approved, serial screening testing should be implemented at high-risk facilities in a county or location designated by the CDC as having a MEDIUM or HIGH [COVID-19 Community Level](#). When serial screening testing is required, asymptomatic Federal employees and onsite contractor employees, regardless of their vaccination status, must present a negative COVID-19 test at least twice per week for any week during which they work onsite or interact in person with members of the public in a high-risk setting.

Components with facilities identified as high-risk settings may also, in consultation with JMD (who will then consult with the Task Force), establish a point-in-time screening testing program for visitors to such high-risk settings (except those seeking to obtain a public service or benefit), and for contractor employees who do not regularly report to the facility, when the facility is located in a county with a MEDIUM or HIGH COVID-19 Community Level. In these circumstances, these individuals, regardless of vaccination status, must provide proof that they received a negative COVID-19 test result within 24 hours of accessing that high-risk facility.

This testing requirement can be satisfied with any viral COVID-19 test approved by the Food and Drug Administration (FDA) to detect current infection. Tests that are either fully approved by the FDA or listed for emergency use authorization are acceptable. Federal employees and onsite contractor employees may use self-administered tests, which can be self-administered and self-read by the employee, as long as the employee certifies when they took the test and that they received a negative result. In consultation with JMD, components should establish protocols by which employees may certify the results of their self-administered test.

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.

⁴ Serial screening testing is testing that is repeated at different points in time within a group, such as periodic testing for everyone in a particular setting or facility.

⁵ Point-in-time screening testing is testing that happens on a situational basis, such as before an event or visit.

If an employee who is required to be tested 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), the component has discretion to grant administrative leave for up to one day if the employee is not able to telework.

Cost of Testing: As a general matter, Federal employees and contractor employees required to be tested under this plan are responsible for arranging their own testing, unless their component offers COVID-19 testing. Required serial screening testing is considered official duty time for Federal employees. The Department will reimburse Federal employees for the costs of all required tests, as well as reasonable transportation costs approved in advance. This includes reimbursement for diagnostic tests that employees are required by the Department to take as a result of an exposure to COVID-19. See [Post-Exposure Protocols](#).

Components must satisfy applicable collective bargaining obligations in implementing screening testing.

Mask Wearing

Consistent with [CDC guidance](#) and the Safer Federal Workforce Task Force's [Agency Model Safety Principles](#), all individuals (*i.e.*, Federal employees, onsite contractor employees, visitors, and members of the public) who are 2 years and older, and regardless of vaccination status, are required to wear a high-quality [mask or respirator](#) in public, indoor spaces in Federal buildings (which includes Federally leased commercial buildings) if the facility is in a county with a [HIGH COVID-19 Community Level](#) as defined by the CDC. Public, indoor spaces include common areas such as entryways, restrooms, elevators, hallways, conference rooms, cubicles, break rooms, garages, and similar settings. This requirement also applies to Department employees who are interacting with members of the public as part of their official duties, even if not in a Federal building.

When individuals are required to wear a “high-quality” mask or respirator, either because they are entering a Federal facility where the COVID-19 Community Level is HIGH, or because of [post-exposure](#) or [post-isolation](#) requirements, individuals must wear masks that meet U.S. or international standards (*e.g.*, N95, KN95, KF94), masks that meet a standard (*e.g.*, ASTM), or “procedure” or “surgical”-style masks.⁶ Masks must be well-fitting and worn consistently and correctly (over mouth and nose), and be used in accordance with CDC guidance.

Individuals do not need to wear masks or respirators when outdoors. Employees may also remove their masks if they are alone in an office with a door, or for a limited time when eating or drinking and maintaining distance from others. Individuals may be asked to lower their masks briefly for identification purposes in compliance with the Department's safety and security requirements.

If employees are in positions where Occupational Safety and Health Administration (OSHA)/National Institute for Occupational Safety and Health (NIOSH)-certified respirators (*e.g.*, N95) are required as personal protective equipment (PPE), all such employees must be enrolled in a respiratory protection program and follow all applicable OSHA regulations. Where components otherwise provide N95 respirators to individuals, including when wearing high-quality masks or

⁶ 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](#).

respirators is required or optional in Federal facilities, components must comply with all applicable regulations, including providing employees information about fit, wear, use, and replacement. See [1910.134 App D - \(Mandatory\) Information for Employees Using Respirators When not Required Under the Standard. | Occupational Safety and Health Administration \(osha.gov\)](#).

Masks Optional at LOW or MEDIUM COVID-19 Community Level: When a Federal facility is in a county with a LOW or MEDIUM COVID-19 Community Level, mask wearing is optional, except where required by Federal, State, Tribal, territorial, or local laws, rules, regulations, or existing collective bargaining agreements. Employees may choose to wear masks in these situations, and if they choose to do so, any mask is permissible, including cloth masks. **No one should ever try to dissuade anyone from wearing a mask if they so choose.**

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

Mask Wearing on Federal Government Operated Transportation Conveyances: Consistent with [CDC guidance](#) for the indoor transportation corridor and public transportation conveyances, the Department requires that individuals wear high-quality masks or respirators when in Federal Government-operated aircraft, boats and other maritime transportation conveyances, and buses with multiple occupants, regardless of the COVID-19 Community Level. Occupants can remove their masks or respirators for safety reasons or for brief periods of time while eating, drinking, or taking medication. Mask wearing is not required for outdoor areas of conveyances, or when there is a single occupant in the conveyance, or when all of the occupants are co-habitants. With respect to Federal Government-operated vans, cars, trucks, and other motor pool passenger vehicles, the Department recommends that individuals wear high-quality masks or respirators when there are multiple occupants. For more information about mask wearing and other safety protocols while on official travel, see [Official Travel](#).

Provision of Masks by Components. The Department is required to provide employees with high-quality masks when employees are required to wear masks at the workplace. Components in need of information or assistance in obtaining masks may contact JMD's Procurement Services Staff. Individuals may also wear their own masks, subject to the mask guidelines above.

Physical Distancing and Avoiding Crowding

Where COVID-19 Community Levels are MEDIUM or HIGH, individuals, regardless of vaccination status, are to consider physically distancing themselves from others in indoor common areas and avoiding crowding, including in offices, conference rooms, and all other communal workspaces. In these situations, components are encouraged to reconfigure common areas, including conference rooms, and allow for hybrid gatherings where feasible, to avoid crowding and ensure employees can maintain that distance. In addition, employees should limit gatherings in breakrooms and other common areas.

When COVID-19 Community Levels are MEDIUM or HIGH, the Department posts signage encouraging individuals, regardless of vaccination status, to consider avoiding crowding and physically distancing themselves from others in indoor common areas, meeting rooms, and

high-risk settings in Department facilities.

Note that previous occupancy limits for the Department buildings are no longer in effect. However, component leadership may establish limitations on workplace occupancy and offer enhanced telework on an *ad hoc* basis in response to emergent conditions, such as when [COVID-19 Community Levels](#) are MEDIUM or HIGH in the location of their facilities.

Health and Symptom Screening/Monitoring

Federal employees, onsite contractor employees, and visitors are expected to assess their health status each day before entering a Federal workplace. If a Federal employee, onsite contractor employee, or visitor, has fever, chills, or other new or unexplained symptoms consistent with COVID-19, such as new or unexplained onset of cough, shortness of breath, or difficulty breathing; new or unexplained loss of taste or smell; or new or unexplained muscle aches, they should not enter a Federal workplace. To assist in assessing their symptoms, employees, onsite contractor employees, and Department visitors⁷ must complete a [screening health questionnaire](#) before entering Department facilities. Symptom screening can be self-conducted and does not need to be verified by Department personnel. The Department posts signs at building entrances to encourage all persons who enter to self-screen for symptoms consistent with COVID-19.

If an individual suspects that they have COVID-19, such as because they have new or unexplained COVID-19 symptoms, but they do not yet have test results, they should not enter a Federal workplace and should [get tested](#) if they have not already done so. 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 high-quality [mask or respirator](#), leave work immediately and notify their supervisor.

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. Employees who do not have sufficient leave available may also request leave from the Department's Voluntary Leave Bank or the Voluntary Leave Transfer Program. 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 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).

Post-Exposure Protocols

Pursuant to [CDC guidance](#), asymptomatic individuals, regardless of vaccination status, are not required to quarantine, even following a known exposure⁸ to someone with COVID-19.

⁷ "Transient visitors," *i.e.*, those who are expected to enter Department buildings and facilities for a brief period of time, such as couriers and other delivery personnel, refuse pickup workers, *etc.*, do not need to complete the screening health questionnaire. They are expected to adhere to signage posted at building entrances to self-screen for COVID-19 symptoms and not enter Department buildings or facilities if they are experiencing unexplained symptoms consistent with COVID-19.

⁸ The CDC provides a list of factors to assist individuals in determining whether they have had a known exposure to COVID-19: [Understanding Exposure Risks | CDC](#).

Components may consider allowing telework-eligible employees to telework for up to 10 days after their last known exposure.

Federal employees and onsite contractor employees with a known exposure may enter Department facilities and interact with members of the public, provided they

- Wear a high-quality mask or respirator while indoors at a Department workplace or interacting indoors with members of the public in person as part of their official responsibilities for 10 days⁹ from the date of the last known exposure (*see* [Mask Wearing](#));
- Take [extra precautions](#), such as physically distancing from others and avoiding crowding, when they know they are around people who are [more likely to get very sick from COVID-19](#) while onsite at a Department workplace or interacting with members of the public in person as part of their official responsibilities, for 10 full days from the date they were last known to have been exposed;
- Watch for [COVID-19 symptoms](#) for 10 full days from the date they were last known to have been exposed; and
- If the employee or onsite contractor employee works onsite at a Department workplace or interacts with members of the public in person as part of their official duties, they must take a [viral COVID-19 test](#) at least five days after their last exposure (ideally, on or after day 6).¹⁰ The test can be both self-administered and self-read by the employee if the component has the employee certify as to when they took the test and that they received a negative result. If the COVID-19 test is positive, the employee must follow the Department's isolation protocols, below. If the test is negative, the employee may continue to work onsite and interact with the public but must continue to take the precautions listed above for the full 10 days.

Isolation and Post-Isolation Protocols

Consistent with CDC guidance on [isolation](#), Federal employees and onsite contractor employees with probable or confirmed COVID-19, regardless of vaccination status, must not enter a Department facility or interact with members of the public in person as part of their official duties. This includes individuals who have symptoms of COVID-19 and have not been tested or are awaiting test results, and individuals who have tested positive for COVID-19 and do not have symptoms.

Telework: Components may consider allowing telework-eligible employees to telework (assuming they are feeling well enough to work) beyond the 5 day isolation period, for up to 10 days after the onset of symptoms, or, if asymptomatic, the date of the positive COVID-19 test.

Leave: Consistent with [OPM CPM 2020-02](#), if an employee is subject to isolation and is unable to

⁹ For the purposes of calculating 10 days, day 0 is the last day of the known exposure to someone with COVID-19, and day 1 is the first full day after the known exposure.

¹⁰ Consistent with [CDC guidance](#), if, within 30 days prior to this exposure, the individual tested positive for COVID-19 with a viral test, and has since recovered and remains without symptoms, the individual need not get tested as part of the Department's post-exposure protocols. If, within 31-90 days prior to this exposure, the individual tested positive for COVID-19 with a viral test, and has since recovered and remains without symptoms, the individual should be tested using a viral antigen test.

telework, the employee may use sick leave, accrued annual leave, or other forms of paid or unpaid leave, as appropriate. Weather and Safety leave is unavailable. To mitigate exposure in the workplace, if an employee has COVID-19 symptoms and is unable to telework, a component may offer up to one day of administrative leave while the employee is actively seeking a COVID-19 test and awaiting test results.

Returning to the Worksite: Federal employees or onsite contractor employees for whom telework is not available or not operationally feasible may return to working onsite and interacting with members of the public as part of their official duties after 5 full days from the onset of symptoms or their positive test (day 0 being the first day of symptom onset or positive test), once they are fever-free for 24 hours without the use of fever-reducing medication and their symptoms are improving (note that the loss of taste and smell may persist and need not delay the end of isolation).¹¹ A negative COVID-19 test is not required for a Federal employee or onsite contractor employee to return to working onsite and/or interacting with members of the public in person as part of their official duties.

Once an individual has completed their isolation and returned to working onsite or interacting with members of the public as part of their official duties, for 10 full days after the onset of symptoms, or if asymptomatic, the date of the positive COVID-19 test, the individual must

- Wear a high-quality [mask or respirator](#) while indoors at a Department workplace or interacting indoors with members of the public as part of their official responsibilities;
- Avoid eating and drinking around others;
- Avoid environments where they would be unmasked around others, such as dining facilities or gyms; and
- Avoid people who are [more likely to get very sick from COVID-19](#).

Mask Wearing Following Isolation: Individuals may opt to take two viral antigen tests authorized by the FDA to detect current COVID-19 infection, starting on day 6. With two sequential negative tests 48 hours apart, the individual may remove their mask sooner than day 10. If either of their antigen test results are positive, the individual should continue taking antigen tests at least 48 hours apart until they have two sequential negative results. This may mean that the individual would continue wearing a mask and testing beyond day 10.

If at any point an individual's COVID-19 symptoms recur or worsen, the individual must not enter Department facilities or interact with members of the public as part of their job duties, and restart isolation at day 0.

Reporting COVID-19 Cases

Federal employees and contractor employees 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

¹¹ If an individual had moderate illness (if they experienced shortness of breath or had difficulty breathing) or severe illness (they were hospitalized) due to COVID-19, or they have a weakened immune system, the individual may not return to working onsite at a Department workplace or interact with members of the public as part of their official duties for a full 10 days. If an individual had severe illness or has a weakened immune system, they should consult their healthcare provider before ending isolation. If an individual is unsure if their symptoms are moderate or severe or if they have a weakened immune system, they should talk to a healthcare provider for further guidance.

employees and contractor employees who report to the worksite are required to report to their supervisors if they receive a positive COVID-19 test result. Components shall continue to report known cases of employees and contractors testing positive for COVID-19, without identifying the individual, to the Department's central COVID mailbox: JMD.COVID19@usdoj.gov.

In the case of a reported positive COVID-19 test result or presumed infection, the DOJ COVID-19 Coordination Team will continue to make efforts to provide notice to those who have been exposed to individuals later known to have tested positive for COVID-19. Federal employees and onsite contractor employees who have been contacted should follow applicable guidance regarding post-exposure protocols where their contact qualifies as a "known exposure." Note that 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.

If Federal 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 the appropriate next steps, including cleaning in accordance with CDC and, where applicable, GSA guidance. *See [Cleaning and Disinfecting Your Facility | CDC](#)*.

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 portable air cleaners with high-efficiency particulate air (HEPA) 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 when the weather allows. 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.

Official Travel

There are no Government-wide limits on official travel, regardless of an individual's vaccination status. When embarking on official travel, however, all Department employees must be made aware of the following:

- The CDC recommends that individuals make sure they are [up to date](#) with COVID-19 vaccines before travel;
- Travelers should consider being tested for COVID-19 with a viral test as close to the time of departure as possible (no more than 3 days) before travel;
- Travelers must adhere strictly to CDC guidance for [domestic](#) and [international](#) travel

before, during, and after official travel;¹²

- Travelers must check their destinations [COVID-19 Community Level](#) before traveling. If the COVID-19 Community Level at their destination is HIGH, the traveler must wear a high-quality [mask or respirator](#) while on duty and indoors at their destination.
- Travelers must follow all travel restrictions put in place by state, tribal, local, and territorial governments; and
- Travelers should be prepared to be flexible during their travel, as restrictions and policies may change.

Travel for Individuals with Known Exposure to COVID-19

The Department may approve official travel for asymptomatic individuals with a known exposure to COVID-19 within the past 10 days, provided they remain without COVID-19 [symptoms](#) before traveling. In addition, for the full duration of travel that is within 10 days after the last exposure to COVID-19, they must:

- Wear a high quality [mask or respirator](#) the entire time they are on duty and around others indoors;
- Wear a high-quality mask or respirator when traveling on public transportation such as airplanes, buses, and trains—if they are unable to wear a high-quality mask or respirator, they must not travel on public transportation;
- Follow all other post-exposure protocols. *See* [Post-Exposure Protocols](#).

If the individual develops COVID-19 symptoms after official travel has been approved, they must not undertake further official travel, including that which was previously approved, and must follow Department protocols on travel of individuals with COVID-19 symptoms, below.

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

The Department will not approve official travel for individuals who have COVID-19 symptoms and are waiting for the results of a COVID-19 test, or for individuals who have tested positive for COVID-19 and are within the first 5 full days after their first day of symptoms or, for asymptomatic individuals, the date of their positive test.

The Department may approve official travel for individuals who have tested positive for COVID-19 but have completed the 5-day isolation period and have returned to working onsite or interacting with members of the public in person as part of their duties, provided they are fever-free for 24 hours without the use of fever-reducing medications and their symptoms are improving. Further, for the full duration of travel that is within 10 days after the onset of their COVID-19 symptoms, or if asymptomatic, the date of their positive test, they must

- Wear a high-quality [mask or respirator](#) the entire time they are on duty and around others indoors;
- Wear a high-quality mask or respirator when traveling on public transportation such as airplanes, buses and trains—if they are unable to wear a high quality makes or respirator, they must not travel on public transportation;

¹² As of the date of the publication of this Workplace Safety Plan, the CDC recommends that all individuals 2 years and older properly wear a high-quality mask or respirator over the nose and mouth in indoor areas of public transportation (such as airplanes, trains, buses, ferries) and transportation hubs (such as airports, stations, and seaports). As such, the Department currently requires that employees wear a high-quality mask or respirator while on indoor areas of public transportation while on official travel. *See* [Wearing Masks in Travel and Public Transportation Settings | CDC](#).

- Follow all other post-isolation protocols. See [Isolation Protocols](#).

If the individual's COVID-19 symptoms recur or worsen after official travel has been approved, the individual must not undertake further official travel, including that which was previously approved, and must restart at day 0 of isolation protocols.

If an individual develops COVID-19 symptoms or tests positive for COVID-19 while on official travel, the Department will pay for additional travel and lodging expenses required for the individual to isolate, if necessary.

Meetings, Events, and Conferences

There are no COVID-19-related restrictions on Department-hosted meetings, events and conferences. Components are no longer required to seek COVID-19-related approval from the Assistant Attorney General for Administration for such meetings, events, and conferences, regardless of the expected number of in-person participants or the local [COVID-19 Community Level](#). Further, the Department has paused its requirement that in-person attendees at agency hosted meetings, events, and conferences provide information about their COVID-19 vaccination status when the COVID-19 Community Levels are MEDIUM or HIGH.

All in-person attendees at any meetings, conferences, or events hosted by the Department must comply with Department health and safety protocols, including wearing a high-quality [mask or respirator](#) when COVID-19 Community Levels are HIGH, and completing symptom screening before entering Department facilities.

Vaccination Requirement

NOTE: To ensure compliance with an applicable nationwide preliminary injunction, which may be supplemented, modified, or vacated, depending on the course of ongoing litigation, the Department 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. Any aspects of this COVID-19 Workplace Safety Plan related to the vaccination requirement pursuant to Executive Order 14043 are not in effect and will not be implemented or enforced by agencies while the injunction is in place

One or more court orders currently prohibit the enforcement of requirements of Executive Order 14042 on Ensuring Adequate COVID Safety Protocols for Federal Contractors against certain parties and within certain locations. At this time, consistent with guidance from OMB and the Safer Federal Workforce Task Force, the Department will take no action to enforce compliance with any contract clause implementing Executive Order 14042 regardless of party or location. See the Safer Federal Workforce Task Force website for more information, including the latest guidance regarding the implementation and enforcement of Executive Order 14042: [For Federal Contractors | Safer Federal Workforce](#)

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 receive their primary series COVID-19 vaccinations,¹³

¹³ An overview of COVID-19 vaccines, including those that are approved or authorized in the United States, can be found on the CDC's website: [Overview of COVID-19 Vaccines | CDC](#).

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, Safer Federal Workforce Task Force and CDC guidance in implementing its vaccination requirements. Employees and contractors will be alerted if updates or changes occur.

Though not required, employees are strongly urged to stay [up to date](#) with all medically recommended COVID-19 vaccines doses, including booster shots.

Vaccination-Related Leave

Consistent with [OPM CPM 2022-15](#), Federal employees should be granted up to four hours of administrative leave for any dose of FDA-authorized COVID-19 vaccine as well as booster shots. This includes travel time to and from the vaccination site. Furthermore, employees are entitled to up to four hours of administrative leave per COVID-19 vaccine dose to accompany a family member (as defined in 5 C.F.R. § 630.201) receiving a vaccination. However, if an employee needs to spend less time getting the vaccine, only the necessary amount of administrative leave time should be granted. Employees may not be credited with administrative leave for time spent getting a vaccine dose outside their tour of duty.

Federal employees may also receive up to two days of administrative leave to recover from any side effects related to any single dose of the 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.

Vaccination Information

Beginning August 22, 2022, the Department has paused its collection of vaccination information from Federal employees and onsite contractors, and no longer asks visitors to Department facilities or in-person attendees at Department-hosted meetings, events, and conferences to provide information about their vaccination status.

The Department continues to preserve vaccination information collection systems and the information collected to date from employees in accordance with the Federal Records Act and other records requirements.

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 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 local COVID-19 Community Levels, nationwide conditions, and medical trend data, as well as Safer Federal Workforce Task Force CDC, and other relevant Federal guidance, and will engage employee unions. The Department will satisfy any applicable collective bargaining obligations under the law, if any, at the earliest opportunity, where appropriate for any changes to COVID-19 workplace safety protocols. The COVID-19 Coordination Team will adjust this guidance as necessary and communicate it to employees, onsite 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.

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