



U.S. Department of Justice

Justice Management Division

Washington, D.C. 20530

February 16, 2021

To: HEADS OF DEPARTMENT COMPONENTS AND
UNITED STATES ATTORNEYS

From: Lee J. Lofthus
Assistant Attorney General
for Administration

A blue ink signature of Lee J. Lofthus, written in a cursive style.

Subject: 2021 Department of Justice COVID-19 Workforce Safety Plan

This plan updates the Department's framework for safe workplace operations as the Nation continues to respond to the COVID-19 pandemic. This update responds to scientific and policy developments, and will ensure that we can fulfill the Department's law enforcement mission while protecting the health of our employees. **This updated plan implements the Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing and OMB Memorandum 21-15, COVID-19 Safe Federal Workplace: Agency Model Safety Principles.** This plan will be posted publicly. Please ensure the plan is distributed to your workforce.

Key Updates included in this plan:

- More comprehensive mask, social distancing, and symptom screening policies for employees, contractors, and visitors;
- Expanded emphasis on remote work and remote video conferencing, including for individuals at the worksite; and
- New office occupancy limitations.

COVID-19 Coordination Team

The Justice Management Division (JMD), on behalf of Department leadership, coordinates the Department's COVID-19 response. JMD's work is done 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 agency, human resources, occupational safety and health, executive leadership, counsel's office, and a Public Health Service physician. The members of the DOJ COVID-19 Coordination Team are identified in Appendix 1. As appropriate for your operations, Components may designate a representative to the coordination team other than the Executive Officer or pandemic coordinator. Components

should submit any other name for their COVID-19 Coordination Team member to JMDCOVID19@usdoj.gov

The Coordination Team will be responsible for:

- Conducting assessments to establish, implement, and monitor compliance with safety protocols for physical space and masking;
- Making determinations with respect to on-site and telework/remote working;
- Reviewing CDC guidelines and updating this framework as needed;
- Collaborating with and supporting the contact tracing programs of local health departments; and
- 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.

Continued Flexible Use of Telework and Other Workplace Flexibilities

Consistent with the Acting Deputy Attorney General’s memorandum of January 26, 2021, “Protecting the Federal Workforce and Additional Guidance Regarding Coronavirus Disease 2019 (COVID-19),” all Department employees should telework where operationally feasible to minimize the potential of workplace spread. Component Heads shall ensure on-site work is generally limited to only situations in which it is necessary – e.g., law enforcement functions essential to public health and safety, accessing classified material, or performing critical on-site support functions. On an on-going basis, supervisors should evaluate the necessity of continued on-site work. **Effective immediately, even when an individual must report to work in-person, efforts should be made to minimize face-to-face interactions, including through the use of virtual meeting platforms.**

Face Masks

Consistent with the Acting Deputy Attorney General’s guidance of January 26, 2021 employees, contractors, and visitors are required to wear masks, in accordance with CDC guidance, (**neck gaiters, bandanas, and masks with valves will not be permitted**) within common areas such as entryways, restrooms, elevators, hallways, cubicles of any type, and similar locations in Department facilities and workspaces—particularly in traditional office-like settings. The Department has, and continues to have, conspicuous signage displayed at building entrances, elevator lobbies, visitor centers, and throughout its facilities stating that mask wearing is required. Those arriving at Department facilities without a mask may be denied entry. **Social distancing and testing are not substitutes for mask wearing.** Masks may only be removed when alone in an office with a closed door, or when eating or drinking and maintaining at least 8-10 feet of distance from others. Even where not required under this policy, employees may elect to wear masks throughout the workplace as they deem appropriate. No employee should ever try to dissuade anyone from wearing a mask if they so choose.

Most law enforcement components have supplies of cloth masks for staff; JMD can be contacted for face coverings by other components in need of a supply. Employees may also wear their own masks, subject to the mask guidelines above. **Further, individuals working in multi-person spaces or meeting in conference room must now wear masks even where social distancing**

can be maintained. In close quarters, e.g. some SCIF locations, and generally in all in-person meetings, face masks must be worn at all times. Individuals may be required to lower their face covering in order to pass through security checkpoints, but must immediately reposition the masks properly.

This requirement is not intended to alter or supersede any component-specific guidance applicable to workplaces that are not a traditional office setting, such as courts, prisons, detention facilities, and law enforcement operations. Components with such facilities should direct their workforce to follow guidance that is appropriately tailored to relevant locations and circumstances, consistent with the new Presidential and Administration workplace safety guidance.

Testing

Pursuant to Executive Order 13991, the CDC currently is developing a testing plan for the Federal Workforce. Additional guidance will follow when it is available.

Contact Tracing

The DOJ COVID-19 Coordination Team will collaborate with and support the contract tracing programs of local health departments, as required or necessary, consistent with applicable law.

Travel and Events

Consistent with DOJ Order 1702, *Justice Continuity Program*, only mission-critical travel in support of Primary Mission Essential Functions or Mission Essential Functions is permissible. 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. Remote meetings, hearings, and court operations are strongly encouraged over in-person appearances. Staff traveling to areas that have significant levels of COVID-19 cases should be prepared to quarantine at home after official and personal travel, as directed by applicable CDC and state and local public health quarantine guidelines, before returning to the office. Such travel should occur only after means to otherwise accomplish the business have been exhausted (i.e., remote meetings, hearings, or substitution of a local Department representative/attorney for the task).

As more areas open and medical conditions improve, travel between improved areas may be authorized, but travel to significant outbreak areas should be extremely rare and considered only in light of the state and local operating announcements and, as noted above, travelers are subject to CDC and state and local post-travel isolation guidelines, if any.

All travelers should comply with guidelines and restrictions imposed by airlines and other carriers, hotels and host meeting facilities.

Department components that arrange conference and training events, particularly grants organizations, must continue to cancel or postpone events until national conditions permit more widespread travel and close proximity attendance. Until outbreak conditions substantially

improve, we do not anticipate restoration of postponed Department events, or scheduling of new events to occur. Financial commitments for future events should not be made unless the arrangements allow for cancelation without penalty. Questions regarding the appropriateness of scheduling events, training, and conferences shall be raised to the Assistant Attorney General for Administration.

Multi-person official vehicle travel is discouraged. When a multi-person vehicle trip is required to meet business needs (essential official travel, motor pool use for essential local travel), all vehicle occupants must wear masks at all times. (Vehicle use for law enforcement operations, inmate operations, prisoner transport, etc., must follow component safety protocols).

Employee Health and Facility Medical Screening/Symptom Monitoring/Visitors

Employees are expected to assess their health status each day before reporting to work. Employees who do not feel well should not enter the workplace. Employees should also review the CDC's symptoms questionnaire, <https://www.cdc.gov/screening/paper-version.pdf>, and ensure all answers are negative before entering the workplace. Component Heads may require their employees to self-certify completion of the questionnaire. Employees running a temperature of 100.4 degrees or higher or experiencing other symptoms of illness should remain home and telework or use sick leave as appropriate. Individuals ill with, or exposed to individuals with COVID-19, must self-quarantine for 14 days. Employees who exhibit signs of illness at their duty location should leave work immediately. Supervisors should remind the employee of leave options, such as: requesting sick leave, annual leave, or emergency leave under the Families First Coronavirus Response Act (FFCRA), if available to the employee. See [OPM's Fact Sheet issued on March 3, 2020](#).

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. Supervisors should consult with appropriate human resources (HR) staff and general counsel before taking such a step 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) before actually enforcing the use of leave.

The Department, in accordance with CDC guidelines, generally will not conduct temperature screening upon entrance to our facilities, with two exceptions. First, components are strongly encouraged to ensure visitors to DOJ owned or leased buildings have their temperature scanned with a no-contact device upon entry wherever feasible, and are denied entry if their temperature is 100.4 degrees or higher. Where this is not feasible, components may opt to use an oral health questionnaire to obtain information necessary to determine whether the individual may enter the building. The Department will not collect, maintain or share individual temperature information. Components are encouraged to limit building visitors to only those essential for business purposes. For JMD-managed buildings in the National Capital Region, JMD has arranged a contract for such screening and has established a nationwide contract which components may use to acquire screening services. For component-managed facilities, the component is responsible for arranging visitor temperature screening procedures. 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.

Second, 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, at their discretion, shall require temperature scanning and/or COVID-19 testing wherever it is likely the population of the facility will have close and frequent contact and social distancing cannot be guaranteed.

Quarantine and Isolation

Individuals with a suspected or confirmed case of COVID-19 will be advised to isolate, pursuant to CDC guidelines, and in compliance with state and local requirements. Individuals who have had a close contact in the past seven days with someone who has tested positive for COVID-19 should follow applicable CDC, state, and local quarantine guidance.

Confidentiality

Any medical information collected from employees regarding COVID-19 will be the minimum necessary, will be treated confidentially in accordance with applicable law, and will be accessible only by those with a need to know.

Building Occupancy

In accordance with OMB M-21-15, unless it is physically impossible or poses a threat to national security interests, occupancy in DOJ workplaces should be limited to only those employees, contractors, and visitors who must be on site to perform the mission functions of your component. OMB M-21-15 stipulates operating our workplaces at no more than 25% of normal capacity during periods of significant or high community transmission. Levels of community transmission can be tracked using CDC's [COVID Data Tracker County View](#). **Importantly, this percentage is a ceiling, not a floor – if your component can operate at 5% occupancy in its workplace, for example, that is your appropriate operating level.** (See also the **Physical Office Occupancy/Arrangements** section below). Component Executive Officers/Component COVID-19 Coordination Team members shall ensure their organizations comply with the 25% or less occupancy mandate. The Justice Management Division will further monitor overall building occupancy levels through available time keeping and other occupancy data relating to employees, contractors, and visitors. Components should monitor their own workplaces to assess building occupancy by employees, contractors, and visitors.

Additionally, regardless of community transmission levels, Department components should seek to achieve and maintain occupancy levels below 25% in workplaces as a ceiling for reducing the spread of the virus and protecting the workforce. **Where offices and employees can work remotely and accomplish the Department mission, that is the presumptive operating objective in this plan.**

Excluding Department law enforcement bureaus, Bureau of Prisons institutions, the National Security Division, and the immigration court operations of the Executive Office for Immigration Review, any component seeking to maintain an office-environment occupancy level greater than

25% (across the component, and/or in individual field or sub-offices), regardless of community transmission levels and/or local reopening plans, must seek written approval from the Assistant Attorney General for Administration. Justification must be based on meeting critical mission needs, e.g., national security functions, in-person court functions, and/or law enforcement operations. Exception requests can be submitted to JMDCOVID19@usdoj.gov. Requests to exceed a 25% occupancy level in the U.S. Attorney's Offices should be directed to the Assistant Attorney General for Administration **through** the Director, Executive Office for U.S. Attorneys.

The DOJ COVID-19 Coordination Team will monitor conditions and recommend any future changes to the above pre-approval process for exceeding the 25% occupancy level when transmission levels diminish and/or widespread immunity (including widespread vaccine implementation) occurs.

Physical Distancing

Individuals in Department workplaces must keep physical distance of at least six feet from others, even with a mask on. As required by the Acting Deputy Attorney General's January 26, 2021 guidance, individuals may remove their masks when eating or drinking in Department workplaces, so long as they maintain at least 8-10 feet physical distance. Signage currently in place encourages physical distancing. Floor stickers already in place measure six feet of separation in locations where individuals will wait in line.

Reporting, Facilities, & Environmental Cleaning

The Department will continue to work with the General Services Administration to ensure that our workspace is properly cleaned and sanitized in accordance with CDC guidelines, including where the Department has learned that an employee, contractor or visitor has tested positive for COVID-19 and that individual has been in the workplace. Continued care must 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 EPA's list of approved products that are effective against COVID-19.

Components shall ensure that wipes, gloves, and other EPA-approved disinfectants will be made available for individuals to wipe down their workstation and related personal property.

Each component Executive Officer or other designated individual shall continue to ensure that all employees and contractors are made aware they should report exposure to positive individuals to their supervisor so appropriate precautions in the workplace can be taken. Further, components shall ensure employees who test positive for COVID-19 report their test results to their supervisor, again so appropriate precautions in the workplace can be taken. Components shall continue to report cases of employees/contractors testing positive for COVID-19 (without identifying the individual) to the Department's website: JMDCOVID19@usdoj.gov. All positive test notifications shall adhere to Departmental privacy requirements.

If an employee/contractor/visitor reports having tested positive for COVID-19 after having been in the office, the area that the positive person works in should be closed off to other staff. After

positive reports, where possible, doors and windows should be opened to increase outside air flow into the area. After at least 24 hours, the area traveled by the person should be cleaned and disinfected in accordance with CDC instruction, including any shared electronic equipment. Cleaning should **not** include any type of fogging, which is not known to be effective and is not recommended. After having been disinfected, the area can be reopened for workers to return to work.

Information on cleaning recommendations from the CDC is available at: [Cleaning and Disinfecting Your Facility \(Jan. 5, 2021\)](#), and [Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes \(5 Jan 2021\)](#). The JMD Facilities and Administrative Services Staff will also separately send out more detailed cleaning guidance. Where JMD manages the facilities contracts, we have arranged to have our areas cleaned and sanitized following GSA and OSHA recommendations. For GSA-managed buildings and multi-tenant buildings, components should consult with GSA and your local Facility Security Committee to ensure enhanced cleaning is available if needed.

Hygiene

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

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 include the following: ensuring air filters installed in building are the highest MERV rating that can be utilized based on the capacity of that building's equipment and as recommended by the manufacturer and are changed regularly based on the manufacturer's recommendation; optimizing fresh air and reducing recirculation, and extending operating times if necessary.

Staggered Work Times

Staff work schedules should be staggered where possible in order to bring employees into work at different times to avoid breaching social distancing protocols.

Elevators

Signage is currently posted in elevator lobbies and in elevators describing physical distancing requirements, including that elevator use should be limited to no more than two people in the elevator car at a time, who must wear masks.

Shared Spaces

Component Executive Officers and COVID-19 Coordination Team members shall ensure their organizations take care to keep shared space clean and sanitized. Shared tools and equipment must be disinfected by users anytime the equipment is used by or transferred to a new person, and disinfectant wipes will be provided by the agency. This includes phones, computers and

other communication devices, kitchen implements, and other office equipment. Refrigerators, water coolers, and coffee brewers with disposable cups (or a personal re-usable cup/container) and single serve condiments and creamers may be used with proper hand hygiene. Visual markers may be installed to promote physical distancing within common spaces, and furniture may be removed. Steps may be taken to limit the number of people who can use common spaces at any one time, and signage outlining these limits should be prominently displayed.

Reasonable Accommodation

Where there is an operational need for employees to work on-site, some employees may request additional accommodations relating to COVID-19. For example, employees at higher risk for severe illness who cannot telework may request to be reassigned to a telework eligible position, or special office configurations, additional PPE, etc., depending on their underlying medical condition and provided documentation. The Americans With Disabilities Act (ADA) and the Rehabilitation Act require agencies to use the interactive process to consider such requests to determine if the requested accommodation poses an undue hardship on the agency. In considering such requests (including determining what additional medical information may be requested), components should consult guidance on agency responsibilities posted by the EEOC at <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>. Additionally, supervisors and managers should consult their servicing EEO staff, reasonable accommodation specialists, and General Counsels.

Vulnerable Populations and Those at Higher Risk of Severe Illness

The Department recognizes that some employees are in vulnerable populations or are at higher risk for severe illness, or are caring for family members or others in these groups. The CDC provides information about these populations as needing to take extra precautions: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>. Those at higher risk for severe illness, including older adults and people of all ages with underlying medical conditions, particularly if not well controlled, including those who suffer from chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, obesity, diabetes, or chronic kidney or liver disease, should work with supervisors to continue telework. Employees who live with or provide care for vulnerable individuals should be afforded available workplace flexibilities to help reduce the chances that they could carry the virus to these vulnerable individuals. Components should continue to allow telework or alternative work schedules for these employees. Employees are encouraged to consult with supervisors or component human resources personnel regarding workplace flexibilities.

Physical Office Occupancy/Arrangements

As noted above, building occupancy levels should not exceed 25% of normal capacity (unless excepted for mission or operational requirements, as outlined in this plan). **Importantly, all Components must, where feasible and consistent with their missions, attempt to operate at the lowest possible on-site workforce presence. As noted earlier in this guidance, if a component can operate at 5% on-site staff, for example, that is the appropriate level at which to operate, not 25%.**

Excluding Department law enforcement bureaus, the Bureau of Prisons institutions, the National Security Division, and the immigration court operations of the Executive Office for Immigration Review, any component seeking to maintain a building occupancy greater than 25% must seek approval from the Assistant Attorney General for Administration. Requests to exceed a 25% occupancy level in the U.S. Attorney's Offices should be directed to the Assistant Attorney General for Administration **through** the Director, Executive Office for U.S. Attorneys (see above). No matter the percentage of occupancy, each component must ensure adequate social distancing in the workplace. Multi-person workstation/cubicle arrangements must be modified to accommodate fewer staff at safe distances, even where workstations have higher dividing walls. Employees should not occupy shared offices (unless the offices are sufficiently large to allow adequate and continual distancing).

In-person meetings should be avoided wherever possible and video or audio conferencing used to the maximum practical extent. When in-person meetings must be held, they shall be limited to fewer than ten individuals, and held in rooms that permit social distancing protocols and mask requirements to be observed by all meeting participants. We must also continue to use technology to the fullest extent possible to conduct meetings. Common service areas (such as cafeterias, gyms, and conference centers) should remain closed. Restrooms should not be occupied by multiple people whenever practicable.

Coordination with Partners

U.S. Attorneys' Offices, the Executive Office for United States Attorneys, and the U.S. Marshals Service should continue to coordinate among 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 between each other on their operations and workplace plans in shared localities. Where a partner organization's guidance differs from the Department's, every attempt should be made to minimize conflicting requirements, ensuring the Administration's new workplace safety guidelines are met, including adherence to M-21-15, and the Executive Orders on masks and other safety precautions.

Component Plans

Components should continue to consider how to implement their own plans, consistent with this memorandum, including decisions on which employees and contractors should be in the workplace. Components are directed to adjust operations as much as feasible to implement the workplace safety requirements of this plan, including making modifications to physical office configurations, as needed, to carry out this plan.

The Department is committed to maintaining workplace operations in a manner that enables our mission critical responsibilities to be met while protecting our workforce. While this guidance is not intended to address every practical situation that may arise, our framework provides basic guidance that each component can work within to maintain operations. Where available information is not abundant or consistent, components may need to apply discretion and JMD is always available to discuss such decisions with you.

Vaccines

As vaccine supplies become available to the Department for its employees, JMD will issue separate guidance regarding access to vaccines. **The provisions in this memorandum continue to apply to all employees, even those who receive vaccinations.**

Continuous Monitoring

The Department will continue to monitor nationwide conditions and medical trend data, as well as OMB and CDC guidance and engage employee unions, as appropriate. 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 existing in current Collective Bargaining Agreements.

Thank you for your continued accomplishment of your mission, and thank you for helping keep the Department of Justice workforce safe as we navigate the many challenges presented by COVID-19. Please let me know if you have questions.

Attachment

APPENDIX 1

DOJ COVID-19 COORDINATION TEAM

Component	Name	Title
OJP	Phil Merkle	Executive Officer/POC
EOUST	Henry Hensley	Executive Officer/POC
OVW	Sybil Barksdale	Executive Officer/POC
COPS	Cory Randolph	Executive Officer/POC
OIP	Sean O'Neill	Executive Officer/POC
FCSC	Brian Simkin	Executive Officer/POC
CRT	Suey Howe	Executive Officer/POC
ATR	Walt Cain	Executive Officer/POC
TAX	Robert Bruffy	Executive Officer/POC
CIV	Catherine Emerson	Executive Officer/POC
ENRD	Andrew Collier	Executive Officer/POC
CRS	DurShawn Robinson	Executive Officer/POC
OLA	Saundra Callier	Executive Officer/POC
OLC/OSG	Valerie Yancey Hall	Executive Officer/POC
OLP	Matrina Matthews	Executive Officer/POC
PAO	Kelly Creighton	Executive Officer/POC
OTJ	Jeanne Jacobs	Executive Officer/POC
FBI	Ralph Tursi	Executive Officer/POC
DEA	Jeff Sutton	Executive Officer/POC
EOUSA	Suzanne Bell	Executive Officer/POC
ATF	Paul Vanderplow	Executive Officer/POC
CRM	Tracy Melton	Executive Officer/POC
BOP	Christina Griffiths	Executive Officer/POC
USMS	Holley O'Brien	Executive Officer/POC
INTERPOL	Joseph Ferrigno	Executive Officer/POC
NSD	Scott Damelin	Executive Officer/POC
OIG	Greg Peters	Executive Officer/POC
JMD	Lee Lofthus	Senior COVID Managers
JMD	Mike Allen	Senior COVID Managers
JMD	Christine Gunning	Senior COVID Managers
EOIR	Kate Sheehey	Executive Officer/POC
PRAO	Ben Grimes	Executive Officer/POC
OPR	Jennifer LaPoint	Executive Officer/POC
PARDON	Will Taylor	Executive Officer/POC
USPC	Zelia Carter	Executive Officer/POC
OCDETF	Kenneth Courter	Executive Officer/POC
OPCL	Katherine Harman-Stokes	Executive Officer/POC