

# MSPB COVID-19 Workplace Safety Plan

UPDATED: November 7, 2022

The health and safety of employees, interns, contractors, and visitors at the Merit Systems Protection Board (MSPB) are always our highest priorities. This COVID-19 Workplace Safety Plan supports [Executive Order \(EO\) 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: Model Agency Safety Principles” (Jan. 24, 2021), and guidance provided by the [Safer Federal Workforce Task Force](#) (Task Force), including “COVID-19 Safe Federal Workplace: [Model Agency Safety Principles](#)” (Sept. 15, 2022). This plan is a living document that will be updated as new information becomes available and requirements change.

The [Centers for Disease Control and Prevention](#) (CDC) has set recommendations related to [COVID-19 Community Levels](#), which measure the impact of COVID-19 illness on health and healthcare systems and inform the appropriate prevention strategies to utilize at a given time. The CDC has provided [county-level data](#) showing the COVID-19 community level for each county in the United States. Agencies are to utilize that data in determining the COVID-19 community level for a given facility by looking to the COVID-19 community level for the county in which the facility is located. Further information can be obtained by referencing this [initial implementation guidance on COVID-19 Community Levels](#).

## 1. COVID-19 Coordination Team

In accordance with M-21-15, MSPB’s COVID-19 Coordination Team members are:

- Bill Spencer, Acting Executive Director
- Kevin Nash, Director of Financial and Administrative Management

The team will consult with the CDC through the Task Force, as needed. Where appropriate, the team will consult with the General Services Administration (GSA), the Office of Personnel Management (OPM), and OMB.

The team is responsible for conducting assessments to establish, implement, and monitor compliance with: (a) safety protocols for physical space and masking; and (b) determinations of onsite, telework, flexible schedules, and remote working.<sup>1</sup> The team has met at least weekly throughout the pandemic to review compliance with MSPB COVID-19 workplace safety plans and protocols, consider potential revisions to them, assess community transmission rates at all MSPB locations, and address any other operational needs. The team will continue to coordinate and communicate with office directors, the MSPB Professional Association (PA), and all employees as we move forward. Currently, the team assesses COVID-19 community levels, instead of community transmission rates, per Task Force guidance.

Questions about this plan should be directed to the COVID-19 Coordination Team. Employees who require a reasonable accommodation should contact [Jess Lang](#), Director of Equal Employment Opportunity (EEO), for information about submitting a request.

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<sup>1</sup> Consistent with the principles set forth in OMB Memorandum [M-21-25](#) and agency plans for reentry and post-reentry.

## **2. Health and Safety**

### **a. Vaccination**

*We strongly encourage any employees who are unvaccinated, not fully vaccinated,<sup>2</sup> or not up to date to get vaccinated.*

To ensure you have the information you need to get vaccinated, please go to [Vaccines.gov](https://www.vaccines.gov) (or for information in Spanish, [Vacunas.gov](https://www.vacunas.gov)).

For additional information, see <https://www.saferfederalworkforce.gov/faq/vaccinations>.

### **b. Vaccination-related Leave**

Employees who seek any authorized dose of a COVID-19 vaccination during work hours (including primary series doses, authorized boosters, and authorized additional doses) will be granted up to 4 hours of administrative leave. Do not use duty time. The administrative leave will cover the time it takes to travel to the vaccination site, receive the vaccination dose, and return to work. If an employee needs to spend less time getting the vaccine booster shot or additional dose, only the needed amount of administrative leave should be granted. Employees taking longer than 4 hours are required to document the reasons for the additional time (e.g., they may need to travel long distances to get the vaccine). Employees should obtain approval in advance from their supervisor before using administrative leave for purposes of obtaining a COVID-19 vaccine, booster shot, or additional dose. Employees may not be credited with administrative leave or overtime work for time spent getting a vaccine, booster shot, or additional dose outside their tour of duty.

For more information on booster shots, go to the [CDC web page on COVID-19 vaccine booster shots](https://www.cdc.gov/covid-19/vaccine-boosters.html).

For more information on additional doses, go to the [CDC web page on immunocompromised patients & the COVID-19 vaccine](https://www.cdc.gov/covid-19/immunocompromised-patients.html).

MSPB will grant up to 2 workdays of administrative leave if an employee has an adverse reaction to a COVID-19 vaccination dose that prevents the employee from working (i.e., no more than 2 workdays for reactions associated with a single dose). If an employee requests more than 2 workdays to recover, the employee may take other appropriate leave (e.g., sick leave) to cover any additional absence.

To assist an employee's family member, up to 4 hours of administrative leave will be granted per dose for a family member the employee accompanies. (If an employee needs to spend less time accompanying a family member who is receiving the COVID-19 vaccine, only the needed amount of administrative leave should be granted.) Employees should obtain approval in advance from their supervisor before being permitted to use administrative leave for COVID-19 vaccination purposes. Employees may not be credited with administrative leave or overtime work for time spent outside their tour of duty helping a family member get vaccinated. For this purpose, a "family member" is an individual who meets the definition of that term in OPM's leave regulations (see 5 CFR § 630.201).

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<sup>2</sup> Employees will be considered fully vaccinated 14 days after they have received the requisite number of doses of a COVID-19 vaccine approved or authorized for emergency use by the U.S. Food and Drug Administration (FDA) or listed for emergency use by the World Health Organization.

Fully vaccinated people are at substantially reduced risk of severe illness and death from COVID-19 compared with unvaccinated people.

**c. Vaccination Documentation and Information**

To ensure compliance with an applicable nationwide preliminary injunction, which may be supplemented, modified, or vacated, depending on the course of ongoing litigation, MSPB will take no action to implement or enforce the COVID-19 vaccination requirement pursuant to EO 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 EO 14043 are not in effect and will not be implemented or enforced by MSPB while the injunction is in place. At this time, MSPB is no longer taking action to require or request employees and potential employees to provide information about their COVID-19 vaccination status solely for purposes of implementing the vaccination requirement pursuant to EO 14043. Consistent with CDC's guidance, for most Federal workplaces, COVID-19 workplace safety protocols currently do not vary based on vaccination status or otherwise depend on vaccination information, regardless of the COVID-19 Community Level for the county where the Federal workplace is located. Where this is the case, agencies have paused any efforts to require, request, or collect vaccination status information for the purposes of implementing agency COVID-19 workplace safety protocols.

MSPB will continue to preserve our vaccination information collection systems and information collected to date from employees in accordance with the Federal Records Act and other records requirements. Furthermore, it is important to preserve this information as COVID-19 workplace safety protocols may change in the future, or collection of this information from Federal employees may otherwise need to resume.

**d. COVID-19 Community Levels & Staffing**

For purposes of this guidance, when determining COVID-19 community levels in a given area to determine mask-wearing requirements and operational status, MSPB references the CDC's [COVID-19 by County](#). Based on Task Force guidance, MSPB only considers the community levels in the county in which an office is located. Community levels are updated as of Friday morning each week. If the community level at an MSPB location reflect High, maximum telework, etc., will be effective beginning the following Monday. If the community level goes down from High to Medium or Low, it must stay at that level or lower for two weeks before maximum telework is lifted and previous reentry work schedules resume.

MSPB returned to in-office schedules and staffing levels in spring 2022 as determined by office directors based on office- and mission-specific needs and in consultation with the COVID-19 Coordination Team. Therefore, we have decoupled staffing levels from COVID-19 community levels. However, if the community level at any location goes to High, the COVID-19 Coordination Team will follow the CDC and Task Force guidance and consult with relevant office director(s) on any additional considerations. At High community level, office directors shall allow maximum telework for employees whose duties do not require in-office work. For the purposes of our COVID-19 Workplace Safety Plan, maximum telework is defined as the teleworking employee temporarily reporting to their government worksite less than two days out of a two-week pay period. Any employee who wishes to come into the office at High community level may continue to do so, without office capacity limits. Regardless of staffing capacity, high-quality masks or respirators (such as KN-95s) must be worn by all employees in MSPB office space at the High community level, except when the employee is in an office with the door closed.

Employees may request deferrals from coming into the office at High, Medium, and Low community levels. A request for a deferral of an individual employee's work schedule due to the individual employee's disability may be considered through the agency's reasonable accommodation process. Any such requests for an accommodation will be directed to the EEO Director. The EEO Director or her designee will consult with the headquarters (HQ) office director or regional director, who will then make a determination on the accommodation request in accordance with the Agency's EEO Reasonable Accommodation Policy and Procedures. A denial of a deferral as a reasonable accommodation will be subject to negotiated grievance procedures under the Collective Bargaining Agreement or the EEO process as applicable and at the election of the employee. A request for a deferral of an individual employee's work schedule based on personal circumstances due to COVID-related issues other than the individual employee's disability will be directed to the HQ office director or the Director of ORO, as appropriate, who will make a determination on the request. If further review is necessary, the request will go to the Executive Director.

An employee who has a medical condition that is regarded as a risk factor for COVID-19 by the CDC should seek accommodation through the EEO Director pursuant to the information above. The EEO Director has discretion to grant accommodations under this subpart without regard to whether the employee can prove the condition constitutes a "disability" under the law. An employee who has an individual in their household with a medical condition that is regarded as a risk factor by the CDC may be eligible for a deferral under this part.

An employee is eligible for a deferral if the school or day care facility of the employee's dependent closes or becomes all virtual due to COVID related issues. An employee is eligible for a deferral if a household member must quarantine for a period of time due to COVID-related issues. An employee who has had COVID and suffers from long COVID or post-COVID conditions as defined by the CDC should seek accommodation through the EEO Director pursuant to the information above.<sup>3</sup>

An employee who requests a deferral for any other reason is entitled to a specific, considered response. Whether a deferral under this subpart is granted will be based on the manager's discretion, after considering the totality of the individual's personal circumstances and in conjunction with the business needs of the agency. Deferrals must have a time limit that is reasonable based on the totality of the circumstances, and they may be reevaluated or renewed at the end of the deferral period or if the condition underlying the deferral changes. Employees receiving a deferral must inform their managers promptly if the condition underlying the deferral changes. At least two weeks' notice will be provided to all employees before the practice of granting deferrals based on personal circumstances is ended.

#### e. Face Masks

Current guidance from the CDC and OMB has evolved into a new metric system based on COVID-19 community level. As such, in areas of High community levels, agencies must require all Federal employees, onsite contractors, and visitors who are 2 years and older to wear a high-quality mask or respirator (such as a KN95 or N95) inside of Federal buildings. For MSPB, this applies to our locations in areas of High community levels, whether offices are in a Federal or a leased building.

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<sup>3</sup> <https://www.cdc.gov/coronavirus/2019-ncov/long-term-effects/index.html>

In areas with Low or Medium community levels, people do not need to wear a mask regardless of their vaccination status or physically distance in Federal buildings or on Federal land, except where required by Federal, State, local, Tribal, or territorial laws, rules, or regulations. ***However, employees known to be exposed to COVID-19 must wear a high-quality mask or respirator, take other post-exposure precautions, and watch for symptoms for 10 full days after exposure, regardless of the community level and regardless of vaccination status.*** Fully vaccinated individuals might choose to wear a mask regardless of the level of transmission for a variety of reasons. Nothing in CDC guidance precludes an employee from wearing a mask if the employee so chooses.

When the community level for an MSPB location *increases* from Low to Medium or Medium to High, the agency has a process to promptly put in place more protective safety protocols consistent with CDC guidelines and guidance from the Task Force as soon as operationally feasible. MSPB does not wait, for example, for a multi-day or multi-week trend to be established.

When the community level for an MSPB location is *reduced* from High to Medium or Medium to Low, the community level must remain at that lower level for at least 2 consecutive weeks before MSPB utilizes those protocols recommended by the CDC and the Task Force for areas of Medium or Low community level.

MSPB's COVID-19 Coordination Team will communicate any changes in community levels, associated masking requirements, etc., to office directors as soon as possible.

Consistent with CDC guidance for the indoor transportation corridor and public transportation conveyances, individuals must wear high-quality masks or respirators (such as a KN95 or N95) when in Government-operated vans, cars, trucks, and other motor pool passenger vehicles when there are multiple occupants. Mask-wearing in these Government-operated conveyances is not required if there is a single occupant.

In general, people do not need to wear masks when outdoors. However, consistent with CDC guidance, those who are not fully vaccinated should wear a mask in crowded outdoor settings or during outdoor activities that involve sustained close contact with other people who are not fully vaccinated.

During High community levels you may remove your mask only when you are in your own office with the door closed.

Masked individuals may be asked to lower their masks briefly for identification purposes in compliance with safety and security requirements.

MSPB has posted signage regarding mask-wearing and encouraging physical distancing at all office locations. Such signage varies by facility as needed given local requirements and changes in community levels.

MSPB staff who do not adhere to these requirements will be notified along with their office director, and they may be subject to discipline.

If you have any questions about this requirement, please contact EEO Director [Jess Lang](#).

#### **f. Physical Distancing**

To the extent practicable individuals are encouraged to practice physical distancing when community levels are Medium or High, including in offices, conference rooms, and all other communal and workspaces regardless of community levels. One-way walkways, reconfiguration of workspaces or office assignments, and other mitigation strategies may be implemented to minimize interactions.

1. **Meetings:** At High community level, meetings should continue to be conducted by Zoom for Government, conference call, or other audio- or video-conferencing means, even among employees in the office. Exceptions may include training a new employee or a conversation that cannot easily be accomplished remotely, while adhering to applicable protocols.

2. **Hearings:**

- A. As of October 3, 2022, MSPB is allowing in-person hearings in its regional and field offices in counties where the COVID-19 community levels are Low and Medium. In-person hearings are not to be conducted when community levels are High.
- B. In counties where the COVID-19 community level is High, administrative judges may, in coordination with their regional or office director, conduct video hearings in the office. More than one video hearing may be conducted in locations with multiple hearings and conference rooms.
- C. When video hearings are conducted onsite in counties where the community level is High, two or more employees may be in the hearing room at the same time, provided they adhere to applicable masking and physical distancing guidelines and follow the other requirements of this plan. If it is necessary for a non-MSPB employee to be present for the hearing, permission may be granted by the Regional Director and the Director of the Office of Regional Operations on a case-by-case basis, considering all the circumstances, including the physical layout of the office as well as case-related details.
- D. Should an office intend to host a meeting, conference, or event that will be attended in-person by more than 50 participants at a facility in a county where the COVID-19 community level is High, the office should first seek the approval of the agency head, in consultation with the COVID-19 Coordination Team.

#### **g. Shared Spaces**

During High community level, do not use common areas, including kitchens, for eating or drinking. Instead, eat in your office and access common areas only to obtain water or retrieve food.

Disinfectant wipes and cleaning supplies are provided at each MSPB location for employees' use. Visual markers may be installed to promote physical distancing within common spaces, and furniture may be removed.

#### **h. Visitors**

MSPB is allowing visitors in counties where the COVID-19 community levels are Low and Medium. Mask wearing requirements apply to any visitors to Federal or federally leased facilities when applicable. Even

when community levels are Low and Medium the number of visitors to MSPB offices should be minimized, and efforts should be made to conduct visits virtually where possible.

MSPB has paused asking visitors to provide information about their COVID-19 vaccination status, where COVID-19 safety protocols do not vary based on vaccination status. This is true regardless of COVID-19 community levels. MSPB is no longer putting in place or implementing any requirements that visitors, based solely on their vaccination status, must provide proof of a negative COVID-19 test when accessing Federal facilities, or when attending an agency-hosted meeting, event, or conference. In addition, the previously issued Government-wide Certification of Vaccination form is not being used.

#### i. Symptom Monitoring

If an MSPB employee, intern, onsite contractor, or visitor has symptoms consistent with COVID-19, they must not enter the workplace.

Employees, interns, and onsite contractors should complete [symptom screening](#) daily or upon entry to the workplace. (The CDC form is a reference for screening questions; it should not be filled out, signed, collected, etc.)

Visitors may be asked to complete symptom screening before entering a Federal facility. This may be done using signage posted at the building or office suite entrances.

***Any individual who develops any symptoms consistent with COVID-19 during the workday must immediately isolate, wear a high-quality mask or respirator (if the individual is not already doing so and one is available), notify their supervisor, and promptly leave the workplace.***

A symptom list requiring immediate medical attention can be accessed on the CDC website [here](#).

#### **Additional Protocols While in the Office:**

1. Personal protective equipment (disposable masks and gloves) and sanitizing wipes are available when entering the office lobby. Hand sanitizer is available at office lobbies and throughout MSPB space. Wearing gloves is optional.
2. Wash your hands as soon as possible after arriving at the office.
3. Wash your hands before you leave the building.

***If you go into the office and begin to feel ill in any way with [symptoms consistent with COVID-19](#), within 1-2 days thereafter, you must notify your office director and follow isolation protocol.***

If mutually agreeable, staff members can pick up items for colleagues and deliver them to their residence. In doing so, please follow applicable health and safety protocols.

#### j. Contact Tracing

*If an employee is notified of a positive COVID-19 test result, and they have been in the workplace within 3 days prior to a positive test or becoming symptomatic, they are encouraged to notify other employees they had close contact with, as well as their own personal contacts as soon as possible.*

If an MSPB employee contacts COVID-19 and has been in the workplace within the designated time period, they are encouraged to contact MSPB's COVID-19 Coordination Team.

#### k. Quarantine and Isolation

*Please closely follow [CDC](#) and [Task Force](#) guidance for quarantine and isolation, depending on your vaccination status, at the links provided.*

Current CDC guidance no longer recommends quarantine based on COVID-19 exposure or following travel, regardless of vaccination status, and so MSPB is not preventing employees from entering Federal facilities due to quarantine protocols. Instead, as soon as possible and for 10 full days from the date they were last known to have been exposed, employees must wear a high-quality mask or respirator (such as a KN95 or N95) and take extra precautions to physically distance themselves from others while working indoors at an agency workplace. Employees who are known to have been exposed to COVID-19 and are working onsite at an agency workplace must watch for COVID-19 symptoms and be tested with a viral test authorized by the FDA to detect current infection at least 5 full days after their last known exposure. The test can be both self-administered and self-read by the employee if the employee certifies as to when they took the test and that they received a negative result. If the individual tests negative, they must continue to follow the above precautions for 10 full days from the date they were last known to have been exposed. However, if they have a probable or confirmed case of COVID-19, they must isolate from other people, following CDC recommendations on [isolation](#).

Isolation is used to separate people infected with COVID-19 from those who are not infected. This includes people who have a positive viral test for COVID-19, regardless of whether they have symptoms, and people with symptoms of COVID-19, including people who are awaiting test results or have not been tested. Individuals with symptoms should isolate even if they do not know if they have been in close contact with someone with COVID-19. If you are required to isolate for probable or confirmed COVID-19 and are unable to telework, you may request sick leave, accrued annual leave, or other forms of earned paid time off (e.g., compensatory time off or credit hours) or unpaid leave, as appropriate. Individuals can end their isolation after 5 full days from the onset of symptoms if they are fever-free for 24 hours without the use of fever-reducing medication, their other symptoms have improved, and they have met the agency testing requirements. Those individuals who end their isolation after 5 full days should continue to wear a high-quality mask or respirator (such as a KN95 or N95) around others for at least 10 full days. If they develop symptoms at any point, they should start a 5-day isolation period over, with day 0 being their first day of symptoms.

If you have any questions about quarantine or isolation, please consult your supervisor or the Office of Financial and Administrative Management (FAM).

#### I. Travel

When the community level is High, hearings, training, conference attendance, etc., should be conducted virtually. There are currently no Government-wide limits on official travel for Federal employees,

regardless of their vaccination status. CDC recommends that individuals make sure they are up to date with COVID-19 vaccines before travel and that they consider being tested for current infection with a viral test as close to the time of departure as possible (no more than 3 days) before travel. However, official travel should not be approved for employees who have COVID-19 symptoms and are waiting for an initial diagnostic test result, or have tested positive for COVID-19 within 5 full days after their first day of symptoms. These employees should follow protocols for isolation.

MSPB may approve official travel for an asymptomatic employee who has had a known exposure to someone with COVID-19. If the employee remains without COVID-19 symptoms before traveling, they must wear a high-quality mask or respirator (such as a KN95 or N95) the entire time they are on-duty and around others indoors for the full duration of their travel on public transportation that falls within the 10 full days after their last known exposure. They also must also follow other aspects of post-exposure protocols, including the requirement for employees with a known exposure to be tested for COVID-19 after 5 full days following their last known exposure (ideally, on or after day 6). Note that this testing may need to occur while the employee is traveling, and that MSPB does not require that employee to wait for the results of the post-exposure diagnostic test to undertake official travel, including return travel.

Employees should follow the agency's travel policy. MSPB employees should adhere strictly to [CDC guidelines before, during, and after travel](#), regardless of whether the travel is personal or for [official business](#). The CDC has extensive guidelines for both domestic and international travel, and employees should consult these resources carefully before deciding to travel, including before returning to the office after travel if you are unvaccinated.

Before you travel make sure you check the current COVID-19 community level at your destination. State, Tribal, local, and territorial governments may have travel restrictions in place. If you have a medical condition or are taking medication that weakens your immune system, you might NOT be fully protected even if you are up to date with your COVID-19 vaccines. If traveling by air, check if your airline requires any testing, vaccination, or other documents. Consider getting tested as close to the time of departure as possible (no more than 3 days) before travel. Prepare to be flexible during your trip as restrictions and policies may change during your travel.

During your travel, CDC recommends wearing a high-quality mask or respirator (such as a KN95 or N95) in indoor areas of public transportation (including airplanes) and indoors in U.S. transportation hubs (including airports). If you test positive while at your destination, you will need to isolate and postpone your return trip until at least 5 full days after your first day of symptoms. After that point once you are fever-free for 24 hours without the use of fever-reducing medication and your other symptoms are improving, you can then resume further travel, including return travel. Wear a mask when you are around others for the entire duration of travel and follow other aspects of post-isolation protocols.

After travel, keep in mind that you might have been exposed to COVID-19 on your travels. You might feel well and not have any symptoms, but you can still be infected and spread the virus to others. Consider getting tested if you know you were exposed to a person with COVID-19 or if your travel involved situations with greater risk of exposure, such as being in crowded places while not wearing a high-quality mask or respirator. If your test is positive or you develop COVID-19 symptoms, isolate to protect others from getting infected.

While you do not need to get tested if you recovered from COVID-19 in the past 90 days, you should still follow all other travel recommendations. If you develop COVID-19 symptoms after travel, isolate and immediately get tested. Continue to isolate until you know the results and wear a mask around others.

**m. Testing**

MSPB has suspended the COVID-19 Testing Policy for employees who are not fully vaccinated.

Diagnostic testing is intended to identify current infection in individuals and should be performed on anyone who has signs and symptoms consistent with COVID-19 and/or following recent known or suspected exposure to COVID-19. This includes the testing that agencies must require for asymptomatic employees at least 5 full days after they last had a known exposure to someone with COVID-19 when such employees are working onsite at the agency workplace (unless the employee tested positive for COVID-19 with a viral test within the previous 30 days and subsequently recovered and remains without COVID-19 symptoms, in which case they do not need to get tested after exposure). In general, health insurers cover the full cost of diagnostic testing.

If you have any questions about diagnostic testing, or if you have a confirmed case of COVID-19 that you believe is work-related (as defined by 29 CFR 1904.7), please contact FAM.

**n. Confidentiality**

All medical information collected from MSPB personnel, including vaccination documentation, test results, and any other information obtained as a result of testing and symptom monitoring, will be treated confidentially in accordance with applicable laws and policies on confidentiality and privacy, and will be accessible only by those with a need to know in order to protect the health and safety of personnel.<sup>4</sup> MSPB's point of contact for all questions relating to personal medical data is EEO Director [Jess Lang](#).

**o. Employee Assistance Program**

In addition to the protocols set out in this plan, we remind all employees that the Employee Assistance Program (EAP) is available 24 hours a day, 365 days a year. The EAP can be reached at 1-800-222-0364 or at [www.FOH4you.com](http://www.FOH4you.com).

**3. Workplace Operations**

**a. Environmental Cleaning**

Routine cleaning using standard cleaning products within a building's common use and high traffic areas, such as lobbies, restrooms, elevators, and stairwells, will be provided daily. Frequently touched surfaces in common areas, conference rooms, and office spaces within an MSPB facility will be cleaned regularly and in accordance with CDC guidelines. Wipes, gloves, and other Environmental Protection

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<sup>4</sup> In response to multiple inquiries about whether asking about vaccination status is a violation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), we note that HIPAA "only applies to HIPAA-covered entities – healthcare providers, health plans, and healthcare clearinghouses – and their business associates. If an employer asks an employee to provide proof that they have been vaccinated in order to allow that individual to work without wearing a facemask, that is not a HIPAA violation as HIPAA does not apply to most employers." See "[Is it a HIPAA Violation to Ask for Proof of Vaccine Status?](http://hipaajournal.com)" ([hipaajournal.com](http://hipaajournal.com)).

Agency (EPA)-approved disinfectants have been made available for employees who wish to use them to wipe down their individual workstations and personal property when in their workspace.

[CDC guidance](#) indicates that routine cleaning once a day is usually enough to sufficiently remove virus that may be on surfaces and help maintain a healthy facility. GSA will routinely clean surfaces using cleaning products that contain soap or detergent.

GSA will continue to clean and disinfect any space occupied or accessed by an individual with a suspected or confirmed case of COVID-19, if 72 hours or less have passed since the affected person was last in the space. Personnel and visitors will be required to vacate the affected space until the cleaning is completed. If more than 72 hours have passed since the person with a suspected or confirmed case of COVID-19 has been in the space, no additional cleaning, beyond the regular cleaning practices, is needed, consistent with [CDC guidance](#).

**b. Elevators**

Unvaccinated individuals, and vaccinated individuals in areas where the COVID-19 community level is High, must wear masks in elevators and in elevator lobbies. At MSPB locations where employees can access the elevator lobby on our floor from the stairwell, the use of stairs by those who are physically able to do so is strongly encouraged and applicable masking requirements based on community level apply in stairwells.

**c. Ventilation and Air Filtration**

Reoccupying a building during the COVID-19 pandemic requires healthy, code-compliant indoor air quality. Viral particles spread between people more readily indoors than outdoors. Therefore, CDC recommends improvements to building ventilation to reduce the spread of the disease and lower the risk of exposure. In accordance with CDC guidance, ventilation system upgrades or improvements increase the delivery of clean air and dilute potential contaminants by reducing the concentration of virus particles in the air. To the maximum extent feasible, indoor ventilation has been optimized to increase the proportion of outdoor air and improve filtration. To achieve this, the following measures are being taken.

**HEADQUARTERS:**

Heating, ventilation, and air conditioning (HVAC) systems are running at maximum outside airflow for 2 hours before and after the building is occupied (or from 7:00 a.m. to 7:00 p.m.) to ensure improved ventilation. Outdoor air dampers remain open beyond minimum settings to reduce or eliminate HVAC air recirculation. Both steps increase total airflow to occupied spaces. On individual HVAC units, where the HVAC fan operation can be controlled at the thermostat, the fan has been set to the “on” position instead of “auto,” which will operate the fan continuously, even when heating or air conditioning is not required. In addition, building restroom exhaust fans are functional and operating at full capacity when the building is occupied.

Regular inspections and maintenance on all building Air Handler Units (AHUs) and HVAC systems are being performed to ensure ventilation and filtration effectiveness. Experience has shown that when mechanical and visual inspections are properly conducted, the proportion of outdoor ventilation continues to increase, and recirculation is reduced or eliminated. Likewise, existing air filters have been

replaced with Minimum Efficiency Reporting Value 13 (MERV-13) rated filters which improve filtration for all central AHUs that recirculate floor air.

Indoor air quality is tested regularly. This is essential to detect airborne particles, carbon dioxide, and Volatile Organic Compounds (VOCs), which are invisible gases and chemical vapors emitted by office equipment, like printers and fax machines, as well as chemical cleaning agents.

Additional modifications will continue to be considered and evaluated.

**ATLANTA REGIONAL OFFICE:**

HVAC systems are running at maximum outside airflow for 2 hours before and after the building is occupied (or from 6:00 a.m. to 8:00 p.m.) to ensure improved ventilation. Air filters have been replaced with MERV-8 rated filters. The HVAC systems are not designed to accommodate any filters rated higher than a MERV-8. Higher rated filters prevent the system from taking in and blowing out enough air and cause the system to shut down.

**CHICAGO REGIONAL OFFICE:**

Air filters have been replaced with MERV-15 rated filters with microbial protective coating and also ultraviolet lights inside the fans for microbial growth mitigation. The fans are checked daily by building engineers for proper operation and tightness of filters. Fans have been adjusted to increase airflow and bring in the maximum amount of outside fresh air possible and fan operating hours have been extended by 4 hours each day, resulting in fan runtime of 14 hours per day (5:30 a.m. – 7:30 p.m.). These measures were implemented per CDC and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) guidance.

**DALLAS REGIONAL OFFICE:**

The HVAC and Building Automation Systems are currently being inspected daily for any issues. Building Operation Schedules have been modified to allow additional ventilation 2 hours before and after scheduled occupancy hours (or from 6:00 a.m. to 6:00 p.m.), Monday through Friday. Outside air is provided to all AHUs by dedicated outside air units that are filtered and pretreat the air supply. The outside air units run 24/7. All Air Filter Banks have been inspected and sealed as needed to ensure that air does not bypass the filter bank. The initial and current MERV filtration rating for all AHUs has been verified and documented. Filter upgrades have been applied where applicable and within design specifications. Air filters have been replaced with MERV-4 roll-type pre-filters on outside air and MERV-8 and MERV-10 rated filters in AHUs, depending on the specific AHU. Options are being considered to upgrade outside air filters.

**DENVER FIELD OFFICE:**

The lessor has installed ionization devices for the HVAC systems and elevators. Air filters have been replaced with MERV-13 rated filters.

**NEW YORK FIELD OFFICE:**

HVAC systems are running at maximum outside airflow for 2 hours before and after the building is occupied to ensure improved ventilation. The HVAC and Building Automation Systems are currently being inspected daily, every 2 hours. Outside airflow for all relevant equipment has been verified per design specifications to ensure appropriate outside air volume and circulation. All Air Filter Banks have

been inspected and sealed as needed to ensure that air does not bypass the filter bank. Air filters have been replaced with MERV-13 rated filters. GSA installed Dynamic electrostatic air filters that are MERV-13 rated or better since November 2017.

**PHILADELPHIA REGIONAL OFFICE:**

HVAC systems have been using MERV-14 air filters (ASHRAE standards for COVID-19 are MERV-13 or higher) since 2016. They were last changed in April 2021 and prior to that in April 2020. Recent studies have shown that the filters last for two years, so there are no current plans to change them in 2022. Still, an evaluation will be made in 2022 to assess whether filter replacement is necessary. The HVAC system continues to maximize outside airflow (fresh air) into the building while maintaining appropriate comfort levels for building occupants.

**WASHINGTON REGIONAL OFFICE:**

HVAC systems are running at maximum outside airflow, flushing the building system every morning before the building is occupied to improve ventilation. Air filters have been replaced with MERV-13 rated filters.

**WESTERN REGIONAL OFFICE:**

The HVAC system design at the Ronald Dellums Federal Building includes return air grilles in the suspended ceiling. The air handling units have MERV-8 rated pre-filters and MERV-13 primary filters. Outside air for ventilation has been increased as much as the HVAC system can accommodate and still maintain acceptable indoor conditions. There is the potential for fire season to limit the amount of outside air that would be able to be provided and still maintain indoor air quality; tenants would be notified if that type of situation were to occur.

**d. Water Filtration**

Many federally owned facilities under the jurisdiction, custody, and control of GSA are experiencing less than normal tenant occupancy as a result of the COVID-19 pandemic. Because of this reduced occupancy, the use of potable water in MSPB facilities is substantially less than the usage prior to the pandemic. As a result, the reduced usage has heightened the potential for water quality degradation.

GSA has implemented a weekly flushing program designed in coordination with a team of experts from EPA and the CDC. In federally owned facilities, the guidance directs facility managers to perform initial and weekly flushing of the drinking water in each facility, randomly test water outlets for surrogates of freshwater treatment (e.g., chlorine levels), and adjust the flushing frequency as necessary to ensure fresh, treated water is always present.

MSPB owned equipment (such as ice machines, coffee makers, water filters, etc.) that is served by the building's water supply are not covered by the GSA operation and maintenance contracts and are currently not being flushed. It is recommended that tenants properly flush these devices on a recurring basis based on [CDC](#) and [EPA](#) guidelines.

At each MSPB location, the following measures are being taken.

**HEADQUARTERS:**

Water systems and all common area water fixtures (including toilets, faucets, drinking fountains, sink drains, floor drains, etc.) are being flushed on a regular basis to prevent abnormal biological growth. Distribution systems and equipment are being tested regularly and water sampling is being conducted to check for bacteria levels, residual chlorine and pH, heavy metals, and other contaminants of concern.

In addition, Boston Properties has been recognized with a Fitwel Viral Response Certification at the Sumner Square Office Building. Originally created by the CDC and GSA, Fitwel is a rigorous, third-party healthy building certification system that sets the industry standard for evidence-based strategies to promote positive health outcomes for building occupants and communities.

This certification confirms that Boston Properties' approach to health security aligns with evidence-based strategies for mitigating the spread of infectious respiratory diseases in the workplace. The implemented programs include managing indoor air and water quality, enhanced cleaning, disinfecting, and maintenance protocols along with clear and consistent communication with customers.

**ATLANTA REGIONAL OFFICE:**

The Summit Building never closed during the pandemic. There have always been agencies in the building so the water is run through the pipes every day. Even though the water runs through the pipes, the maintenance crew performs a “water flush” weekly on floors that are unoccupied. The flush consists of running faucets, sinks, toilets, and janitorial sinks for several minutes, so the water does not stagnate in the pipes.

**CHICAGO REGIONAL OFFICE:**

The John C. Kluczynski Federal Building has implemented an extensive water management plan based on ASHRAE Standard 188 and developed in conjunction with third-party water treatment experts and GSA's environmental subject matter experts. The building also implemented a weekly domestic water flushing and testing program based on EPA guidance to help maintain proper domestic water quality while building occupancy is low. All the drinking fountains in the common areas of the building have filters in place to filter the water for contaminants. These measures have been in place in the building for some time now, and the weekly flushing and testing procedures will continue until building occupancy levels are high enough that it is no longer needed.

**DALLAS REGIONAL OFFICE:**

GSA discontinued use of the public water drinking fountains. The facility has remained open to tenants and all building operations have continued throughout the pandemic, so the plumbing system has been in use. Water testing was completed in January 2022. The results showed no issues.

**DENVER FIELD OFFICE:**

The water in the building is being flushed once a week and is tested annually for legionella.

**NEW YORK FIELD OFFICE:**

Water systems are tested monthly. A complete flush of the domestic water systems and all common area water fixtures (including toilets, faucets, drinking fountains, sink drains, floor drains, etc.) are done daily. There is ongoing testing of the domestic water system using high quality digital chlorine

meter/test kits to ensure clean water. The plumbing system is routinely checked to ensure there are no dry traps in low occupancy areas due to COVID-19.

**PHILADELPHIA REGIONAL OFFICE:**

Water systems are operating at a high level of usage. Since the facility has remained open to tenants and all building operations have continued throughout the pandemic, there has been very little reduced occupancy. Water systems were tested in June/July 2020 out of an abundance of caution. A complete chlorine mapping study of the domestic water was performed at the time. The results showed no issues. Since the water has never been stagnant there is no testing planned for 2022.

**WASHINGTON REGIONAL OFFICE:**

Water in the common areas of the building is tested twice a year. The most recent testing was done on September 26, 2022.

**WESTERN REGIONAL OFFICE:**

Water systems are operating at the same level of usage as in previous years. Since the facility has remained open to tenants and all building operations have continued throughout the pandemic, there has been very little reduced occupancy. From March 2020 through February 2021, the facility used a comparable amount of water as in previous years. Therefore, it was determined that GSA's weekly flushing program is unnecessary for the building. Testing is only performed if there is a water quality concern.

**Recent Changes History**

Date of Change: June 30, 2022

Changes Made Within Section: 2. Health and Safety

Part (e.) Face Masks; Part (k.) Quarantine and Isolation; Part (l.) Travel; Part (m.) Testing

Date of Change: October 31, 2022

Changes Made Within Section: 2. Health and Safety

Part (c.) Vaccination Documentation; Part (d.) COVID-19 Community Levels & Staffing; Part (e.) Face Masks; Part (f.) Physical Distancing; Part (h.) Visitors; Part (i.) Symptom Monitoring; Part (j.) Contact Tracing; Part (k.) Quarantine and Isolation; Part (l.) Travel; Part (m.) Testing