



NAIJ - OCIJ Joint Safety Committee Meeting
September 9, 2020

NAIJ Question/Recommendation 1: The Suspension of Phase I for the Immigration Court in Dallas, Las Vegas, and San Diego due to the surge in COVID 19 positive rates, infection rates, and lack of hospital resources in their region.

Agency Response: At the time, both Dallas and San Diego had been removed from Phase I. San Diego has since been placed back in Phase I starting at the end of September. Decisions regarding which courts enter Phase I and subsequent phases are made by the U.S. Attorney in the district in which the Immigration Court is located in consultation with JMD after reviewing the relevant state and local health data.

NAIJ Question/Recommendation 2: Develop, implement, and communicate with the Immigration Judges about workplace flexibility and protections. Plans should include liberal accommodations for employees with preexisting conditions, that make them and their families more susceptible to COVID19. To ensure continuity of operations within a court, allow for appropriate physical distancing measures, and to address any existing vulnerable populations working at a particular court. Additionally, the Agency should provide flexible work schedule options to the ACIJs to allocate weather and safety leave and telework, to all employees who can reasonably establish they have been exposed to the virus; to maintain proper social distancing at the court; and for employees who have previously tested positive, who are volunteering to donate plasma or data to the CDC and other scientific organizations, that are working on solving the COVID crisis.

Agency Response: During Phase I, the Agency is encouraging telework to the maximum extent possible. Additionally the Agency is providing accommodations to employees with conditions that make them more susceptible to COVID 19 through our reasonable accommodations process. The Agency has empowered ACIJ's to allocate weather and safety leave and telework for all employees who can reasonably establish they have been exposed to the virus to maintain social distancing at the court. Additionally, employees who are symptomatic or positive can utilize sick leave as needed.

NAIJ Question/Recommendation 3: Ensure that all Immigration Judges are properly trained in COVID 19 prevention policies and have necessary PPE, hand sanitizer, disinfecting sprays, disinfecting wipes, and face coverings/masks.

Agency Response: From the outset of COVID 19, the Agency has repeatedly notified employees to review and follow CDC guidelines. Going forward we would continue to ask employees to do the same. All EOIR employees have access to PPE including face masks, hand sanitizer, and disinfecting spray. The Agency is working with multiple vendors to procure disinfecting wipes. Unfortunately, disinfecting wipes are out of stock nationwide. As disinfecting wipes become available, we will send them out to the courts.

NAIJ Question/Recommendation a: All individual court plans for Phase I should include how the face covering guidelines included in PM 20-13, will be monitored and enforced if a party to a scheduled proceeding is denied access or asked to leave EOIR space for failing to comply with the face covering requirement. The plan should identify how the information should be disseminated to the Immigration Judge overseeing the case.

Agency Response: Exactly how these are enforced will depend on the court. Specifically, courts in federal buildings will have different building entry requirements than courts in a private building. Likewise, courts located in a detention center will have their own facility based requirements for entry. Nevertheless, all Immigration Judges are empowered under PM 20-13 to exclude individuals from their courtroom that do not have face coverings.

NAIJ Question/Recommendation b: Provide Immigration Judges with specific reset codes for cases that cannot proceed due to the failure to comply with safety protocols related to the COVID 19 pandemic.

Agency Response: The Agency believes adjournment code 59 is appropriate.

NAIJ Question/Recommendation 4: Provide and ensure immediate notice to employees at worksites where a person is suspected of having COVID 19, or where a confirmed COVID 19 diagnosis was present. This notice should include at a minimum information about the time, location, duration, and nature of the possible exposures. Weekly or regular updates on suspected or confirmed COVID 19 cases at courts are to be provided to NAIJ including general information about the steps ensuring contact tracing and self-quarantine.

Agency Response: The Agency provides updates as incidents happen. Medical privacy and an employee's willingness to share their identity limit the specificity of the information that can be disclosed. Updated information is available at <https://www.justice.gov/eoir/eoir-operational-status-during-coronavirus-pandemic>.

NAIJ Question/Recommendation 5: Develop an excused absence for caregiving programs that does not require an Immigration Judge to return during Phases I or II where services for children or family members in the locality are closed due to COVID 19.

Agency Response: ACIJ's are well-aware of this becoming an issue and will continue to maximize telework where practicable.

NAIJ Question/Recommendation 6: Provide transparent communication about Immigration Court closures by creating and providing a protocol for communication and exchange of information.

Agency Response: The Agency disagrees that it is not being transparent. Information is shared as appropriate under the circumstances. Updated information is available at: <https://www.justice.gov/eoir/eoir-operational-status-during-coronavirus-pandemic>. In addition, Agency management meets frequently with NAIJ via the Joint Safety Committee meetings and the bi-monthly meetings. Further Agency management frequently provides detailed written responses to NAIJ questions submitted regarding the pandemic and other topics. NAIJ also has local representatives who can convey information to NAIJ's leadership concerning local notification about COVID incidents. Finally, the Agency and NAIJ maintain a Joint Safety Committee that allows for the free exchange of information.

NAIJ Question/Recommendation 7: Create and provide a Q and A website or memorandum addressing COVID 19 Return to Work Frequently Asked Questions like the Department of Energy.

Agency Response: The department maintains a website that provides a similar DOJ coronavirus site, the DOJ justice.gov page.

<https://www.justice.gov/coronavirus>

<https://dojnet.doj.gov/jmd/seps/emergency/covid-19.php>

<https://www.justice.gov/employees>

Additionally, I have attached the documents entitled, documents entitled, “Department of Justice - Covid-19 Return to Workplace Guide” and “Department Framework for Returning to Normal Operations Status (May 18, 2020).”

NAIJ Question/Recommendation 8: Ensure adequate quantities of personal protection such as masks, gloves, and hand sanitizer, are available for attorneys respondents and witnesses.

Agency Response: The Agency will not be providing masks and gloves for the parties that appear in court. But, please note that PM 20-13 mandates masks for all individuals coming into EOIR space.

NAIJ Question/Recommendation a: Provide hands free hand sanitizer dispenser by each courtroom entry.

Agency Response: Hand sanitizer is available in all of the courtrooms.

NAIJ Question/Recommendation b: Provide hand sanitizer and cleaning wipes on tables for DHS and respondents.

Agency Response: Hand sanitizer is available in the courtroom. The Agency is working with multiple vendors to procure disinfecting wipes. Unfortunately, disinfecting wipes are out of stock nationwide. As disinfecting wipes become available, we will send them out to the court.

NAIJ Question/Recommendation 9: Ensure the following steps are able to be taken by GSA and provide janitorial services. Twice daily cleaning of all court space including counsel tables, witness stands, interpreter and court desks and public seating area and common touch services.

Agency Response: The Agency will be following the GSA COVID 19 cleaning procedures. See Attached Memorandum, entitled “GSA Cleaning and Disinfecting Procedures.”

NAIJ Question/Recommendation a: NAIJ’s request for twice daily cleanings of court break rooms and restrooms.

Agency Response: The Agency will be following the GSA COVID 19 cleaning procedures. See Attached Memorandum, entitled “GSA Cleaning and Disinfecting Procedures.”

NAIJ Question/Recommendation b: Ensure that both hot and cold water is available in break rooms and restrooms including adequate soap for hand washing.

Agency Response: In courts where there is no hot water available or adequate soap for hand washing, NAIJ should raise this with the Court Administrator and the ACIJ of the Court in question so space and facilities can be contacted.

NAIJ Question/Recommendation c: NAIJ asked for twice daily cleaning of public space including seating areas and restrooms.

Agency Response: The Agency will be following the GSA COVID 19 cleaning procedures. See Attached Memorandum, entitled “GSA Cleaning and Disinfecting Procedures.”

NAIJ Question/Recommendation d: NAIJ requests rearrangement of courtroom furniture and benches to ensure safe distancing requirements of six feet apart are met. Microphones for DAR will have to be rerouted to accommodate the space.

Agency Response: The courtrooms that we are utilizing for Phase I all meet or exceed the six feet requirement.

NAIJ Question/Recommendation e: NAIJ asks for clear six-foot markers by tape or other conspicuous means in seating/standing areas in the courtroom, waiting areas, and other shared public spaces to maintain physical distancing.

Agency Response: Prior to a court reopening, these markings will be in place.

NAIJ Question/Recommendation f: *NAIJ requests they be provided emergency numbers of GSA/Private janitorial services.*

Agency Response: The process to have an EOIR office or courtroom cleaned after a possible COVID incident is coordinated through the ACIJ responsible for the location in question. The process requires that the incident be reported to the incident mailbox and OOD will determine if cleaning is warranted pursuant to CDC guidelines. If cleaning is warranted, Space and Facilities will coordinate the cleaning in consultation with the ACIJ or CA.

NAIJ Question/Recommendation 10: *NAIJ asks that the following protocols be put in place by building security and EOIR security: Screening of all individuals at entry points, to all court buildings, in federal and commercial buildings; adequate screening protocols can include temperature taking using external readers, with disposable covers between individuals and a questionnaire in the most common languages as to the individual system, past illness, and travel, e.g., have you been sick in the last fourteen days, are you having any symptoms, do you believe you have been exposed to anyone in the past fourteen days who has COVID 19?*

Agency Response: EOIR will not be engaging in any temperature screening or additional health screening.

NAIJ Question/Recommendation 11: Engage Federal Occupational Health Unit as the responsible parties for taking temperatures or visitors within federal buildings where EOIR courts are located.

Agency Response: The Agency will not be providing the resources to conduct temperature checks.

NAIJ Question/Recommendation a: *Ensure all individuals are wearing cloth face coverings, and those without appropriate face coverings are denied entry.*

Agency Response: Exactly how these are enforced will depend on the court. Specifically, courts in federal buildings will have different building entry requirements than courts in a private building. Likewise, courts located in a detention center will have their own facility based requirements for entry. Nevertheless, all Immigration Judges are empowered under PM 20-13 to exclude individuals from their courtrooms that do not have face coverings.

NAIJ Question/Recommendation b: *Establish physical distancing measures used in elevators used by Immigration Judges, staff, and the public. Security personnel should be provided to ensure compliance with social distancing.*

Agency Response: Additional security personnel will not be hired to enforce social distancing restrictions. However, during Phase I, the Courts are reopening with plans that maintain a minimum of six feet of social distancing.

NAIJ Question/Recommendation c: *Distancing measures and use of elevators.*

Agency Response: This will be building dependent and will depend on whether the building is private or a federal building.

NAIJ Question/Recommendation d: *NAIJ asks that they be provided with elevator keys or codes for all Immigration Judges.*

Agency Response: These will not be provided.

NAIJ Question/Recommendation 11: *For immigration Judges and staff using shared public/private parking garages located within or under the building, parking spaces should be separated from public spaces and marked and/or public access temporarily limited. Provide secure parking for all Immigration Judges whether in a federal or commercial building to protect their health and safety.*

Agency Response: All judges are entitled to parking. They can make a request for specific parking to their ACIJ. The Immigration Judge will be required to forego any other transit subsidy and may be subject to tax liability depending on where the court is located.

NAIJ Question/Recommendation 12: *Provide plexiglass protective barriers on the Immigration Judges benches.*

Agency Response: As stated in the Town Hall and in the Joint Safety Committee Meeting, the Agency is in the process of procuring plexiglass.

NAIJ Question/Recommendation 13: *Provide face protective shields to IJs and legal assistants, interpreters, as added protection.*

Agency Response: As stated in the Town Halls, the Chief Immigration Judge is looking into plexiglass and other forms of layered protection for court staff.

NAIJ Question/Recommendation 14: Continue the use of temporary email accounts for the filing of documents in court that do not have ECAS. Prohibit attorneys from double filing documents using the temporary email accounts and on paper.

Agency Response: In accordance with PM 20-13, the email accounts will be in place for 60 days after reopening in Phase I.

NAIJ Question/Recommendation 15: Consider rotating hearing hours within the normal workday and/or alternating days of the week. For example, set cases so that no more than half the Immigration Judges on any given floor schedule morning cases and half the Immigration Judges schedule afternoon cases. Alternatively divide the Immigration Judges into teams such that Team A works at the physical court location on certain days, and Team B alternating days to alleviate crowding in elevators, security lines, waiting rooms and back offices. Alternatively, have the teams alternate weeks. Team A would work at a physical court location the first week of the pay period, and Team B would work the second week of the pay period. The Immigration Judges would telework on alternating weeks. Larger courts may need more than two teams to preserve the required social distancing in all common areas.

Agency Response: Several courts are implementing reopening plans adopting some if not all of these suggestions. However, because each court is unique, there is no one size fits all solution.

NAIJ Question/Recommendation 16: Consider allowing Immigration Judges to telework two to three days per week or sufficient numbers of days to accommodate the proper number of teams to maintain social distancing.

Agency Response: Several courts are implementing reopening plans adopting some if not all of these suggestions. However, because each court is unique, there is no one size fits all solution.

NAIJ Question/Recommendation 17: Use separate courtrooms for immigration judges and respondents/counsel/interpreters/witnesses to allow for non-detained courts to conduct hearings via VTC to an unused courtroom.

Agency Response: Several courts are implementing reopening plans adopting some if not all of these suggestions. However, because each court is unique, there is no one

size fits all solution. Additionally, having parties in our court space without an Agency employee is problematic. Assigning a legal assistant to sit in a courtroom with parties while perhaps decreasing the risk to an immigration judge increases the risk to the legal assistant. Simply trading the risk from one employee to another is not acceptable to the Agency.

NAIJ Question/Recommendation 18: Allow for additional time to conduct telephonic hearings due to the use of OpenVoice services and the need for consecutive interpretation.

Agency Response: Several courts are implementing reopening plans adopting some if not all of these suggestions. However, because each court is unique, there is no one size fits all solution.

NAIJ Question/Recommendation 19: Engage a public health expert and OSHA engineer or an industrial sanitation expert to review the court space and make safety recommendations for each court prior to reopening.

Agency Response: The Agency routinely monitors the most recent CDC recommendations and receives regular guidance from main justice as well.

NAIJ Question/Recommendation 20: Set up booths in the building lobbies attended by EOIR employees who determine whether an individual is authorized to appear in person at a scheduled hearing. Only after that determination has been made, should individuals be admitted to EOIR space.

Agency Response: During Phase I, the number of hearings conducted at our court will be limited thus ensuring that only the minimum number of people necessary are noticed to come to EOIR space.

NAIJ Question/Recommendation 21: Engage with local GSA building leadership more directly to address voting over COVID19 safety procedures based on metrics that consider the heavy foot traffic at the Immigration Court. Our courts often receive more visitors than the other Agencies receive and when enhanced screening procedures are recommended, they are not amenable to covering the cost. The Agency should cover the cost of enhanced safety procedures during and after the pandemic.

Agency Response: All votes regarding COVID 19 safety procedures at GSA buildings are reviewed and thoroughly considered by EOIR Space and Facilities prior to the vote.

NAIJ Question/Recommendation 22: *Provide clarification about whether the director is referring to cloth-based coverings in PM 20-13. In PM 20-13, he states that all visitors to EOIR controlled space are required to wear “face coverings.” If the director was referring to any type of face covering and not a cloth face covering then we recommend the Director make cloth face coverings a requirement in accordance with CDC guidelines.*

Agency Response: Please provide examples of people not wearing cloth face coverings. The Agency has received no reports of individuals wearing improper face coverings.

NAIJ Question/Recommendation 23: *Please provide what appears to be a new policy concerning breakrooms common areas and conference rooms being used without proper social distancing and with too many people in these areas that could cause an unsafe work environment. We’ve learned of the following at the Adelanto Immigration Court. “Effective Immediately All Break Rooms, Kitchen, and the Conference Room cannot be used for Eating and Congregating With Anyone. Only Cooking and Sanitizing the Items used, i.e, microwave, coffee maker, refrigerator, and only one person regardless of the size of the kitchen, breakroom, and conference room. This rule will apply immediately, and will also be in effect whenever we enter Phase I. Unfortunately, lunch and other items will have to be consumed in your office or cubicle area or I suppose in the courtyard outside our building.” If this is a new protocol that will be followed in all courts, we recommend that you notify the NAIJ.*

Agency Response: This is not a new protocol. It is a reminder. Because of concerns surrounding individuals gathering in break rooms, conference rooms, and common areas, EOIR has limited the occupancy to one person to protect all employees.

NAIJ Question/Recommendation 24: *Please provide information about what appears to be a new health and safety measure. At the Boston Immigration Court on July 1, 2020. We have been notified of a temporary court closure as follows: “Dear Boston Immigration Court Employees, I want to advise you that an individual who was last in the Immigration Court on June 30, 2020, has symptoms of COVID 19. In an abundance of caution, and consistent with guidance from the centers for Disease Control and Prevention, the individual is now in self-quarantine. Also, in accordance with CDC guidance, we have arranged for the work areas to be cleaned. The Court spaces are closed for the day. Please monitor yourselves for symptoms and we ask that you let us know if you develop symptoms. Unless you are symptomatic or test positive for the virus, please return to the office following notification of the cleaning. We will notify everyone via the phone tree. If you have questions regarding CDC guidance related to the COVID 19 pandemic, please refer to the CDC website. We know you are concerned about the*

COVID 19 coronavirus and we want you to know we will continue to monitor our situation and keep you informed as we obtain more information. Signed Jose Sancez, ACIJ, Boston.”

NAIJ Question/Recommendation a: What contact tracing process has been followed?

Agency Response: Individuals who are believed to have been in contact with a COVID positive employee were contacted by ACIJ Sanchez.

NAIJ Question/Recommendation b: Have Immigration Judges been notified of contact with the individual involved.

Agency Response: All employees who are believed to have been in contact with a COVID positive employee were contacted by ACIJ Sanchez.

NAIJ Question/Recommendation c: Has the affected provided a list of contacts at the workplace?

Agency Response: Yes.

NAIJ Question/Recommendation d: Have general characteristics been provided such as what floor, office or team that employee worked on?

Agency Response: All employees that came in contact with an affected employee were notified.

NAIJ Question/Recommendation e: What are the cleaning methods being used at the court to address this incident?

Agency Response: Following GSA cleaning procedures. See Attached Memorandum, entitled “GSA Cleaning and Disinfecting Procedures.”

NAIJ Question/Recommendation f: Has the local health department been notified?

Agency Response: The Agency provides notice to GSA.

NAIJ Question/Recommendation g: Was the individual a visitor or an employee? If a visitor, where were they and were they tested?

Agency Response: The individual was an employee.

Agency Attachments



U.S. Department of Justice

Justice Management Division

Washington, D.C. 20530

May 18, 2020

To: HEADS OF DEPARTMENT COMPONENTS AND
UNITED STATES ATTORNEYS

From: Lee Lofthus
Assistant Attorney General
for Administration

A handwritten signature in blue ink, appearing to read "Lee Lofthus", is positioned to the right of the "From:" line.

Subject: Department Framework for Returning to Normal Operations Status

This memorandum sets forth the Attorney General-approved framework for Department of Justice components to implement their phased return to normal operations. This framework recognizes that the Department's core operations have continued throughout the COVID-19 pandemic, with critical employees continuing to report to their workplace while others are performing their work from home. The plan also recognizes the unique nature of the Department's law enforcement mission and the need to return prudently to the strongest capacity to fulfill that mission while protecting the health of employees. In doing so we are ensuring the fulfillment of the Attorney General's promise in his March 16, 2020 memorandum to U.S. Attorneys that "the critical mission of the Department of Justice must and will continue. We will ensure that the Department's law enforcement functions operate effectively during this outbreak."

On May 7, the U.S. Office of Personnel Management updated the federal agency operating status to begin a phased transition to normal operations in line with the national "Opening Up America Again" guidelines issued by the White House on April 16, 2020. The Department's phased return to normal operations will follow these guidelines.

Department offices will return to the workplace, in phases, and on different dates, based on the operating status of the states or localities in which they are located, and considering other gating factors such as improvements in the medical situation in each area. The White House guidelines can be located here: <https://www.whitehouse.gov/openingamerica/>.

Gating Criteria

Using data provided to agencies by the Office of Management and Budget (OMB), the Justice Management Division (JMD) will monitor state and local operating status announcements for relevant information on what activities are resuming in each state. JMD will combine this information with appropriate medical trend data provided by the Federal Emergency Management Agency (FEMA), the Centers for Disease Control and Prevention (CDC) and other public sources, and apply it to the gating criteria in the White House guidelines cited above. This

will enable us to identify locations that are approaching the Phase 1 gating threshold (and eventually Phase 2 and 3 thresholds) and provide the data. As locations are identified, JMD will advise Department components that they may prepare to move to Phase 1 operations in the identified locations. (See next paragraph for U.S. Attorneys and DOJ field offices.) At that point components are expected to ready their operations and workforce for their Phase 1 return to the workplace following the criteria below.

With respect to the United States Attorneys' Offices and DOJ field locations, including law enforcement field offices, JMD will provide health trend data (described above) to the Districts through the Executive Office for United States Attorneys (EOUSA). Each U.S. Attorney will review this information, coordinate with the U.S. Court and federal law enforcement in his/her district, and then make a determination that all relevant considerations for Phase 1 (and eventually Phase 2 and 3) thresholds have been met for a successful return to the office. Upon making such a determination, the U.S. Attorney shall certify to EOUSA that all relevant criteria have been considered, that the coordination has taken place, and that it is appropriate to move to Phase 1 operations in the district. At this point, DOJ law enforcement components are expected to follow their own established return to normal operations plans.

JMD recognizes that conditions will vary within states and that some areas of a state may reach the re-opening phase before others. We are prepared to work with components and field offices to provide county-specific trend data and trend data for judicial districts to help inform decisions by U.S. Attorneys and other field office heads to gradually return the workforce to the workplace based on your local conditions.

Continued Flexible Use of Telework and Other Workplace Flexibilities

The White House guidelines for Phase 1 and Phase 2 operations continue to encourage agencies to employ broad telework and scheduling flexibilities, where feasible with business operations. While a gradual return to work is contemplated in the Reopening America plan, continued telework (including maximum telework for certain components or offices) will assist many offices in our efforts to effectively achieve necessary social distancing in the workplace, help employees facing issues with the ongoing closures of schools and day care services, and assist mass transit as employees in urban areas, including the National Capital Region, gradually return to work. Component Heads and U.S. Attorneys should make their workforce return plans with this in mind, as appropriate for their locations.

While telework may continue to be used in Phase 1 and Phase 2 whenever feasible and necessary based on your operations, some offices may need to continue gradually returning some employees to the office in Phase 1 and Phase 2. Particularly for employees not eligible for telework, components should consider phasing those employees back to the office when it is safe and appropriate. Offices should return to normal work conditions in Phase 3.

Law enforcement components, in particular, should consider increasing the presence of their employees in the workplace where they can safely do so in order to more rapidly return to normal operations. For example, where an office is currently staggering shifts of employees in the office, they should consider increasing the number of employees present during each shift

where it can be safely achieved with all necessary precautions such as ensuring social distancing, maximum use of face coverings, etc. Additionally, some components are in specialized locations that may afford staff appropriate distancing from their co-workers. In these circumstances, components have the flexibility to phase necessary staff back to the office as appropriate to meet operational needs.

Where employees are caring for children and other family members under the conditions prescribed by OPM, components may opt to leave evacuation orders in place for employees not required to return to the office.

In all three phases, components should be open to continued flexible use of telework as compared to operations prior to the COVID-19 pandemic, with due consideration for balancing operational needs of having employees in their official workplace. In managing telework and other workplace flexibilities, components must factor in the considerations noted here and in the following section for vulnerable and high-risk employees. These factors are likely to change over time, as we proceed into the different phases.

For areas where a high proportion of employees are reliant on mass transit, it will be important to monitor service changes in the coming weeks. Mass transit systems throughout the country will be implementing various social distancing measures and enhanced sanitization procedures as localities begin to reopen. Telework provides a tool to mitigate local transit constraints until service levels increase. Where component offices are in locations that are not as dependent on mass transit, transit limitations may be less important a factor in decisions to return employees to the workplace.

In addition to telework, components should continue to consider and allow other flexibilities to include alternative work schedules. A component may implement an alternative work schedule for employees instead of a traditional fixed work schedule to help an employee balance work and personal responsibilities and enforce social distancing requirements. Under many types of alternative work schedules, an employee can complete his or her biweekly work requirement in less than 10 workdays. Under other alternative work schedules, the employee may choose to adjust arrival and departure times to accommodate childcare or eldercare issues, avoid transit crowding, or address other pressing issues surrounding the related emergency. Components should discuss options with their employees to help maximize productivity at work, while assisting them in meeting their family and personal needs. For additional information on alternative work schedules, please see OPM's Handbook on Alternative Work Schedules.

Reasonable Accommodation

In addition to the flexibilities discussed above, as operational needs require employees to return to the workplace, 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> and <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 and reasonable accommodation specialists.

Vulnerable Populations and Those at Higher Risk of Severe Illness

As we gradually return to normal office operations, the Department recognizes that some employees are in vulnerable populations or may be 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 include individuals who are over 65 years of age 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 in Phases 1 and 2, and consider these factors in Phase 3 depending on circumstances present at that time.

Facilities Cleaning

The Department has, and will continue to, work with the General Services Administration to ensure that our workspace is properly cleaned and sanitized. In each instance 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, steps have been taken to have the affected work area specially cleaned and sanitized. As more employees return to the workplace, care should 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. 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. If 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, including any shared electronic equipment. Cleaning should be per CDC instructions mentioned above, and 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: [CDC Guidance on Reopening Buildings](#). 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.

Employee Health and Facility Medical Screening

Employees are expected to take their temperatures each day before reporting to work. 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, should self-quarantine for 14 days. Employees that exhibit signs of illness after returning to their duty location should leave work immediately. Supervisors should remind the employee of his or her 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 may find it appropriate to enforce 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, will not be conducting temperature screening upon entrance to our facilities, with two general 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 practicable, and are denied entry if their temperature is 100.4 degrees or higher. Scanning is the preferred approach for visitor screening. Where this is not practicable, Component Heads and U.S. Attorneys may opt to use an oral health questionnaire as the most practicable method to obtain information necessary 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 during Phases 1 and 2 where feasible for your particular operations. For JMD-managed buildings in the NCR, JMD will arrange a contract for such screening and will establish 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, may require temperature scanning and/or testing for presence of the corona virus for all entrants wherever it is likely the population of the facility will have close and frequent contact and social distancing cannot be guaranteed.

Face Coverings

Consistent with the Deputy Attorney General's guidance of April 14, 2020, employees returning to the office in Phase 1 and Phase 2 operations are required to wear face coverings within common areas such as entryways, restrooms, elevators, hallways, and similar locations in Department facilities and workspaces-particularly in traditional office-like settings. Most law enforcement components have supplies of cloth face coverings for staff; JMD can be contacted for face coverings by other components in need of a supply. Employees may also wear their own face coverings. Individuals may remove a face covering when working in a private office, cubicle or workspace where *at least* six feet of social distancing can be maintained. In close quarters, e.g. some SCIF locations, elevators, and generally in all in-person meetings, face masks should be worn if safe distances cannot be maintained. Individuals may also be required to lower their face covering in order to pass through security checkpoints.

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 have already directed their workforce to follow guidance that is appropriately tailored to relevant locations and circumstances, consistent with applicable workplace safety requirements and recommendations, and that component guidance should be followed.

Physical Office Arrangements

As employees gradually return, each component must take steps to 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 distancing). Staff work schedules may be staggered in order to bring employees into work at different times to avoid breaching social distancing protocols. In addition, elevators should be limited to no more than two people at a time (wearing face coverings while in elevators is required). In-person meetings initially shall be limited to under ten individuals (preferably fewer), and social distancing protocols and cloth face covering requirements must be observed by meeting participants. CDC guidelines will be followed for subsequent phases. 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) may remain closed. Components should also post appropriate signage to limit the number of people using a restroom at a given time, based on the configurations in your buildings. Employees may elect to wear face coverings throughout the workplace as they deem appropriate.

Travel and Events

Only essential travel is permissible in Phase 1. Staff traveling to areas that still have significant levels of COVID-19 cases must follow the CDC quarantine guidelines before returning to the office. As more areas open and medical conditions improve, travel between improved areas may be authorized, but travel to significant outbreak areas should be considered only in light of the state/locality operating announcements and, as noted above, travelers are subject to the CDC post-travel isolation guidelines. As a general matter, routine travel for discretionary training,

events, conferences, speeches and the like should continue to be postponed in Phase 1 and Phase 2 (considering both departure points and destinations).

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, should continue to cancel or postpone large events until national conditions permit more widespread travel and close proximity attendance. At this point, we do not anticipate restoration of postponed Department events, or scheduling of in-person new events, particularly large events, to occur in the immediate future. Financial commitments for future events should not be made unless the arrangements allow for cancelation without penalty. In July we will assess whether we can more broadly return to in-person event scheduling and travel.

Coordination with Partners

U.S. Attorneys' Offices, the Executive Office for United States Attorneys, and the U.S. Marshals should continue to coordinate among each other, and with the Administrative Office of the United States Courts and local courts for the phased return to normal operations. Similarly, Department law enforcement components should continue to coordinate between each other on their operations and phased workplace plans in shared localities. Where a partner organizations' guidance differs from the Department's, every attempt should be made to minimize conflicting requirements.

The National Capital Region (NCR)

Given the concentration of Federal agencies in the Washington, D.C. area, we expect some coordination of agency return to workplace plans in the NCR and will issue further guidance on the timing of moving to Phase 1 operations (and later Phase 2 and 3) in the NCR in the near future. In the meantime, components should continue to carry out their operations in a maximum telework posture.

Component Plans

In preparation for the phased return of normal operations as framed in this memorandum, components should consider how to implement their own plans, including decisions on which offices and staff members should return to the workplace first during each phase, modifications that may be necessary to physical office configurations, screening arrangements, and any other issues requiring attention as you phase your operations back to the workplace.

As noted above, JMD will monitor State and local reopening announcements and medical trends, and will share this information as locations appear to be nearing the Phase 1 and Phase 2 reopening stages.

Until our offices reach the Phase 1 criteria, most components will remain in a maximum telework posture (excluding BOP and our law enforcement components), particularly in the National Capital Region. Component Heads and U.S. Attorneys, at their discretion, may evaluate the need for critical front line workers to begin a pre-Phase 1 gradual return to offices where staff

are needed for operations, including operations such as supporting the work of grand juries, petit juries, investigative agencies and immigration courts. In doing so, Component Heads and U.S. Attorneys will consider the relevant medical and other conditions in their area. Further, as stay-at-home and similar relevant restrictions are lifted by state and local authorities, Component Heads and U.S. Attorneys, at their discretion, may permit individuals to return to the office where needed, with appropriate facilities safeguards in place (as outlined in this memorandum), after consultation with JMD to ensure local health conditions warrant.

As the nation moves to return to normal life, the Department is committed to restoring 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 restore normal 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.

Continuous Monitoring

The Department will continue to monitor nationwide conditions and medical trend data. If circumstances in a state or locality take a turn for the worse, the Department will assess what steps are necessary to minimize any health or safety risks to DOJ employees.

Thank you for your ongoing support of the Department and our workforce as we have navigated the many challenges presented by the COVID-19 situation. My staff and I will continue to be with you and your Executive Officers every step of the way as we transition back to normal operations. Please let me know if you have questions.

GSA Cleaning and Disinfection Procedures

Summary

These procedures are intended to be used when an individual with a suspected or confirmed case of COVID-19 has been in a GSA-controlled facility. This document will be updated whenever new guidance is received from the Centers for Disease Control and Prevention (CDC) or associated health authority..

Detailed cleaning and disinfection scope

This scope should be used under the following circumstances:

- the ill individual(s) have a confirmed or suspected case of coronavirus (COVID-19),
- the ill individual(s) have recently traveled (within the past 14 days) to a location of known COVID-19 outbreak, or
- the ill individual(s) have been in direct contact with someone infected with COVID-19.

Routine cleaning and disinfection scope

This scope should be used for all other instances of reported illness or general concerns.

The detailed cleaning and disinfection scope is based on current CDC guidance: [Interim Recommendations for US Community Facilities with Suspected/Confirmed Coronavirus Disease 2019](#)

Detailed Cleaning and Disinfection Scope

1. Any area(s) used by an ill individual(s) meeting the above criteria shall be emptied of occupants and closed for up to 24 hours.
2. The contractor performing the cleaning and disinfection shall:
 - a. Use only EPA-registered disinfectants for disinfecting solid surfaces ([see list](#)),
 - b. Use disinfectants approved by EPA ([see list](#)) and any associated manufacturers guidance for porous surfaces (e.g., rugs, partitions),
 - c. Use cleaning agents or detergents appropriate for office furnishings and surfaces.
3. The contractor shall submit the proposed list of cleaners and disinfectants to GSA for review prior to use.
4. The contractor shall use the cleaners and disinfectants according to the manufacturer's recommendations.
5. Prior to entering the area, the contractor shall don appropriate personal protective equipment (PPE) required for the specific cleaners and disinfectants used. Contractor may need to wear additional PPE such as safety glasses, depending on how the disinfectant is used. At minimum, the contractor shall wear non-fabric disposable gloves (e.g., latex, nitrile) and disposable suits or gowns (e.g., tyvek).
6. Following the closure period, the contractor shall open any available windows and doors to ensure adequate ventilation throughout the cleaning and disinfection period.

GSA Cleaning and Disinfection Procedures

7. Contractor shall proceed through the area and clean surfaces with detergent or soap and water cleaner.
8. Following cleaning, the contractor shall disinfect by wiping in one direction solid surfaces including, but not necessarily limited to: handrails, door knobs and push plates, desk or work surfaces, keypad, computer mice, light switches, elevator buttons, bathroom sinks, toilet and paper dispensers, kitchenette countertops, water cooler controls.
9. Contractor shall clean/disinfect all high contact porous surfaces such as carpets, and partitions with either appropriate cleaners indicated for use by the manufacturers, or with a disinfectant from the EPA list for emerging viral diseases ([see list](#)).
10. Contractor shall let all disinfectants remain on surfaces until air dry.
11. When cleaning and disinfecting of the area is complete, the contractor shall remove and dispose of gloves, gowns (suits) and other PPE being careful not to contaminate the wearer or office surfaces. All used PPE and cleaning materials shall be disposed of in a sealed, plastic, disposal bag.

End of Scope

Routine Cleaning and Disinfection Scope

1. Any area(s) used by an ill individual(s) who does not meet the aforementioned COVID-19 criteria, but requires cleaning and disinfection due to either occupant agency request or out of a general abundance of caution, shall undergo the following steps:
2. The contractor shall wear disposable non-fabric gloves (e.g., latex, nitrile, etc)
3. If visible dirt or grime is present, the contractor shall clean the area(s) with a general detergent or soap and water, appropriate for the office surfaces and finishes.
4. The contractor shall use an EPA-registered disinfectant ([see list](#)) in accordance with the manufacturer's directions, and wear whatever additional protective equipment is suggested by the manufacturer.
5. Following cleaning, the contractor shall wipe disinfect all high contact solid surfaces in the area(s) including, but not necessarily limited to: handrails, door knobs and push plates, desk or work surfaces, keypad, computer mice, light switches, elevator buttons, bathroom sinks, toilet and paper dispensers, kitchenette countertops, water cooler controls.
6. The contractor shall allow disinfectant to remain on surfaces until air dry.

End of Scope

Department of Justice

COVID-19 RETURN TO WORKPLACE GUIDE

Your Health and Safety

Your health and safety are paramount as we prepare our phased return to DOJ workplaces and normal operations. The following guidance provides information on best practices on our collective roles and responsibilities for keeping DOJ employees, contractors, visitors and workspaces as safe as possible.

What We're Doing

To ensure you return to a safe work environment, we will:

- Continue cleaning all accessible offices
- Enhance cleaning and sanitizing of all common areas – including conference rooms, restrooms, elevators, and break rooms
- Ensure that hand sanitizer stations in common areas are kept full
- Design measures to control the flow of people entering and exiting facilities
- Develop distancing measures in placement of workstations

Temperature Screening

DOJ will not be conducting temperature screening of employees. However, components are strongly encouraged to ensure visitors to DOJ-owned or leased buildings have their temperature scanned with a no-contact device. If the visitor's temperature is 100.4 degrees or higher, they will be denied entrance.

What You Can Do

To ensure the health and safety of all, we will need to work differently and we must work together. Make the commitment to:

- Take your temperature each day before reporting to work. If your temperature is 100.4 degrees or higher, remain home and consult with your supervisor
- Follow the procedures and guidelines for social distancing
- Participate in cleaning and disinfecting your work areas
Practice proper handwashing and sanitizing (CDC recommends washing hands often with soap and water for 20 seconds)
- If you have to cough or sneeze, do so into your elbow or use tissues
- Ask questions and focus on your health and the health of your co-workers
- **If you are ill or experience any symptoms, please stay home**

Face Coverings

Employees returning to the office in Phase 1 and Phase 2 operations are required to wear face coverings within common areas such as entryways, restrooms, elevators, hallways and similar locations in Departmental facilities and workspaces.

Symptoms at Work

If you experience symptoms at work:

- For severe symptoms, follow emergency medical process; otherwise, notify your supervisor or human resources
- Go home, contact your healthcare provider
- Report confirmed cases to your supervisor

Social Distancing

- Steps will be taken to ensure adequate social distancing in the workplace. Multi-person workstation/cubicle arrangements will be modified to accommodate fewer staff at safe distances
- Employees will not occupy shared offices (unless the offices are sufficiently large to allow adequate distancing)
- Elevators should be limited to no more than two people at a time (wearing face coverings while in elevators is required)
- In-person meetings shall be limited to under 10 individuals during phase 1 and social distancing protocols and cloth face covering requirements must be observed by meeting participants
- Virtual meetings using video-teleconferencing should be conducted whenever possible
- Limit occupancy in common areas (kitchenettes, restrooms, file rooms, etc.)

Building Services (NCR)

The following statuses will apply in Phase 1, any updates will be shared via JCON message.

No Impact:

- Employee Building Access
- Cleaning Services
- Mail Services

Some Impact:

- DOJ Shuttle Service- limited to 5 riders per trip, face coverings are required
- DOJ Credit Union- operating on reduced hours

Closed Until Further Notice:

- DOJ Health Unit-Telehealth available COVID-19 testing is not available
- Cafeteria (RFK Bldg).
- Three Fifty Coffee Shop (RFK Bldg).
- Fitness Center