

MEMORANDUM OF UNDERSTANDING
between
National Archives and Records Administration
and
American Federation of Government Employees Council 260

On March 11, 2020 the World Health Organization declared a pandemic caused by a coronavirus and in the following weeks led to operational changes of NARA facilities nationwide. This coronavirus disease is known as COVID-19 and is the term used in this MOU.

On July 29, 2021, the Safer Federal Workforce Task Force issued Updated “Agency Model Safety Principles” for COVID-19 Workplace Safety. The Model Safety Principles require all agencies to establish a program requiring COVID-19 testing for on-site employees who are not fully vaccinated, or who decline to report their vaccination status, weekly or twice-weekly. Agencies must ask their employees about their vaccination status and employees must attest to the truthfulness of their response. Federal employees who are not fully vaccinated or decline to report their vaccination status must wear a face covering, physically distance, and provide weekly or twice-weekly COVID-19 test results when they work on-site. Agencies must apply similar procedures to on-site contractors and visitors, except public visitors entering a Federal building to obtain a public service or benefit.

1. COLLECTIVE BARGAINING

NARA’s COVID-19 testing program, including vaccination attestations, is a national issue. Any changes to these procedures will be renegotiated as a national issue.

2. VACCINATION ATTESTATIONS

- A. All employees must report their vaccination status and attest to the truthfulness of their response using the forms provided by the Agency. Employees will not be required to disclose their vaccination status and may select “I prefer not to say” for their vaccination status. Employees who select “I prefer not to say” or who do not provide a vaccination attestation will not be subject to discipline or differential treatment solely because they did not disclose their vaccination status. Employees who are found to have falsely attested that they are fully vaccinated may be subject to administrative action, including discipline, and/or criminal actions that could lead to fines and/or imprisonment. Employees may also be subject to criminal penalties from law enforcement agencies.

- B. Employees who are not fully vaccinated or do not disclose their vaccination status will be required to wear face coverings and maintain physical distancing while in NARA facilities, and must provide weekly COVID-19 tests when they work on-site. The Agency will not prevent employees from working on-site at NARA facilities based solely on vaccination status. The Agency will provide employees with a means to update their vaccination status if it changes.
- C. The Agency will protect employee vaccination status information from unauthorized disclosure and will use this information only for legitimate business purposes that are consistent with the authorized uses of the data under Office of Personnel Management (OPM) System of Records Notice (SORN) GOVT-10. The Agency will not disclose an employee's vaccination status to other employees or members of the public. The Agency will provide supervisors with a list of their assigned employees who must produce a weekly COVID-19 test result, because they are either not fully vaccinated or they did not report their vaccination status.

3. AGENCY TESTING PROGRAM

- A. At least initially, employees who are not fully vaccinated or who do not report their vaccination status and who are reporting for duty on-site ("employees requiring testing") will be required to obtain their own COVID-19 test. If, at some point, a government-wide testing program or arrangement is made available, the Parties will review this agreement and make changes as necessary.
- B. Employees requiring testing will be provided duty time to obtain a COVID-19 test. Duty time for COVID-19 testing must be requested by the employee and approved by the supervisor in advance. Supervisors may disapprove a request if there is a legitimate business need for the employee to be working (on-site or remotely) during the time requested. Employees will be provided the duty time necessary to travel to a testing site, obtain a test, and return, up to one hour per week. An employee who takes more than one hour to obtain a test must document the reasons why, in writing. Duty time in excess of one hour will not be approved without written documentation and may not be approved if delays are caused by reasons that are within the employee's control.
- C. Employees requiring testing will be reimbursed for the cost of the COVID-19 test and for reasonable travel expenses to obtain a COVID-19 test. Employees requiring testing may request reimbursement following existing procedures for local travel reimbursement. The Agency will provide employees requiring testing with access to the agency travel system and with training to assist them in preparing reimbursement

requests in the travel system. Reasonable travel expenses may be reimbursed only if approved in advance. Employees may request reimbursement on a quarterly basis. Time spent for preparing and submitting vouchers will be on duty time. Employees will receive, upon request, assistance with preparing vouchers. The agency will provide employees contact information for assistance in using the travel system for processing reimbursements.

- D. Employees who are being tested regularly must provide their supervisor or, in the absence of the supervisor, a designee, with a new COVID-19 test result each week. Employees who require testing but who have not submitted a COVID-19 test result in the previous week will be required to provide a negative COVID-19 test result when they first return to the workplace. The Agency will provide these employees with duty time to obtain a COVID-19 test prior to returning to the facility, and will reimburse the costs of the test and reasonable travel costs to obtain the test.
- E. Employees who do not receive an immediate test result after providing a specimen will be permitted to continue working on-site for the remainder of that week until they receive a result if they meet the following requirements:
- Produced a negative test result through the agency testing program in the previous week;
 - Are not experiencing COVID-19 symptoms; and
 - Are not waiting on a diagnostic test (due to exposure, illness, etc.).

An employee requiring testing who does not provide a negative COVID-19 test result for an entire week will not be permitted to return to the work site until they provide a new, negative COVID-19 test result.

- F. If an employee requiring testing does not provide a weekly COVID-19 test result from an acceptable COVID-19 test, the Agency will allow the employee to obtain a new test before pursuing disciplinary action. If the employee has not used one hour of duty time for testing that week, the employee will be permitted to use duty time to obtain a new test. If the employee has already used duty time and has not obtained a test result, the employee will be permitted to use personal leave to obtain the required COVID-19 test. Employees who refuse to provide a COVID-19 test result or who repeatedly fail to provide a COVID-19 test result when required may be subject to disciplinary action. Employees with an approved reasonable accommodation that excuses them from COVID-19 testing will not be subject to disciplinary action.
- G. The Agency will provide diagnostic testing for employees who are exposed to COVID-19 at work, regardless of vaccination status. If an employee chooses to obtain

a COVID-19 test after a close contact in the workplace, the Agency will provide duty time for the employee to obtain a COVID-19 test and will reimburse the employee for the cost of the test and reasonable travel expenses to obtain the test, if travel expenses are approved in advance. Duty time used for COVID-19 testing must be approved in advance by the supervisor.

- H. The Agency will determine acceptable COVID-19 tests, based on guidance from the Safer Federal Workforce Taskforce, the U.S. Food and Drug Administration (FDA), and the Centers for Disease Control and Prevention (CDC). The Agency will provide guidance on acceptable COVID-19 tests before requiring employees to provide COVID-19 test results. The Agency will not accept, will not grant duty time, and will not reimburse employee costs to obtain tests that do not meet Agency standards for acceptable tests.

4. RESOLUTION OF CONFLICTS

When employee grievances arise under this agreement, the Parties agree to first seek informal resolution before filing a formal grievance. In the event that a formal or informal grievance arises from a difference in interpretation of the terms of this agreement, the Council President and Executive Vice President, the Chief Operating Officer, and the Chief of Management and Administration will first attempt to reach agreement on interpretations before filing a formal grievance. In such cases, the Parties agree to suspend the 20-day limit for filing formal grievances in Article 26, Section 7 of the National Agreement for five business days. The suspension period may be extended by mutual agreement of the Parties.

NARA

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