



## **COVID Safety Policies and Procedures**

The purpose of these Policies is to ensure that NMC provides COVID-19 safeguards that will decrease the spread of SARS-CoV-2, the virus that causes COVID-19, which will decrease worker absence, reduce labor costs, and improve the efficiency of contractors and subcontractors performing work for the Federal Government.

These workplace safety Procedures apply to all NMC employees working on or in connection with a Federal Government contract or contract-like instrument, including employees working in covered contractor workplaces who are not working on a Federal Government contract or contract-like instrument.

### **Definitions**

*Contract and contract-like instrument* – an agreement between two or more parties creating obligations that are enforceable or otherwise recognizable at law. This definition includes, but is not limited to, a mutually binding legal relationship obligating one party to furnish services (including construction) and another party to pay for them. The term contract includes all contracts and any subcontracts of any tier thereunder, whether negotiated or advertised, including any procurement actions, lease agreements, cooperative agreements, provider agreements, intergovernmental service agreements, service agreements, licenses, permits, or any other type of agreement, regardless of nomenclature, type, or particular form, and whether entered into verbally or in writing.

*Contractor or subcontractor workplace location* – means a location where covered contract employees work, including a covered contractor workplace or Federal workplace.

*Covered contract* – means any contract or contract-like instrument that includes the clause described in Section 2(a) of the President signed [Executive Order 14042](#), Ensuring Adequate COVID Safety Protocols for Federal Contractors, (“the order”).

*Covered contractor* – means a prime contractor or subcontractor at any tier who is party to a covered contract, (also “NMC”).

*Covered contractor employee* – means any full-time or part-time employee of a covered contractor working on or in connection with a covered contract or working at a covered contractor workplace.

This includes employees of covered contractors who are not themselves working on or in connection with a covered contract.

*Covered contractor workplace* – means a location controlled by a covered contractor at which any employee of a covered contractor working on or in connection with a covered contract is likely to be present during the period of performance for a covered contract. A covered contractor workplace does not include a covered contractor employee’s residence.

*Fully vaccinated* – People are considered [fully vaccinated](#) for COVID-19 two weeks after they have received the second dose in a two-dose series, or two weeks after they have received a single-dose vaccine. People are considered fully vaccinated if they have received COVID-19 vaccines currently approved or authorized for emergency use by the U.S. Food and Drug Administration (Pfizer-BioNTech, Moderna, and Johnson & Johnson [J&J]/Janssen COVID-19 vaccines) or COVID-19 vaccines that have been listed for emergency use by the World Health Organization (e.g., AstraZeneca/Oxford). Clinical trial participants from a U.S. site who are documented to have received the full series of an “active” (not placebo) COVID-19 vaccine candidate, for which vaccine efficacy has been independently confirmed (e.g., by a data and safety monitoring board), can be considered fully vaccinated two weeks after they have completed the vaccine series. Currently, the Novavax COVID-19 vaccine meets these criteria. More information is available at the CDC website [here](#).

## **Requirements and Compliance Procedures**

1. Vaccination of covered contractor employees, except in limited circumstances where an employee is legally entitled to an accommodation

To ensure that covered NMC employees are fully vaccinated for COVID-19, NMC shall:

- Include this requirement in employment contracts
- Require certification and proof of vaccination by the first day of period of performance on a newly awarded covered contract, and by the first day of the period of performance on an exercised option or extended or renewed contract when the clause has been incorporated into the covered contract. Accepted documentation to prove vaccination status (one of the following): a copy of the record of immunization from a health care provider or pharmacy, a copy of the COVID-19 Vaccination Record Card (CDC Form MLS-319813\_r, published on September 3, 2020), a copy of medical records documenting the vaccination, a copy of immunization records from a public health or State immunization information system, or a copy of any other official documentation verifying vaccination with information on the vaccine name, date(s) of administration, and the name of health care professional or clinic site administering vaccine. NMC will also accept a digital copy of such records, including, for example, a digital photograph, scanned image, or PDF of such a record.
- Provide an accommodation to covered employees who communicate to NMC that they are not vaccinated against COVID-19 because of a disability (which would include medical conditions) or because of a sincerely held religious belief, practice, or observance. NMC will review and consider what, if any, accommodation it must offer. Requests for “medical accommodation” or “medical exceptions” will be treated as requests for a disability accommodation.

Should a federal agency have an urgent, mission-critical need for a covered contractor to have NMC employees begin work on a covered contract or at a covered workplace before becoming fully vaccinated, the agency head may approve an exception for the NMC. In the case of such limited exceptions, the NMC must ensure these covered NMC employees are fully vaccinated within 60 days of beginning work on a covered contract or at a covered workplace. The NMC must further ensure that such employees comply with masking and physical distancing requirements for not fully vaccinated individuals in covered workplaces prior to being fully vaccinated.

## 2. Masking and physical distancing while in covered contractor workplaces

NMC will ensure the following:

- All individuals, including NMC employees and visitors, comply with published CDC guidance for masking and physical distancing at a covered contractor workplace. Individuals who are not fully vaccinated wear a mask indoors and in certain outdoor settings (see below) regardless of the level of community transmission in the area. To the extent practicable, individuals who are not fully vaccinated should always maintain a distance of at least six feet from others, including in offices, conference rooms, and all other communal and workspaces. In covered contractor workplaces, individuals who are required to wear a mask will:
  - Wear appropriate masks consistently and correctly (over mouth and nose).
  - Wear appropriate masks in any common areas or shared workspaces (including open floorplan office space, cubicle embankments, and conference rooms).
  - For individuals who are not fully vaccinated, wear a mask in crowded outdoor settings or during outdoor activities that involve sustained close contact with other people who are not fully vaccinated, consistent with CDC guidance.
- accommodation is provided to covered contractor employees who communicate to the NMC that they cannot wear a mask because of a disability (which would include medical conditions) or because of a sincerely held religious belief, practice, or observance. NMC will review and consider what, if any, accommodation it must offer.

NMC will provide exceptions to mask wearing and/or physical distancing requirements consistent with CDC guidelines, for example, when an individual is alone in an office with floor to ceiling walls and a closed door, or for a limited time when eating or drinking and maintaining appropriate distancing.

NMC also may approve exceptions for covered contractor employees engaging in activities in which a mask may get wet; high intensity activities where covered contractor employees are unable to wear a mask because of difficulty breathing; or activities for which wearing a mask would create a risk to workplace health, safety, or job duty as determined by a workplace risk assessment. Any such exceptions must be approved in writing by NMC HR to ensure compliance with these Policies and Procedures at covered contractor workplaces, as discussed further below.

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

NMC will check the [CDC COVID-19 Data Tracker County View](#) website for community transmission information in all areas where they have a covered contractor workplace at least weekly to determine proper workplace safety protocols. When the level of community transmission in the area of a covered contractor workplace increases from low or moderate to substantial or high, NMC will put in place more protective workplace safety protocols consistent with published guidelines. However, when the level of community transmission in the area of a covered contractor workplace is reduced from high or substantial to moderate or low, the level of community transmission will remain at that lower level for at least two consecutive weeks before the covered contractor utilizes those protocols recommended for areas of moderate or low community transmission.

3. Designation of persons to coordinate COVID-19 workplace safety procedures at covered contractor workplaces.
  - **Alicia Smith**, Research Administrator II/LANL Projects Lead (“RA”) is responsible for providing HR with the names of covered contractor employees and, for each such employee, the start date of period of performance on an exercised option or extended or renewed contract when the COVID compliance clause has been incorporated into the covered contract.
  - **Svenja Ellison**, HR Generalist (“HRG”) is responsible for including COVID-19 vaccination requirements in new employment contracts with covered NMC employees, requesting and filing certifications of vaccination status along with acceptable proof of vaccination or processing requests of accommodations for covered NMC employees who are not vaccinated. HRG shall also ensure the covered NMC employees who began work on a covered contract or at a covered workplace before becoming fully vaccinated due to urgent need of Federal agency and with its written approval to do so, are fully vaccinated within 60 days of beginning work on a covered contract or at a covered workplace.
  - **Shannon Flynn**, Biosafety and Compliance Specialist (“BCS”) is responsible for monitoring changes in CDC and NM State guidance and on masking and physical distancing and community transmission information websites at least weekly and update the NMC COVID-19 safety protocols, such as masking, social distancing, reporting requirements and rapid response. BCS shall ensure that information on required COVID-19 workplace safety procedures is provided to covered NMC employees, and all other individuals likely to be present at covered contractor workplaces, including by communicating the required workplace safety protocols and related policies by email, websites, memoranda, flyers, or other means and posting signage at covered contractor workplaces that sets forth the requirements and workplace safety protocols in a readily understandable manner.