

Memorandum



Date November 5, 2020

To All Employees

From Patrick T. Warren, Chief Safety Officer

Paul Fama, Chief People Officer

Re MTA All Agency Updated Return to Duty Process & Travel/Leave Guidance due to COVID-19 Precautions

Effective immediately, this memo sets forth the policy applicable to all agencies' represented and non-represented employees unless otherwise noted herein, and updates the following MTA documents:

- (1) The April 17, 2020 Memo from the Chief Safety Officer, "MTA All Agency Return to Duty Process of COVID-19 Confirmed, Close or Proximate Contacts." The process has been updated below to reflect guidance from the May 31, 2020 New York Department of Health (NYDOH) "Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure," and advances in the availability of diagnostic testing.
- (2) The August 17, 2020 memo from the Chief People Officer, "Additional COVID-19 Related HR Guidance." The guidance has been updated to reflect the new October 31, 2020 New York State guidelines on travel.
- (3) The June 26, 2020 memo from the Chief People Officer, "New York/New Jersey/Connecticut Travel Advisory Order – Leave Usages".

This memo supersedes any prior memo to the extent that there is a conflict.

I. Return to Work After COVID Exposure/Screening:

A. Exposure Protocols:

In all cases, employees must contact their supervisor and follow established absence reporting procedures. If an employee is represented, they must also submit any prescribed documentation required under their Collective Bargaining Agreement (CBA).

- (1) **Positive COVID test, experiencing symptoms:** The employee must self-isolate at home and not come to work for at least 10 calendar days from the onset of symptoms. The employee should not come to work unless they have been without a fever for 72 hours (without the use of fever reducing medicine).
- (2) **Positive COVID test, asymptomatic:** The employee must self-isolate at home and not come to work for at least 10 calendar days from the date of the test.

- (3) **Positive COVID test and asymptomatic at the time, but develops symptoms later:** If an employee initially is asymptomatic and then develops symptoms, they should self-isolate at home for 10 days after the onset of symptoms. The employee should not come to work unless they have been without a fever for 72 hours (without the use of fever reducing medicine).
- (4) **Close contact¹ with a confirmed infected person and now experiencing symptoms:** may return to work upon completing at least 10 days of isolation from the onset of symptoms. Employee should not come to work unless they have been without a fever for 72 hours (without the use of fever reducing medicine).
- (5) **Close contact with a confirmed infected person and remain asymptomatic:** Employees who are able to perform their regular work duties from home should do so for a minimum of 10 days from the date of contact. Employees whose work duties do not allow them to work productively from home should self-isolate at home for 4 calendar days from the date of contact and be tested for COVID-19 on day 4. Please visit the [MY MTA portal](#) to get the latest testing information and schedule an appointment. For essential employees, if the test is negative and the employee has no symptoms, the employee’s supervisor can direct the employee to return to the workplace immediately after receiving the negative result if the following protocols are observed for the 7 calendar day period following the employee’s return to work:
 - a. The employee must self-monitor their temperature for a temperature greater than or equal to 100.0 degrees Fahrenheit every 12 hours and symptoms consistent with COVID under the supervision of Occupational Health Services (“OHS”).²
 - b. The employee must wear a face mask at all times, comply with social distancing policies, and the workplace will be regularly cleaned and disinfected.
 - c. While not at work, the employee should self-monitor for fever and other COVID symptoms.
- (6) **Employee Sent Home With Fever:** Employees sent home by MTA when a fever (of 100.0 or more) is detected at a screening should be advised that they have up to 3 days to get tested and provide results with a rapid test. Please visit the [MY MTA portal](#) to get the latest testing information and schedule an appointment. Employees should call their healthcare provider for evaluation and report results to the hotline.

B. Use of Leave for Above Exposure Scenarios

- (1) **Asymptomatic Employees Sent Home by MTA due to contact with verified COVID positive person at work (item I.A.(5) above):**

Employees may telecommute if their job duties allow and their supervisor approves. For employees that are not able to telecommute, as set forth in the Chief People Officer’s April 24, 2020 memo, MTA employees have up to 14 calendar days of Administrative Leave to use for various COVID related situations, including being asymptomatic and sent home MTA due to exposure with a verified COVID positive individual at work.

¹ Close contact refers to being within 6 feet of an infected person for at least 10 minutes during the period starting from 48 hours before onset of symptoms or the date of a positive test (whichever is earlier) until that time the person was isolated.

² Employees should call the MTA COVID Hotline and choose option 1 to report temperature and symptoms.

If any employee has exhausted their 14 calendar days of Administrative Leave and is sent home asymptomatic by MTA due to contact with a verified COVID positive person at work, they will be granted an additional 7 calendar days of Administrative Leave to use in connection with self-isolating for three days, obtaining a COVID test on day 4, and self-isolating while awaiting results of the test.

Once Administrative Leave is exhausted, employees who remain asymptomatic may use any leave days (sick, vacation, or personal – for example) available.

At their sole discretion, an agency may advance leave balances in the form of vacation days (maximum of 10 days) if the employee exhausts all available leave balances.

(2) Employees sent home with a fever (item I.A.(6) above):

During the 3 days that the employee must get a rapid COVID test and results, MTA will cover the employee's time with Administrative Leave even if the employee has exhausted their Administrative Leave balance. Please visit the [MY MTA portal](#) to get the latest testing information and schedule an appointment. If negative, the employee may report to work. If positive, the employee may be eligible for EPLSA or other leave.

(3) Employees with symptoms or positive test:

Employees with symptoms/a positive COVID test may be eligible for ESPLA or other leave as set forth in the April 24, 2020 memo from the Chief People Officer.

III. Return to Work After Travel/Use of Leave

The following applies to asymptomatic employees only (those with symptoms may qualify for EPSLA, as set forth in Chief People Officer Paul Fama's April 24, 2020 memo). The guidance in this section applies to all agencies' non-represented employees and represented employees, including all "essential employees", with the exception of MTA Police and MTA C&D personnel, who may be required to follow different procedures based on operational necessity.

A. International Travel:

Employees must self-isolate for 14 calendar days upon return from the destination that is a CDC Level 2 or Level 3 country. Please check the status of a country at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notice.html>

If employees who are required to self-isolate after international travel are able to telecommute with approval of their supervisor, telecommuting is allowed for the 14 calendar days. If employees are not able to telecommute, they must use their leave balances to cover the applicable work days during their required 14 calendar day self-isolation. Employees may use any available type of leave day (sick, personal, OR vacation – for example) to cover the self-isolation period.

Using Administrative Leave for international travel related reasons due to exceptional circumstances may be considered on a case by case basis, which is in the discretion of the Agency HR Lead.

B. Travel from U.S. States Not Contiguous With New York:

Every New York State (NYS) resident must fill out an on-line NYS Traveler's Health Form found at <https://forms.ny.gov/s3/Welcome-to-New-York-State-Traveler-Health-Form> when they depart the state for travel. There can be a \$2,000 fine for residents that do not fill out this on-line form.

For non-essential domestic travel to states other than New Jersey, Massachusetts, Vermont, Connecticut and Pennsylvania,³ employees must either (a) self-isolate and not come to work for 14 calendar days upon return to New York or their state of residence **or** (b) follow the below testing protocol to return to work sooner than 14 calendar days.

As set forth in the NYDOH guidance available at <https://coronavirus.health.ny.gov/covid-19-travel-advisory>, employees and residents can reduce the quarantine period to 4 days by following these instructions:

For employees who were in a state other than NJ, MA, VT, CT or PA for more than 24 hours for personal reasons:

- Employees must obtain a COVID test within 3 calendar days of departure from the other state⁴;
- The employee, upon arrival in New York (NY) or their state of residence, must self-isolate for 3 calendar days and not come to work. During this time, the employee may telecommute if their job duties allow and their supervisor approves.
- On day 4 of their self-isolation, employees must obtain another COVID test. If both tests are negative, the employee may return to work. Please visit the [MY MTA portal](#) to get the latest testing information and schedule an appointment. Employees should also call the MTA COVID Hotline and report the results of their tests.
- During the time the employee is self-isolating and waiting for tests results, employees may use any available type of leave day (sick, personal, OR vacation – for example) to cover the period of time they are out of work if they are not able to telecommute.

For employees who were in a state other than NJ, MA, VT, CT or PA for less than 24 hours for personal reasons:

³ Employees who live in DE or MD should telecommute to the extent that their job duties permit, with the permission of their supervisor. If employees residing in these states are not able to telecommute in order to do their job, those employees should come to work as long as they are not experiencing COVID symptoms and have not been in contact with a verified COVID-positive individual. These employees are encouraged to take advantage of any voluntary testing program offered by MTA to monitor their health. They must observe all safety protocols, monitor their temperature on a daily basis, and while they are in their home state, follow all state and local guidelines for avoiding COVID transmission (such as avoiding large gatherings, hand washing, and social distancing). If an employee resides in a state other than MD or DE, and must come to work to do their job, they should contact Human Resources beforehand.

⁴ If an employee was in the other state for more than 24 hours, but less than 3 calendar days, this requirement is not applicable

- Employees do not need to get a test prior to their departure from the other state, and do not need to self-isolate upon arrival in NY or their state of residence. They may return to work immediately.
- However, employees must fill out a New York State Traveler Health Form upon their return and take a COVID diagnostic test on day 4 after their return to NY or their state of residence. Employees should call the MTA COVID Hotline and report the results of their tests.

Employees are reminded that New York State requires completion of a traveler form. See <https://coronavirus.health.ny.gov/covid-19-travel-advisory> Employees are required to comply with all applicable state regulations/rules concerning travel.

If an employee chooses not to follow the testing protocol described above with regard to personal travel, they must self-isolate for 14 calendar days and not come to work. If they are able to telecommute because their job duties permit it and their supervisor has agreed, they may, but if not, they must use their leave balances to cover the applicable work days during the 14 calendar days they are required to self-isolate. Employees may use any available type of leave day (sick, personal, OR vacation – for example) to cover the self-isolation period. And, using Administrative Leave for travel related exceptional circumstances will be considered on a case-by-case basis, at the discretion of the Agency HR Lead.