




U.S. Department of Justice
Federal Bureau of Prisons

FEB 25 2021

MEMORANDUM FOR ALL CHIEF EXECUTIVE OFFICERS

FROM:


M. D. Smith, Assistant Director
Health Services Division

SUBJECT:

Mandatory Use of Face Covering for BOP Staff

On August 24, 2020, the agency issued the updated Mandatory Use of Face Coverings for BOP Staff memorandum, which required the use of masks in common areas, outlined mask availability, and enforcement procedures. This memorandum updates those expectations based on the Office of Management and Budget memorandum, COVID-19 Safety Federal Workplace: Agency Model Safety Principles, dated January 24, 2021 (M-21-15) and the Acting Attorney General memorandum, Protecting the Federal Workforce and Additional Guidance Regarding Coronavirus Disease 2019 (COVID-19), dated January 26, 2021.

Effective immediately, all BOP staff will be required to wear face coverings in all common areas (e.g. conference rooms, staff break rooms) and *outdoors* when physical distancing cannot be maintained. Individuals may remove a face covering when working alone in a private office, with floor to ceiling walls and closed door, or outdoors where social distance can be maintained. Staff are expected to maintain a physical distance of *at least* six feet, even with a mask on, wherever feasible. Staff may also need to lower their face coverings in order to pass through security checkpoints and for a limited time while eating and drinking.

As a reminder, masks must cover the nose and mouth, fit snugly around nose and chin, with no large gaps on the side of the face, and made of a breathable, tightly woven, fabric. Masks with ventilation valves, neck gaiters, and bandanas *are not* permitted. Face shields in lieu of masks are not permitted.

Individuals who cannot wear a face covering for medical reasons may request a reasonable accommodation and submit supporting medical documentation. Management will evaluate all potential effective solutions through the interactive process including, a temporary job modification, Leave without Pay (LWOP), or sick leave for the duration of the need to require face coverings during this pandemic.

If an employee refuses to wear a face covering, he or she should be provided a direct order to wear the face covering in accordance with the guidance provided above. If the employee fails to follow a direct order, the individual should be referred to the Office of Internal Affairs for misconduct. The employee may request annual leave or LWOP and if approved, may use such until such time that they comply with the requirement to wear the face covering or the conclusion

of this public health emergency. If they refuse to request leave, the supervisor may enforce annual leave after consultation with the local Human Resources office.

If you or your staff have any questions about this guidance, please forward any inquiries to the Employment Law Branch.