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1. MATERIAL CHANGES

- 1.1. Item 5.4: definition for Exposure or Exposed expanded to include “without the employee wearing Personal Protective Equipment.”
- 1.2. Item 5.8: definition added for Personal Protective Equipment.
- 1.3. Item 5.9: definition of Proof of Vaccination added to clarify the two options for an employee to provide proof of vaccination.
- 1.4. Item 7.5 is new language on harassment and discrimination related to vaccination status.
- 1.5. Previous item 7.6 removed: content regarding New Mexico’s Red to Green framework.
- 1.6. Item 8.1.C.3: new language added: “. . . without having completed the Quarantine requirements in Section 8.4 below . . .”
- 1.7. Previous Item 8.2.C removed: content regarding out-of-state travel.
- 1.8. Items 8.2 C and D have been modified to ease mask wearing and social distancing requirements for vaccinated employees, provided the employee provides proof of vaccination to the HR office.
- 1.9. Item 8.2 D also clarifies that social distancing may not be required to allow the employee to perform documented duties.
- 1.10. Item 8.2.F: language added: “. . . except when sharing equipment is required for an employee to perform documented job duties.”
- 1.11. Item 8.3 includes language that specifies only vaccination status (not actual proof) shall be shared with an employee’s supervisor to ensure compliance with the policy.
- 1.12. Item 8.6: “Proof of Vaccination” replaces “COVID-19 vaccination.
- 1.13. Item 8.6: new language added: “. . . Tax & Rev may also accept submissions of Proof of Vaccination from Fully Vaccinated employees who choose not to wear masks or maintain Social Distancing in Tax & Rev buildings as permitted by Sections 8.2(C) and 8.2(D) above.”
- 1.14. Item 8.8: new language added: “An employee’s vaccination status (but not the actual Proof of Vaccination) can be shared with the employee’s supervisors to determine compliance with this Policy and Procedure.”

2. PURPOSE

- 2.1. Tax & Rev's goal is to return its employees to their designated workplace safely while minimizing the risk of its employees contracting COVID-19. This Policy and Procedure provides direction and guidance to employees accordingly.
- 2.2. Tax & Rev is requiring its employees to follow a COVID-19 Symptoms and Exposure Self-Screening Procedure and COVID-19 Safe Practices to reduce the possibility of COVID-19 transmission in our buildings and facilities. The COVID-19 Symptoms and Exposure Self-Screening Procedure and COVID-19 Safe Practices are set out below.
- 2.3. If any provision of this Policy and Procedure is in conflict with a provision of an applicable Collective Bargaining Agreement (CBA), the CBA shall control.

3. ORGANIZATION AFFECTED

- 3.1. This policy and these procedures apply to all TRD employees.

4. AUTHORITY

- 4.1. Sections 9-11-1 through 9-11-13, as amended. NMSA 1978.

5. DEFINITIONS

- 5.1. **Close Contact:** Within six feet for a cumulative total of 15 minutes or more over a 24-hour period. Wearing a mask or cloth face-covering does not affect the definition for Close Contact.
- 5.2. **COVID-19 Infectious Period:** For people COVID-19 positive with COVID-19 Symptoms, the Infectious Period starts two days before symptoms begin and extends 10 days after symptoms begin, provided there has been no fever for at least 24 hours without using fever-reducing medicines and symptoms have resolved or improved; for people COVID-19 positive without COVID-19 Symptoms, the Infectious Period starts two days before the date of their test and extends 10 days after the date of their test.
- 5.3. **COVID-19 Symptoms:** Fever (temperature of 100.4 degrees Fahrenheit or more), chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose (not related to known seasonal allergies), nausea or vomiting, or diarrhea.
- 5.4. **Exposure or Exposed:** Close Contact with a person with laboratory-confirmed COVID-19 during their COVID-19 Infectious Period, without the employee wearing Personal Protective Equipment.
- 5.5. **Fully Vaccinated:** Two weeks or more have elapsed following the receipt of one dose of a single-dose vaccine or following the receipt of the second dose of a two-dose vaccine.
- 5.6. **HRB:** Tax & Rev Human Resources Bureau.
- 5.7. **Isolation and Quarantine:** Both Isolation and Quarantine are public health terms that refer to someone being physically separated from other people to prevent the spread of COVID-19. Isolation separates people who have tested positive for COVID-19 (with or without symptoms) from people who are not sick or COVID-19 positive. Quarantine separates and restricts the movement of people who were exposed or had Close Contact with someone who tested positive to COVID-19 to monitor if they become sick.

- 5.8. **Personal Protective Equipment:** At minimum, a mask, eye protection, gloves, and isolation gown. Tax & Rev has discretion to require employees providing direct care to COVID-19 positive persons to wear additional forms of personal protective equipment. Tax & Rev will provide training in the proper use of Personal Protective Equipment it requires its employees to use.
- 5.9. **Proof of Vaccination:** Proof of COVID-19 vaccination in the form of a CDC vaccine card or a vaccine record from the New Mexico Statewide Immunization Information System. (https://nmsiis.health.state.nm.us/webiznet_nm_public/Application/PublicPortal), which indicates the name of the vaccine recipient, the date(s) the vaccine was received, and which COVID-19 vaccine was received.
- 5.10. **Social Distancing:** Maintaining a distance of at least six feet between individuals to limit the spread of COVID-19. Wearing a mask or cloth face-covering does not affect the definition for Social Distancing.
- 5.11. **Telework:** means a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the employee's assigned position location, during any part of regular, paid hours, including from an employee's residence.

6. REFERENCES

- 6.1. New Mexico Department of Health (NMDOH), Policies for the Prevention and Control of COVID-19 in New Mexico (May 11, 2021): <https://cv.nmhealth.org/wp-content/uploads/2021/05/EPI-COVID19-Containment-Policies-5.11.2021.pdf>
- 6.2. NMDOH COVID-19 website: <https://cv.nmhealth.org>
- 6.3. Centers for Disease Control and Prevention (CDC), Discontinuation of Isolation for Persons with COVID-19 Not in Healthcare Settings, Interim Guidance (updated February 18, 2021): <https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html>
- 6.4. CDC, How to Protect Yourself & Others (updated March 8, 2021): <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>
- 6.5. CDC, Interim Public Health Recommendations for Fully Vaccinated People (updated May 28, 2021): <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>
- 6.6. CDC, Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (revised June 9, 2021): https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html#PPE_table
- 6.7. U.S. Equal Employment Opportunity Commission (EEOC), What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws (updated December 16, 2020): <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>
- 6.8. EEOC, Pandemic Preparedness in the Workplace and the Americans with Disabilities Act (updated March 21, 2020): <https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>

7. POLICY

- 7.1. Tax & Rev will take proactive steps to protect its employees and minimize the spread of COVID-19.
- 7.2. Completing the COVID-19 Symptoms and Exposure Self-Screening is mandatory for Tax & Rev employees each day they plan to enter a Tax & Rev or State building or facility.
- 7.3. Following COVID-19 Safe Practices is mandatory for Tax & Rev employees when they are in a Tax & Rev or State building or facility.
- 7.4. Any employee who fails to adhere to the COVID-19 Symptoms and Exposure Self-Screening Procedure, the COVID-19 Safe Practices, or any other provision of the Policy or Procedure set forth herein may be subject to disciplinary action, up to and including dismissal.
- 7.5. Any employee who harasses or discriminates against another employee due to the employee's mask-wearing or vaccination status in violation of Tax & Rev's Anti-Harassment Policy may be subject to disciplinary action, up to and including dismissal.
- 7.6. Tax & Rev shall work toward adopting applicable COVID safe building guidance and procedures as recommended by the New Mexico Environment Department (NMED), Occupational Health and Safety Bureau (NM OSHA) found here: https://www.env.nm.gov/occupational_health_safety/wp-content/uploads/sites/18/2020/03/OSHA-COVID19-publication.pdf. Tax & Rev shall publish measures that ensure air ventilation standards are maintained.

8. PROCEDURES

Mandatory COVID-19 Symptoms and Exposure Self-Screening.

- 8.1. Prior to coming to work or entering State buildings, all employees shall complete the COVID-19 Symptoms and Exposure Self-Screening (Self-Screening). The Self-Screening consists of three questions about an employee's COVID-19 status, COVID-19 Symptoms, and COVID-19 Exposure, which are based on recommendations from the CDC and the NMDOH with the goal of preventing infection in the workplace and minimizing the spread of COVID-19. Employees are not required to submit their answers to their Tax & Rev, but are required to be accurate and truthful in their self-assessment.
 - A. *Self-Screening Questions.*
 1. Have you tested positive for COVID-19 in the last 10 days?
 2. Have you experienced any COVID-19 Symptoms in the past 48 hours?
 3. Have you been Exposed to COVID-19 in the last 14 days?
 - B. *Analysis of Self-Screening Results.*
 1. **Employees may not come to work or enter any State building** if they answer yes to questions 1 or 2 (Section 8.1(A)), i.e.:
 - Yes, positive COVID-19 test in the last 10 days, or
 - Yes, COVID-19 Symptoms in the last 48 hours.
 2. **Employees may not come to work or enter any State building** if they answer yes to question 3 (Section 8.1(A)) and are not Fully Vaccinated, i.e.:

- Yes, COVID-19 Exposure in the last 14 days, and
 - Not Fully Vaccinated.
3. **Employees *may* come to work and enter State buildings** if they answer ‘no’ to questions 1, 2, and 3 (Section 8.1(A)), i.e.:
- No positive COVID-19 test in the last 10 days,
 - No COVID-19 Symptoms in the past 48 hours, and
 - No COVID-19 Exposure in the last 14 days.
4. **Employees *may* come to work and enter State buildings** if they answer no to question 2 and yes to question 3 (Section 8.1(A)) and are Fully Vaccinated, i.e.:
- No COVID-19 Symptoms in the last 48 hours,
 - Yes, COVID-19 Exposure in the last 14 days, and
 - Yes, Fully Vaccinated.

C. *When Employee May Not Enter State Building.*

1. When an employee’s Self-Screening indicates they may not come to work or enter a State building:
 - The employee shall contact their supervisor immediately to indicate they did not pass their Self-Screening. The employee shall also follow Tax & Rev’s established call-in procedure.
 - The employee shall follow the *Isolation and Quarantine Instructions* in Section 8.4 below.
 - The employee should request permission to Telework (unless they are too sick to do so). An employee who is unable to Telework or too ill to Telework may contact HRB to ask if they are eligible for COVID-19-Related Conditions Leave.
 - The employee should contact NMDOH at 1-855-600-3453 or their healthcare provider to discuss their Screening responses and testing for COVID-19. If an employee does not pass their Self-Screening, Tax & Rev strongly recommends they get tested for COVID-19. Test sites can be found at: <https://cv.nmhealth.org/public-health-screening-and-testing>. The at-home test (through Vault Health) can be ordered at: <https://learn.vaulthealth.com/nm>.
2. Any employee who comes to work or enters a State building while COVID-19 positive, within 10 days of testing COVID-19 positive, while experiencing COVID-19 Symptoms, or within 48 hours of experiencing COVID-19 Symptoms shall be sent home immediately and may be subject to discipline, up to and including dismissal.
3. Any employee who is not Fully Vaccinated and comes to work or enters a State building within 14 days of a known COVID-19 Exposure without having completed the Quarantine requirements in Section 8.4 below shall be sent home immediately and may be subject to discipline, up to and including dismissal.

D. *Additional Agency Screening*

1. It is within an agency's discretion to require its employees to record and submit their answers to the COVID-19 Symptoms and Exposure Self-Screening questions. If an agency collects employees' COVID-19 Symptoms and Exposure Screening responses and results, the Americans with Disabilities Act (ADA) requires that the agency treat such Screening responses and results as confidential medical information and maintain them separately from the employees' personnel files.
2. An agency is permitted to administer COVID-19 Symptoms and Exposure Screening to clients, customers, and other members of the public who seek to enter the agency's buildings. It is recommended that an agency maintain any Screening responses and results from members of the public for contact-tracing purposes for 20 days. During any period of time an agency maintains Screening responses and results from members of the public, it shall treat those responses and results as confidential medical information. An agency should not ask clients, customers, or other members of the public seeking to enter the agency's buildings if they are vaccinated.

8.2 ***COVID-19 Safe Practices.***

All employees shall take the following steps to reduce the transmission of COVID-19 in the workplace:

- A. *COVID-19 positive or COVID-19 Symptoms.* **Do not** report to work or request to come to work if you are COVID-19 positive, if you received a COVID-19 positive test in the last 10 days, if you are experiencing COVID-19 Symptoms, or if you have experienced COVID-19 Symptoms in the last 48 hours. Call your supervisor and follow the *Isolation and Quarantine Instructions* in Section 8.4 below.
- B. *COVID-19 Exposure.* **Do not** report to work or request to come to work if you have been Exposed to COVID-19 and are not Fully Vaccinated. Call your supervisor and follow the *Isolation and Quarantine Instructions* in Section 8.4 below.
- C. *Wearing Masks.* Employees who are not Fully Vaccinated must wear face masks or cloth face-coverings in all common areas while in a Tax & Rev building. Masks must be well-fitted and cover both your mouth and nose. Tax & Rev will provide disposable masks to employees as necessary. Fully Vaccinated employees may choose not to wear face masks or cloth face-coverings while in Tax & Rev buildings, including in common areas and while sitting with other Fully Vaccinated employees in an enclosed space, provided they have submitted Proof of Vaccination to Human Resources and have received confirmation that Human Resources accepted their Proof of Vaccination. Any employee who fails to wear a face mask or cloth face-covering without first submitting Proof of Vaccination shall be directed to put on a face mask or cloth face-covering immediately and may be subject to discipline, up to and including dismissal. All employees may remove masks when sitting alone inside an office or a cubicle that allows for Social Distancing.

- D. *Social Distancing.* Employees who are not Fully Vaccinated must maintain 6 feet distance from other employees, clients, and customers at all times while inside a Tax & Rev building, except when less distance is required for an employee to perform documented job duties. Fully Vaccinated employees may choose not to follow the Social Distancing requirement, provided they have submitted Proof of Vaccination to Human Resources and have received confirmation that Human Resources accepted their Proof of Vaccination. Any employee who fails to maintain Social Distancing without first submitting Proof of Vaccination shall be directed to follow the Social Distancing requirement immediately and may be subject to discipline, up to and including dismissal.
- E. *Avoid Using Others' Equipment.* Employees should avoid using other employees' phones, desks, offices, keyboards, mice, or other work tools and equipment, whenever possible, except when sharing equipment is required for an employee to perform documented job duties. Clean and disinfect hands and the equipment before and after use. Tax & Rev will supply hand sanitizer, soap, and appropriate cleaning materials to employees as necessary.

8.3. **COVID-19 Best Practices.**

It is strongly recommended that all employees take the following additional steps to reduce the transmission of COVID-19 in the workplace:

- A. *Clean Hands.* Employees should wash their hands often with soap and water for at least 20 seconds, especially after they have been in a public place, or after blowing their nose, coughing, or sneezing. If soap and water are not readily available, employees should use a hand sanitizer that contains at least 60% alcohol to cover all surfaces of their hands and rub them together until they feel dry. Tax & Rev will supply hand sanitizer to employees as necessary.
- B. *Cover Mouth and Nose.* Employees should cover their mouth and nose with a tissue when coughing or sneezing or use the inside of their elbow.
- C. *Avoid Touching Face.* Employees should avoid touching their face, nose, mouth, and eyes.
- D. *Clean and Disinfect.* Employees should clean and disinfect frequently touched objects and surfaces in their office or workstation, including phones, keyboards, mice, doorknobs, and handrails. Tax & Rev will supply appropriate cleaning materials to employees as necessary.

Isolation And Quarantine Instructions

8.4. ***If Not Fully Vaccinated.***

- A. If an employee has not been Fully Vaccinated and does not pass the COVID-19 Symptoms and Exposure Self-Screening, they must follow the Isolation and Quarantine Instructions provided in the chart on the next page (page 8).

Isolation and Quarantine Instruction Chart

Please read each question carefully!

If an employee has not been vaccinated and answers **yes**, they must follow instructions in **red**.

1. Did you receive a COVID-19 positive test in the last 10 days?

If you answered YES to Question #1:
If COVID-19 positive and no COVID-19 symptoms, isolate for 10 days from test date;
If COVID-19 positive and experiencing COVID-19 symptoms, isolate for 10 days from symptom onset and until at least one day has passed without a fever and without fever-reducing medications and your symptoms have improved.

2. Have you experienced any of the following COVID-19 symptoms in the past 48 hours that are inconsistent with an existing diagnosis?

- ✓ Fever (100.4 degrees Fahrenheit or more)
- ✓ Chills
- ✓ Cough
- ✓ Shortness of breath or difficulty breathing
- ✓ Fatigue
- ✓ New loss of taste or smell
- ✓ Congestion or runny nose (not related to your known seasonal allergies)
- ✓ Muscle or body aches
- ✓ Headache
- ✓ Sore Throat
- ✓ Nausea or vomiting
- ✓ Diarrhea

If you answered YES to Question #2:
You are encouraged to get tested. Contact HRB to discuss leave options for COVID-19 testing. Test sites can be found at: <https://cv.nmhealth.org/public-health-screening-and-testing>. The at-home test (through vault health) can be ordered at: <https://learn.vaulthealth.com/nm>.
If you do not test, isolate for 10 days from symptom onset and until at least one day has passed without a fever and without fever-reducing medications and your symptoms have improved.
If you do test, isolate while awaiting test results, then:

- **If positive test**, isolate for 10 days from symptom onset and until at least one day has passed without a fever and without fever-reducing medications and your symptoms have improved;
- **If negative test and not exposed** to anyone with COVID-19, return to work or take personal leave if too sick to work; or
- **If negative test and exposed** to someone with COVID-19, follow instructions for Question #3 below.

If you can telework, you must telework while you Quarantine or Isolate. If you are unable or too ill to telework, you may be eligible for COVID-19-Related Conditions Leave.

3. Have you been exposed to COVID-19 in the last 14 days?

If you answered YES to Question #3:

- **You are encouraged to get tested.** Contact HRB to discuss leave options for COVID-19 testing. Test sites can be found at: <https://cv.nmhealth.org/public-health-screening-and-testing>. The at-home test (through vault health) can be ordered at: <https://learn.vaulthealth.com/nm>.

If you do not test, quarantine 10 days from date of your first Close Contact with COVID-positive person. If you develop COVID-19 Symptoms, follow instructions for Questions #1 and #2 above.

If you do test, quarantine while awaiting test results, then:

- **If positive test and no COVID-19 symptoms**, quarantine 10 days from test date;
- **If positive test and experiencing COVID-19 symptoms**, isolate 10 days from symptom onset and until at least one day has passed without a fever and without fever-reducing medications and your symptoms have improved; or
- **If negative test**, quarantine 10 days from date of your first Close Contact with COVID-positive person.

If you can telework, you must telework while you quarantine or isolate. If you are unable or too ill to telework, you may be eligible for COVID-19-Related Conditions Leave.

- B. Any employee who is not Fully Vaccinated and works in a congregate setting, such as a long-term care facility, an assisted living facility, a detention center, or a shelter, or works for the New Mexico Corrections Department must follow the Isolation and Quarantine Instructions above, except that those employees must Quarantine for 14 days following an Exposure to a person with COVID-19.

8.5. *If Fully Vaccinated.*

For employees who are vaccinated against COVID-19 and who were Exposed to COVID-19, Quarantine is NOT required, if they meet the following criteria:

- A. They are Fully Vaccinated; *and*
- B. They have remained asymptomatic since the current COVID-19 Exposure.

If both of the above criteria have not been met, the employee needs to Quarantine as directed in Sections 8.4 (A) and (B).

Proof of Vaccination

- 8.6. Tax & Rev may require an employee to provide Proof of Vaccination if the inquiry is job-related and consistent with business necessity. For example, Tax & Rev may require Proof of Vaccination to determine an employee's appropriate Quarantine practice following a COVID-19 Exposure, to determine whether an employee may travel out-of-State for work, or to determine whether an employee can carpool with other employees in a State vehicle. Tax & Rev may also accept submissions of Proof of Vaccination from Fully Vaccinated employees who choose not to wear masks or maintain Social Distancing in Tax & Rev buildings as permitted by Sections 8.2(C) and 8.2(D) above.
- 8.7. Tax & Rev requests for proof of vaccination: (1) shall not elicit information about an employee's disability, (2) shall not ask why an employee did not receive a vaccination, and (3) shall warn the employee not to provide any medical information beyond the requested proof of receipt of COVID-19 vaccination.
- 8.8. An employee's Proof of Vaccination shall be treated as confidential medical information and will be maintained by Human Resources separately from the employee's personnel file. An employee's vaccination status (but not the actual Proof of Vaccination) can be shared with the employee's supervisors to determine compliance with this Policy and Procedure.
- 8.9. Any employee who provides inaccurate information or is untruthful about their vaccination status may be subject to discipline, up to and including dismissal.
- 8.10. For purposes of Section 8.4 herein, any employee who declines to provide vaccination status or proof of vaccination shall be treated as not Fully Vaccinated under this policy, shall not be eligible for COVID-19-Related Conditions Leave, and shall be required to utilize accrued annual or sick leave for any required Quarantine period.

COVID-19 Positive - Reporting Instructions

- 8.11. If an employee becomes aware that they are COVID-19 positive, they must report the positive test to their supervisor as soon as possible. This includes employees who are Teleworking.

- 8.12. The supervisor shall notify the Secretary and the Supervisor's Division Director within 30 minutes by email. This reporting requirement must be met even if the report is made after normal working hours or on a weekend.
- 8.13. The supervisor shall include the following information in the notification to the Secretary and the supervisor's Division Director:
 - 8.13.1. Name of employee that tested positive.
 - 8.13.2. The date the employee took the COVID-19 test.
 - 8.13.3. The date the employee tested positive.
 - 8.13.4. The last day the employee reported to the office, and what office or building area(s) the employee occupied or spent time in that day.
 - 8.13.5. The names of all employees that may have had Close Contact with the COVID-19 positive employee when they last reported to the office.

The information in the notice should be based on conversations with the COVID-19 positive employee.

An employee's COVID-19 positive status is confidential medical information, and the name of any COVID-19 positive employee shall be disclosed to the minimum extent necessary to maintain business operations and comply with reporting requirements.

- 8.14. The Secretary or the Division Director will report the case to the New Mexico Environment Department (NMED) within four hours of notification as described below.
- 8.15. The Secretary or the Division Director will notify employees who may have been Exposed. The notification will include the following:
 - 8.15.1. A report that the employees may have been Exposed to a COVID-19 positive employee.
 - 8.15.2. A request that employees who occupy exposed office space vacate or remain Teleworking until further notice to allow for cleaning.
 - 8.15.3. A note encouraging the employees to get a COVID-19 test and instructing the employees not to report to the office if they develop COVID-19 Symptoms or test COVID-19 positive.
- 8.16. Tax & Rev will coordinate a thorough cleaning of the exposed space before employees are allowed to return to the office.
- 8.17. The Secretary or Division Director will notify employees when they may return to the office.
- 8.18. Required NMED Protocol:
 - 8.18.1. On August 5, 2020, NMED filed an emergency amendment requiring employers to report COVID-19 positive cases in the workplace to the NMED Occupational Health and Safety Bureau within four hours of being notified of the case. The initial notification must be sent to NMENV-OSHA@state.nm.us and shall include:
 - A. Establishment name and address,

- B. Employer representative name and contact information (phone and email),
- C. Number of people employed at the location,
- D. Number of employees who tested COVID-19 positive,
- E. Date each COVID-19 positive employee was tested,
- F. Date and time employer was notified of the COVID-19 positive test(s),
- G. Last date each COVID-19 positive employee was in the establishment, and
- H. Date each COVID-19 positive employee began Quarantine.

ADA Reasonable Accommodation Related to COVID-19

8.19. If an employee with a disability or medical condition needs a reasonable accommodation related to COVID-19, including, but not limited to, related to COVID-19 risk, COVID-19 Safe Practices required herein, or COVID-19 long-haul syndrome, the employee shall contact their supervisor or HRB to initiate the reasonable accommodation process. An employee may request an accommodation verbally or in writing and should indicate that a workplace barrier removal is needed related to a medical condition. A reasonable accommodation can be requested at any time; however, the employee should initiate the reasonable accommodation process as soon as possible so that barrier removal solutions can be explored in a timely manner. (See also Attachment A, Disability Resources.)

Family And Medical Leave Act Leave Related to COVID-19

8.20. Pursuant to the federal Family and Medical Leave Act (FMLA) of 1993, 29 U.S.C. Section 2601 *et seq.*, as amended, and State Personnel Board Rule 1.7.7.12 NMAC, eligible State employees are entitled to a total of 12 weeks of unpaid, job-protected leave for serious health conditions that make the employee unable to perform the essential functions of the employee’s job, and to care for the employee’s spouse, domestic partner, child, or parent who has a serious health condition. COVID-19-related health conditions may qualify as serious health conditions under the FMLA. Employees with COVID-19-related health conditions should contact HRB to determine if FMLA leave may be available.

Update

8.21. This Policy and Procedure may be updated and supplemented by additional guidance as circumstances require. The Secretary will provide up-to-date information as it becomes available and encourage all supervisors to communicate regularly with their teams so that information is distributed and that questions are elevated, and can be answered, quickly.

9. ATTACHMENTS

9.1. Disability Resources

10. APPROVAL

10.1. Approved by:

Stephanie Schardin Clarke, Secretary

Date

Attachment A: Disability Resources

COVID-19 and the pandemic has had a unique impact on people with disabilities. To help employers, employees with disabilities, and Human Resources managers understand their rights and obligations, the following State agencies and organizations are available to provide technical assistance, resources, assistive technology, and information.

In addition, the U.S. Equal Employment Opportunity Commission offers answers to frequently asked questions about the workplace, COVID-19, and the rights of people with disabilities. The EEOC's guidance can be found here - <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>.

Southwest ADA Center

Toll-Free: 1-800-949-4232

Fax: 713-520-5785

Email: swdbtac@ilru.org

www.southwestada.org

*The Center is part of the ADA National Network funded by NIDILRR at the U.S. Department of Health & Human Services

NM Governor's Commission on Disability

491 Old Santa Fe Trail

Santa Fe, NM 87501-2753

Phone: 505-476-0412

Toll-free (in State only): 877-696-1470

Fax: 505-827-6328

Email: gcd@state.nm.us

<http://gcd.state.nm.us/>

*Serves NM with local offices in Albuquerque, Santa Fe

NM Commission for the Deaf and Hard of Hearing

505 Marquette Ave. NW, Suite 1550

Albuquerque, NM 87102

Direct Phone: 505-228-7710

Video Phone: 505-435-9319

Toll-free: 800-489-8536

Fax: 505-383-6533

<https://www.cdhh.state.nm.us/>

*Serves NM with local office in Albuquerque, Las Cruces

NM Commission for the Blind

2200 Yale Blvd. SE

Albuquerque, NM 87106

Phone: 505-841-8844

Toll-Free: 888-513-7958

<https://www.cfb.state.nm.us/>

*Serves NM with local offices in Alamogordo, Albuquerque, Farmington, Las Cruces, Las Vegas, Roswell, Santa Fe

NM Human Rights Bureau

The Bureau investigates claims of discrimination, including those based on disability, and provides mediation and training.

Toll Free (in NM): 1-800-566-9471

Phone: 505-827-6838

<https://www.dws.state.nm.us/Human-Rights-Information>

NM Developmental Disabilities Planning Council

625 Silver Avenue SW, Suite 100

Albuquerque, New Mexico 87102

Office: 505-841-4519

DDPC Fax: 505-841-4590

OOG Fax: 505-841-4455

<https://www.nmddpc.com/>

U.S. Equal Employment Opportunity Commission

Coronavirus and COVID-19 Information

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

Job Accommodation Network (JAN)

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