

## MANDATORY CORONAVIRUS DISEASE 2019 (COVID-19) TESTING PROGRAM FOR EMPLOYEES

1. **PURPOSE.** To revise VA Notice 22-06 with changes identified by the incorporated brackets. This notice is to establish a Department-wide Coronavirus disease 2019 (COVID-19) testing program for Department of Veterans Affairs (VA) employees. This notice supplements VA Handbook 5019, Employee Occupational Health Service, Part IV, Paragraph 3, Infectious Disease Management and is applicable to all VA employees, including employees of the Veterans Health Administration (VHA) covered by VHA Directive 1193.01, Coronavirus Disease 2019 Vaccination Program for Veterans Health Administration Health Care Personnel (HCP). This notice does not apply to employees of the Office of Inspector General (OIG), which administers a separate testing program for OIG employees.
2. **AUTHORITIES.**
  - a. Safer Federal Workforce Taskforce, [COVID-19 Workplace Safety: Agency Model Safety Principles](#).
  - b. [Executive Order 13991, Protecting the Federal Workforce and Requiring Mask-Wearing](#).
  - c. [5 C.F.R. Part 339, Medical Qualification Determinations](#).
  - d. [38 U.S.C. § 7421, Personnel administration: in general](#).
3. **POLICY.**
  - a. Under Secretaries, Assistant Secretaries and Other Key Officials with equivalent authority must establish and implement a mandatory COVID-19 testing program that requires all employees who are not fully vaccinated against COVID-19 undergo screening testing at least once per week.a
  - b. VA Administrations and Staff Offices shall be responsible for covering the cost of testing for their employees. Under Secretaries, Assistant Secretaries and Other Key Officials shall also provide guidance to employees on how to obtain testing kits.
  - c. VA Administrations and Staff Offices may utilize any COVID-19 viral test, such as a PCR or antigen test, that has been [authorized by the Food and Drug Administration](#) (FDA) to detect current infection.
  - d. [When required based on Centers for Disease Control and Prevention (CDC), Safer Federal Workforce Taskforce (SFWT), or other applicable guidance], employees who are not fully vaccinated will submit to weekly COVID-19 testing, wear a face mask, practice physical distancing and be subject to any other safety protocols as required in VA policy. Compliance with this policy is a requirement

and employees in violation of this policy may face [administrative] action up to and including removal from Federal service.

**[NOTE:** VHA health care facilities will continue to follow relevant regulations and guidance from the CDC, Centers for Medicare and Medicaid Services and Occupational Safety and Health Administration for health care settings].

- e. [VA Administrations and Staff Offices will follow and comply with testing and screening guidance as updated by the CDC, SFWT, or other authority. Currently, VA Administrations and Staff Offices must determine the appropriate mask wearing and screening testing and other safety protocols for a given non-health care facility or location by utilizing the CDC [county-level data](#) showing the COVID-19 Community Levels for the county in which the facility is located. When the COVID-19 Community Level is MEDIUM or HIGH in the county where a Federal non-health care facility is located, employees who are not fully vaccinated and who work onsite should undergo regular screening testing through their Administration/Staff Office screening testing program. This includes employees who do not work at a VA facility but who interact in person with members of the public as part of their job duties, such as safety inspectors. When the COVID-19 Community Level is LOW in the county where a Federal non-health care facility is located, screening testing is not required].

**[NOTE:** Where a locality establishes more protective COVID-19 safety protocols requirements, VA facilities within those localities must follow those requirements].

- f. Under Secretaries, Assistant Secretaries and Other Key Officials with equivalent authority shall implement their COVID-19 screening testing policy no later than 30 calendar days after publication of this notice.
- g. VA employees who travel on official business shall comply with applicable VA testing requirements.
- h. Employees may request [accommodation related to the] COVID-19 testing using procedures as outlined in VA policy. Accommodation requests require the supervisor to engage in the reasonable accommodation process. If the request is based on disability, this process must be completed in accordance with VA Handbook 5975.1. If the request is based on religion, the supervisor must consult with the religious accommodation advisor(s) for guidance in accordance with VA Directive 5975. While the accommodation request is pending, employees should follow all other mitigation measures (masking, physical distancing, etc.). VA Administrations and Staff Offices may consider the option for telework while the accommodation request for testing is pending.
- i. [When required based on CDC, SFWT or other applicable guidance], screening testing will occur at least weekly for individuals who must report onsite to a VA building or leased property to work or who interact in person with members of the public as part of their job duties (i.e., safety inspectors).

- j. Employees will provide a signed Request for and Authorization to Release Health Information (VA Form 10-5345) for their COVID-19 test information to be released to their supervisor. An employee's failure to provide the signed authorization may result in [administrative] action up to and including removal.
- k. Telework/Remote employees who are not fully vaccinated must be tested for COVID-19 no more than three days before reporting onsite to a VA building or leased property to work or undergo testing on the day of entry where available [and when required based on CDC, SFWT, or other applicable guidance]. Individuals tested on the same day of visiting a VA building or leased property can enter if they test negative for COVID-19. Such individuals must wear a mask, abide by physical distancing guidance and other local safety plans and rules.
- l. Testing should be conducted during the employee's basic tour of duty hours and only for the time necessary to obtain and administer the test. VA Administrations and Staff Offices must determine the amount of time to authorize employees to take to travel to the testing site (if travel is required), complete testing and return to work. Employees who require more than the authorized amount of time must document the reasons for the additional time.
- m. If, due to unforeseen circumstances, an employee is unable to obtain a test during basic tour of duty hours, the normal overtime hours of work rules apply with prior approval obtained.
- n. Employees may be eligible for reimbursement for costs related to travel to and from a testing site, in accordance with the Federal Travel Regulations and VA travel policy. Employees should speak with their finance office to determine reimbursement eligibility.
- o. Employees participating in a screening testing program are not limited in their ability to work onsite between tests, although they must comply with all relevant safety protocols (physical distancing, wearing face masks, etc.) [when required under CDC, SFWT or other applicable guidance].
- p. Employees who refuse to submit to the COVID-19 testing requirement, absent a [pending or approved] accommodation, will be subject to administrative action, up to and including removal from Federal service.
- q. In addition to pursuing any appropriate administrative action, Under Secretaries, Assistant Secretaries and Other Key Officials with equivalent authority or their designees may separately elect to bar the employee from the workplace for the safety of others pending resolution of any administrative action. Any decision to bar the employee should occur in consultation with the onsite security, local human resources office, and the Office of General Counsel. If an Under Secretary, Assistant Secretary or Other Key Official with equivalent authority or their designee bars an employee from the workplace, and the nature of the employee's work does not allow for it to be performed outside of the workplace

(i.e., telework), the employee must be placed on paid administrative leave until the question of the appropriate action is resolved, consistent with VA Handbooks 5011 and 5021. Administrative actions must also follow normal processes in VA policy, including following procedures outlined in collective bargaining agreements, to provide any required notice to the employee.

- r. Employees who are exhibiting symptoms, were exposed or in close contact to an individual with COVID-19, are part of a high-risk population or are concerned that they may have contracted the virus can request a test kit. Test kits will be provided to any employee who requests one for these purposes [provided there is sufficient supply]. Under Secretary, Assistant Secretary or Other Key Officials with equivalent authority shall develop appropriate testing procedures for any employee with exposure to a “suspected or confirmed positive” employee or visitor while at the worksite. VA Administrations and Staff Offices with in-house capabilities can provide testing at the worksite. Under Secretary, Assistant Secretary or Other Key Officials with equivalent authority shall determine and publish a process for employees to undergo COVID-19 diagnostic testing. Employees who refuse to test as required by applicable Administration or Staff Office policy for close contact or exposure, may be subject to administrative action up to and including removal from Federal service.
- s. COVID-19 testing will be tracked and monitored utilizing a VA information technology (IT) system.

#### 4. RESPONSIBILITIES.

- a. **Assistant Secretary for Human Resources and Administration/Operations, Security and Preparedness (HRA/OSP)**, in addition to the responsibilities in Para 4.b. below, shall:
  - (1) Serve as liaison to the Office of Management and Budget (OMB) to provide any reporting requirements for COVID-19 testing program data.
  - (2) Share any reporting requirements set forth by OMB with designated agency officials, collate and aggregate any testing data to submit to OMB.
  - (3) Establish internal reporting requirements needed to evaluate COVID-19 testing rates within VA, including the determination of all aggregate metrics for which Under Secretaries, Assistant Secretaries, Other Key Officials, Deputy Assistant Secretaries (or equivalent) will evaluate the COVID-19 testing program.
  - (4) Coordinate information sharing and actions with VA leadership and Interagency partners.

b. **Under Secretaries, Assistant Secretaries and Other Key Officials with equivalent authority** shall:

- (1) Establish, administer and monitor compliance with a COVID-19 testing program for employees under their jurisdiction.
- (2) Identify Designated Agency Officials (DAO) to provide oversight to administer the provisions of this policy and monitor compliance. [DAOs will review COVID-19 Community Levels once a week to implement any changes to local facility/office safety protocols due to any changes in the COVID-19 Community Levels].
- (3) Except as otherwise specifically set out in this notice, this authority may be redelegated to subordinate officials with whatever limitations are deemed necessary to ensure proper exercise of authority.
- (4) Ensure that all aspects of this notice are implemented within their respective organizations.
- (5) Ensure all employees are notified of the requirement to participate in the testing program as described in this notice.
- (6) Address non-compliant employees, in conjunction with the supervisor, human resources/human capital management officer, and the Office of the General Counsel as necessary.

c. **[VA] Chief Human Capital Officer** shall:

- (1) Advise the Assistant Secretary for HRA/OSP, Under Secretaries, Assistant Secretaries, and Other Key Officials with equivalent authority on the policies and procedures in this notice.
- (2) Communicate guidance to human resources offices on testing program requirements.

d. **Administration and Staff Office Human Resources Officers (HRO)/Human Capital Management (HCM)** shall:

- (1) Provide notification to all employees and prospective employees of the requirement to participate in the testing program and comply with the procedures outlined in this notice and in Administration and Staff Office policy.
- (2) The HRO/HCM shall provide no less than two such notifications to employees within two weeks after publication of this notice, including that employees in violation of this requirement may face administrative action up to and including removal from Federal service.

- (3) Provide advice and guidance on addressing non-compliant employees, in conjunction with the supervisor and District Counsel as necessary.
  - (4) Use the Automated Labor and Employee Relations Tracker (ALERT-HR) to process and track all written counselings, disciplinary actions and adverse actions, to include appeals, resulting from the failure to comply with the requirements of this notice.
  - (5) Comply with all procedures and requirements associated with accommodation requests (i.e., records retention).
- e. **Designated Agency Official(s) (DAO)** shall:
- (1) Provide oversight to administer all aspects of the testing program.
  - (2) Monitor for compliance with the COVID-19 testing program by employees who are not fully vaccinated.
- f. **Employees** shall:
- (1) Provide a completed and signed Request for and Authorization to Release Health Information (VA Form 10-5345) for their COVID-19 test information to be released to their supervisor. An employee's failure to provide the signed authorization may result in administrative action up to and including removal.
  - (2) Comply with testing requirements established by this notice and their Under Secretary, Assistant Secretary or Other Key Official with equivalent authority for their work location.
  - (3) Notify their supervisor of a positive COVID-19 test result and assist with contact tracing where applicable.
  - (4) Adhere to procedures outlined in VA policy when making an accommodation request related to testing.
- g. **VHA employees**, including VHA HCP subject to VHA Directive 1193.01, are required to comply with the testing requirements established and outlined in VHA policy and other memoranda.
- h. **Reasonable Accommodation Coordinators (RAC)** shall: process requests for reasonable accommodations based on disabilities in accordance with VA Handbook 5975.1, Processing Requests for Reasonable Accommodations for Applicants and Employees and [Personal Assistance Services for Employees and Applicants with Disabilities].

i. **Supervisors** shall:

- (1) Ensure the maintenance of all testing documentation submitted by employees, if required.
- (2) Protect the test results they receive in accordance with the law and agency policy.
- (3) Upload testing results presented to the supervisor that have not been automatically reported through the appropriate IT system to the supervisor.
- (4) Notify affected employees of the testing requirement and frequency of testing.
- (5) Document and track issues of non-compliance with the testing requirement, including adherence to testing requirements.
- (6) Consult with HRO/HCMs and the Office of General Counsel to address employees that are not compliant with this COVID-19 Testing Policy.
- (7) Follow VA guidance on contact tracing and workspace decontamination for employees with positive COVID-19 test results.
- (8) Engage in the reasonable accommodation process, as necessary, in accordance with VA policy.

**5. DEFINITIONS.**

- a. **Close Contact.** An employee who was less than 6 feet away from an infected person (laboratory confirmed or clinical diagnosis) for a cumulative total of 15 minutes or more over a 24-hour period.
- b. **Designated Agency Official(s).** The employees who are designated by the appropriate Under Secretary, Assistant Secretary, Other Key Official, Deputy Assistant Secretary (or equivalent), or their designees, to provide oversight to administer the provisions of this policy and monitor compliance.
- c. **Diagnostic testing.** Intended to identify current infection in individuals and should be performed on anyone that has signs and symptoms consistent with COVID-19 and/or following recent known or suspected exposure to SARS-CoV-2.
- d. **Employee.** The term employee means any individual employed by the VA in a paid or unpaid position, including those appointed to full-time and part-time positions under title 5 or title 38, title 38 hybrid employees, individuals assigned to perform work for the VA under Intergovernmental Personnel Act agreements, temporary and intermittent employees, students, trainees, interns, volunteers,

and persons employed on a fee basis. The term also includes telework, remote, and virtual employees.

- e. **Exposed.** Employees who have contact with someone infected with SARS-CoV-2, the virus that causes COVID-19.
- f. **Fully Vaccinated.** Employees are considered fully vaccinated for COVID-19 two weeks after receipt of the requisite number of doses of a COVID-19 vaccine either approved or authorized for emergency use by the FDA or that has been listed for emergency use by the World Health Organization (WHO). For Pfizer-BioNTech, Moderna, or AstraZeneca/Oxford, that is two weeks after an employee has received the second dose of a two-dose series. For Johnson and Johnson (J&J)/Janssen, that is two weeks after receipt of a single dose. Clinical trial participants from a United States 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, are considered fully vaccinated two weeks after they complete the vaccine series. Currently, the Novavax COVID-19 vaccine meets these criteria. There is currently no post-vaccination time limit on fully vaccinated status. As outlined in VHA Directive 1193.01, VHA HCP were required to receive a complete COVID-19 vaccine series or seek an approved accommodation by October 8, 2021.
- g. **Government-wide travel restrictions.** Restrictions on official government travel as outlined in agency travel policy and communicated in OCHCO Bulletins and VA Administration-specific policies.
- h. **Physical distancing.** Maintaining a sufficient distance between two people such that the risk of disease transmission through inhalation of virus-containing particles from an infected individual is significantly reduced. Adequate physical distancing to prevent droplet transmission of infectious diseases is generally considered to be at least six feet when indoors.
- i. **Remote employee.** An employee is scheduled to perform work within or outside the local commuting area of an agency worksite and is not expected to report to the agency worksite on a regular and recurring basis. Employees on approved full-time telework that are not expected to report to the office due to a temporary exception granted during the COVID-19 pandemic are not considered remote employees. Remote employees are covered by this notice.
- j. **Screening testing.** Intended to identify infection with SARS-CoV-2, the virus that causes COVID-19, in unvaccinated people who are asymptomatic and do not have known, suspected, or reported exposure to SARS-CoV-2. Screening helps identify unknown cases so that measures can be taken to prevent further transmission.



- k. **Telework employee.** An employee that is approved for a work arrangement under which an employee performs the duties and responsibilities of their position and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. Telework employees are covered by this notice.
- l. **Virtual employee.** An employee who performs “virtual work” as defined in VA Handbook 5011, Part II, Chapter 4. Virtual work is defined as work performed on a full-time basis using a VA-leased space or at a VA facility other than the facility that hired the employee. Virtual employees must adhere to all local safety measures in place for COVID-19 at the VA-leased space or VA facility where they perform work. Virtual employees are covered by this notice.

## 6. REFERENCES.

- a. 38 U.S.C. §§ [7301\(b\)](#), [7318\(b\)](#), [7421](#).
- b. [5 C.F.R. § 339.205](#).
- c. [Executive Order 13991, Protecting the Federal Workforce and Requiring Mask-Wearing](#).
- d. COVID-19 Workplace Safety: Agency Model Safety Principles: <https://www.saferfederalworkforce.gov/downloads/updates%20to%20model%20safety%20principles%209.13.21.pdf>
- e. VA Charting the Course Plan: [Charting The Course - Default \(sharepoint.com\)](#)
- f. Equal Employment Opportunity Commission (EEOC). Pandemic Preparedness in the Workplace and the Americans with Disabilities Act: <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>.
- g. Safer Federal Workforce Task Force. Protecting the Federal Workforce During the COVID-19 Pandemic. <https://www.saferfederalworkforce.gov/overview/>.
- h. Safer Federal Workforce Task Force. Frequently Asked Questions. <https://www.saferfederalworkforce.gov/faq/>.
- i. [VA Directive 5975, Diversity and Inclusion](#).
- j. [VA Handbook 5975.1, Processing Requests for Reasonable Accommodation and Personal Assistance Services for Employees and Applicants with Disabilities](#).
- k. [CDC COVID-19 Community Levels. <https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html>]

7. **RESPONSIBLE OFFICE.** Office of the Chief Human Capital Officer, Worklife and Benefits Service (058).
8. **RELATED HANDBOOK AND DIRECTIVE.** VA Handbook 5019, Employee Occupational Health Service, VHA Directive 1193.01, Coronavirus Disease 2019 Vaccination Program for Veterans Health Administration Health Care Personnel.
9. **RESCISSION.** This notice will be rescinded when revised VA Handbook 5019 is published to include COVID-19 vaccination requirement, within one year.

**CERTIFIED BY:**

**BY DIRECTION OF THE SECRETARY  
OF VETERANS AFFAIRS:**

/s/  
Guy T. Kiyokawa  
Assistant Secretary for  
Enterprise Integration

/s/  
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Assistant Secretary for  
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## PROCEDURES FOR IMPLEMENTING THE COVID-19 TESTING PROGRAM FOR EMPLOYEES

### 1. MANDATORY COVID-19 TESTING.

- a. Each Under Secretary, Assistant Secretary, and Other Key Official with equivalent authority or their designee shall provide no less than two such notifications within two weeks after publication of this notice, including that employees in violation of this notice may face administrative action up to and including removal from Federal service.
- b. Local HRO/HCMs will notify prospective new hires who begin work after publication of this notice of the required weekly COVID-19 testing (screening) program for employees who are not fully vaccinated.
- c. Employees can contact their local HRO/HCM regarding matters of local implementation and application of procedures and guidelines of this notice.

### 2. COVID-19 TESTING PROCEDURES.

- a. Each VA Administration or Staff Office will be responsible for covering the costs of testing their employees, whether for screening or diagnostic purposes.
- b. VA Administrations or Staff Offices shall utilize viral tests [authorized by the Food and Drug Administration](#) (FDA) to detect current infection. There are two types of [viral tests](#): [antigen tests](#) and [nucleic acid application tests \(NAATs\)](#) (which include reverse transcriptase polymerase chain reaction (RT-PCR) tests). Administrations and Staff Offices should consult [FDA guidance](#) for specific authorized tests impacted by COVID-19 variants and the current status on recommended use.
- c. All self-administered tests are required to be proctored. Options for testing include: (1) in-store or drive-through point-of-care (POC) testing, such as at pharmacies; (2) swab-testing capabilities that enable an individual to collect the specimen—using a self-collection kit—and drop it off at a designated collection location or ship it to a laboratory; (3) over-the-counter (OTC) tests, as long as those tests are not both self-administered and self-read by the employee unless observed by a designated Administration/Staff Office official or an authorized tele-health provider; or (4) other self-administered tests, as long as those tests are not also self-read by the employee unless observed by a designated Administration/Staff Office official or an authorized tele-health provider.
- d. POC testing results must include the following information for validation purposes: (1) type of test administered; (2) how the test was collected; (3) date of collection; (4) address of the laboratory conducting the test; and (5) laboratory accreditation number.

- e. Employees will complete and provide a Request for and Authorization to Release Health Information (VA Form 10-5345) for COVID-19 test information to their supervisor if administration/office policy so requires.
- f. [When required by CDC, SFWT, or other applicable guidance], testing must be conducted during an employee's basic tour of duty hours and only for time necessary to obtain the test. Testing must be weekly (every seven days +/- two days) for employees reporting to a VA building or leased property to work or within three days of reporting to a VA building or leased property for employees who are remote or virtual. Employees who require more than the authorized amount of time must obtain prior approval for any additional time required to obtain testing, including if an employee is not able to complete testing during their basic tour of duty.
- g. Under Secretaries, Assistant Secretaries and Other Key Officials with equivalent authority shall establish a means of verifying the date and result of a test—the test cannot be both self-administered and self-read by the employee unless observed by a designated Administration/Staff Office official or an authorized onsite or tele-health provider.
- h. Under Secretaries, Assistant Secretaries and Other Key Officials with equivalent authority shall establish a means for the employee to provide those results to their supervisor for verification that required testing has been completed and the employee has tested negative.
- i. When an employee is required to be tested pursuant to this testing program, the time the employee spends obtaining the test (including travel time) from a site pre-approved by the agency is official duty time; thus, there is no need for the employee to take administrative leave for such time during the employee's basic tour of duty.
- j. When employees receive notification of a positive COVID-19 test result, the employee must immediately notify their supervisor and may not enter a VA facility until the applicable isolation period has ended.
- k. An employee with a positive test result should follow [CDC guidelines for isolation](#) and contact the appropriate Occupational Health provider or their primary care provider about work restrictions and return-to work recommendations.
- l. Employees with a positive test will be exempt from weekly testing for 90 calendar days after the first positive test.
- m. Supervisors will receive email notification that an employee(s) needs to follow testing compliance. Supervisors can view their employees' testing compliance status in the IT system.
- n. Under Secretaries, Assistant Secretaries and Other Key Officials with equivalent authority shall develop a procedure, in coordination with their HRO/HCM and

District Counsel, for addressing circumstances in which employees miss their required test, which may include restricting the employee's access to worksites if they have not obtained a test within a period of time specified by the organization.

- o. Employees are encouraged to maintain a copy of their test results for their personal records.

**3. EXCEPTIONS TO TESTING.** Some employees who are not fully vaccinated may be temporarily exempt from the testing requirement under certain circumstances. Supervisors will document a pause in testing including an end date to the pause in the IT system. The categories for a temporary pause in testing are:

- a. **Telework/Remote:** Employees with an approved 100% telework agreement who rarely visit a VA building/leased facility. These individuals would be subject to testing when they plan to enter a VA building/leased facility.
- b. **Approved Leave:** Employees with approved leave lasting for more than nine calendar days.
- c. **Emergency Work:** Employees who cover a position on an emergency basis for a time where testing is not available.
- d. **New COVID-19 Diagnosis:** Employees diagnosed with COVID-19 in the past 90 calendar days.
- e. **Testing Shortage:** In the rare event where the VA testing location does not have adequate supplies to test everyone who requires testing.
- f. **Completed Vaccination:** Employees who completed their vaccination series and are determined to be fully vaccinated.

**4. TESTING COMPLIANCE.** Compliance with this notice is a requirement. Employees who refuse or fail to wear a face mask, practice physical distancing, and submit to required COVID-19 testing will be considered non-compliant.

**NOTE:** Local policy may have more stringent workplace safety protocols, regardless of vaccination status, if a risk of transmission of SARS CoV-2 exists.

**5. PRIVACY.** Employee test results and other health information maintained by the Department are sensitive personal information (SPI) and should be collected, used, and disclosed only in accordance with relevant privacy laws and agency policies, such as safeguarding public health and safety. Such health information maintained by HR, supervisors, and other management officials is not subject to the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule but is protected by the Privacy Act and Equal Employment Opportunity Commission regulations.